

RO458



ENVIRONMENTAL ENGINEERING, INC
6620 Owens Drive, Suite A • Pleasanton, CA 94588-3334
TEL (925) 734-6400 • FAX (925) 734-6401

February 11, 2008

Mr. Jerry Wickham
Alameda County Environmental Health Services
1131 Harbor Bay Parkway, Suite 250
Alameda, California 94502

Subject: First Semi-Annual 2008 Groundwater Monitoring Event
Site Location: 3820 Manila Avenue, Oakland, CA
Fuel Leak Case#RO0458

Dear Mr. Wickham:

Please be advised that SOMA has scheduled the **First Semi-Annual 2008** groundwater monitoring event to be conducted on Tuesday, February 19th and Wednesday, February 20th, 2008. Our field crew will arrive at the site at approximately 9:30am. Sometimes, however, unforeseen events may cause us to have to reschedule and should this be the case you will be notified immediately.

If you have any questions or comments, please contact Mansour Sepehr at (925) 734-6400.

Sincerely,

A handwritten signature in cursive script that reads "Joyce Bobek".

Joyce Bobek
Vice President of Operations

cc: Mr. Albert Cohen
Mr. Stuart Depper

RECEIVED

FEB 13 2008

ENVIRONMENTAL HEALTH SERVICES



ENVIRONMENTAL ENGINEERING, INC

6620 Owens Drive, Suite A • Pleasanton, CA 94588-3334

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RECEIVED
AUG 14 2007
ENVIRONMENTAL HEALTH SERVICES

August 13, 2007

Mr. Jerry Wickham
Alameda County Environmental Health Services
1131 Harbor Bay Parkway, Suite 250
Alameda, California 94502

Subject: Second Semi-Annual 2007 Groundwater Monitoring Event
Site Location: 3820 Manila Avenue, Oakland, CA
Fuel Leak Case#RO0458

Dear Mr. Wickham:

Please be advised that SOMA has scheduled the **Second Semi-Annual 2007** groundwater monitoring event to be conducted on Wednesday, August 22nd and Thursday, August 23rd, 2007. Our field crew will arrive at the site at approximately 9:30am. Sometimes, however, unforeseen events may cause us to have to reschedule and should this be the case you will be notified immediately.

If you have any questions or comments, please contact Mansour Sepehr or Tony Perini at (925) 734-6400.

Sincerely,

Joyce Bobek
Vice President of Operations

cc: Mr. Albert Cohen
Mr. Stuart Depper

R0458



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6620 Owens Drive, Suite A • Pleasanton, CA 94588-3334
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SEP 01 2006

August 30, 2006

ENVIRONMENTAL HEALTH SERVICES

Mr. Jerry Wickham
Alameda County Department of
Environmental Health
1131 Harbor Bay Parkway, Suite 250
Alameda, California 94502-6577

Project: 01-2511

Subject: Site Located at 3820 Manila Avenue, Oakland, California
Former Glovatorium Facility

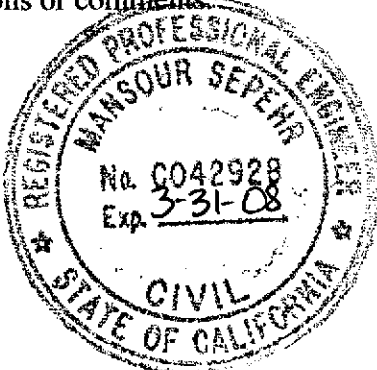
Dear Mr. Wickham:

SOMA's "Second Semi-Annual 2006 Groundwater Monitoring Report" for the subject property has been uploaded to the State's GeoTracker database and Alameda County's FTP site for your review.

Thank you for your time in reviewing our report. Please do not hesitate to call me at (925) 734-6400, if you have any questions or comments.

Sincerely,

Mansour Sepehr, Ph.D., PE
Principal Hydrogeologist



- cc: Mr. Albert M. Cohen, LOEB&LOEB LLP w/enclosure
- Ms. Betty Graham, Regional Water Quality Control Board w/enclosure
- Dr. Bruce Page, Bruce W. Page Consulting w/enclosure
- Mr. Peter W. McGaw, ARCHER NORRIS w/enclosure
- Mr. Stuart Depper

Wickham, Jerry, Env. Health

From: Wickham, Jerry, Env. Health
Sent: Wednesday, August 09, 2006 10:57 AM
To: 'Mansour Sepehr'
Cc: Albert Cohen; Bruce Page
Subject: RE: Glovatorium Monitoring Report

Mansour,

Based on your request, the schedule for submittal of the groundwater monitoring report for case R00458 is extended from August 15, 2006 to August 30, 2006.

Regards,

Jerry Wickham

Hazardous Materials Specialist
Alameda County Environmental Health
1131 Harbor Bay Parkway
Suite 250
Alameda, CA 94502-6577
510-567-6791 phone
510-337-9335 Fax
jerry.wickham@acgov.org

From: Mansour Sepehr [mailto:msepehr@somaenv.com]
Sent: Wednesday, August 09, 2006 10:37 AM
To: Wickham, Jerry, Env. Health
Cc: Albert Cohen; Bruce Page
Subject: Glovatorium Monitoring Report

Hello Jerry:

The deadline for submitting the groundwater monitoring report for Glovatorium is August 15, 2006. SOMA is in process of preparing the draft report, however, the key technical people including client is out of town for peer review and signing the perjury statement. As such, I would like to request two weeks extension to submit the report. SOMA will submit the report no later than August 30th, 2006. Thank you very much for your cooperation in this matter.

Regards
Mansour Sepehr

R0458



ENVIRONMENTAL ENGINEERING, INC
6620 Owens Drive, Suite A • Pleasanton, CA 94588-3334
TEL (925) 734-6400 • FAX (925) 734-6401

June 23, 2006

Mr. Jerry Wickham
Alameda County Environmental Health Services
1131 Harbor Bay Parkway, Suite 250
Alameda, California 94502

Alameda County
JUN 27 2006
Environmental Health

Subject: Second Semi-Annual 2006 Groundwater Monitoring Event
Site Location: 3820 Manila Avenue, Oakland, CA

Dear Mr. Wickham:

In accordance with the guidelines of the California Regional Water Quality Control Board, SOMA will be conducting a groundwater monitoring event at the above referenced site. The purpose of this monitoring event is to check the site's overall groundwater conditions.

SOMA has scheduled to monitor the subject site on July 5-7, 2006. Sometimes, however, unforeseen events may cause us to reschedule the date. Should this be the case, you will be notified immediately.

If you have any questions or comments, please contact Mansour Sepehr or me at (925) 734-6400.

Sincerely,

Tony Perini
Tony Perini
Senior Project Engineer

cc: Mr. Albert Cohen
Mr. Stuart Depper

20458



ENVIRONMENTAL ENGINEERING, INC
6620 Owens Drive, Suite A • Pleasanton, CA 94588-3334
TEL (925) 734-6400 • FAX (925) 734-6401

Alameda County
DEC 21 2005
Environmental Engineering, Inc.

December 19, 2005

Mr. Jerry Wickham
Alameda County Environmental Health Services
1131 Harbor Bay Parkway, Suite 250
Alameda, California 94502

Subject: First Quarter 2006 Groundwater Monitoring Event
Site Location: 3820 Manila Avenue, Oakland, CA

Dear Mr. Wickham:

In accordance with the guidelines of the California Regional Water Quality Control Board, SOMA will be conducting a groundwater monitoring event at the above referenced site. The purpose of this monitoring event is to check the site's overall groundwater conditions.

SOMA has scheduled to monitor the subject site on January 5th & 6th, 2006. Sometimes, however, unforeseen events may cause us to reschedule the date. Should this be the case, you will be notified at least 72 hours prior to the monitoring event.

If you have any questions or comments, please contact Mansour Sepehr or me at (925) 734-6400.

Sincerely,

Tony Perini
Senior Project Engineer

cc: Mr. Albert Cohen
Mr. Stuart Depper

Wickham, Jerry, Env. Health

To: Mansour Sepehr (msepehr@somaenv.com)

Subject: Schedule extension

Mansour,

Based on your request, the submittal date for the Evaluation of Preferential Pathways for the Glovatorium site at 3815 Broadway in Oakland is extended to October 25, 2005.

Regards,

Jerry Wickham

Hazardous Materials Specialist

Alameda County Environmental Health

1131 Harbor Bay Parkway

Suite 250

Alameda, CA 94502-6577

510-567-6791 phone

510-337-9335 Fax

jerry.wickham@acgov.org



RO458

Law Firm of
Kevin D. Taguchi

GATEHOUSE PLAZA • 1260 "B" STREET, SUITE 240 • HAYWARD, CALIFORNIA 94541 • TELEPHONE (510) 886-4446 • FAX (510) 886-7218

Alameda County
JUL 08 2005
Environmental Health

July 5, 2005

Mr. Jerry Wickham, P.G.
Hazardous Materials Specialist
Alameda County Health Care Services
Environmental Health Services
Environmental Protection
1131 Harbor Bay Parkway, Suite 250
Alameda, CA 94502-6577

Re: Former client: Stuart Depper
Subject: Fuel Leak Case No. RO0000458, 3815 Broadway, Oakland, CA

Dear Mr. Wickham:

Please be advised that this office no longer represents Mr. Depper and has no forwarding or contact information available for him. As such, I am returning your recent correspondence, dated June 21, 2005, regarding the above-stated matter.

Thank you. Please feel free to call our office should you have additional questions or concerns.

Very sincerely,

LAW FIRM OF KEVIN D. TAGUCHI

Kevin D. Taguchi / P.G.

Kevin D. Taguchi
Attorney at Law

KDT/pg
enclosures

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



RO0458
File

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

June 21, 2005

Mr. Stuart Depper
C/o Kevin D. Taguchi, Esq.
1260 B Street, Suite 220
Hayward, CA 94541

Subject: Fuel Leak Case No. RO0000458, Glovatorium, 3815 Broadway, Oakland, CA

Dear Mr. Depper:

Alameda County Environmental Health (ACEH) staff has reviewed the case file and the reports entitled, "Groundwater Flow, Chemical Transport, and Bioattenuation Modeling," dated March 7, 2003, "Human Health Risk Assessment and Request for Site Closure," dated September 30, 2004, and "First Semi-Annual 2005 Groundwater Monitoring Report," dated March 14, 2005. These three reports were prepared by SOMA Environmental Engineering, Inc. The "Groundwater Flow, Chemical Transport, and Bioattenuation Modeling," dated March 7, 2003, used groundwater flow and contaminant transport models to estimate future groundwater concentrations both on and off site. The "Human Health Risk Assessment and Request for Site Closure," report includes a sensitive receptor survey, human health screening evaluation, and conclusions and recommendations. The human health screening evaluation considered human health risks for industrial/commercial use of the site but considered residential land use for off-site receptors. This report recommends that no active soil or groundwater remediation is required and that the frequency of monitoring be reduced to an annual basis. The First Semi-Annual 2005 Groundwater Monitoring Report presents groundwater monitoring results from samples collected on February 2, 2005 and a summary of free product removal activities.

We are concerned with the ongoing occurrence of free product in monitoring wells at the site. We are also concerned with the potential for off-site migration of contaminants in groundwater along preferential pathways. Based on staff review of the case file and documents referenced above, the site cannot be closed at this time. Please address the following technical comments, perform the proposed work, and send us the reports described below.

TECHNICAL COMMENTS ON GROUNDWATER FLOW, CHEMICAL TRANSPORT, AND BIOATTENUATION MODELING (MARCH 7, 2003)

1. **Evaluation of Results.** The modeling results cannot be fully evaluated based on the information provided in the report. The following items must be included in a revised report for future consideration of modeling results:
 - A table showing the source of each input parameter used in the model. The table is to identify sampling locations and dates when site-specific data were collected. The table is to also provide a reference for any assumed input values.

- A table showing both input and output parameters from multiple model runs is to be provided. Input parameters should be varied over multiple model runs to show the sensitivity of the model to variations in specific input parameters. The table must include a range of model results that allow the reader to understand the sensitivity of the model.
 - Input and output screens for all model runs should be included as an appendix.
 - Hydrogeologic cross sections through the modeled area must be included.
2. **Preferential Pathways.** The modeling assumes advective flow through a fine-grained layer over an approximately 10-foot saturated interval. The significance of potential contaminant transport along preferential pathways must also be considered. We request that an evaluation of the potential for contaminant transport along preferential pathways be submitted that includes:
- Summary of activities conducted to date to identify and characterize preferential pathways such as utilities and coarse-grained soil layers that have been observed in soil boring logs.
 - Maps, cross sections, and diagrams that illustrate the location and depth of preferential pathways.
 - Other relevant information such as field notes, videos, and data from utilities or other public agencies.
 - Identification of data gaps for evaluation of preferential pathways and recommendations for addressing the data gaps.

Please present this evaluation of preferential pathways in the report requested below.

3. **Hydraulic Conductivity or Aquifer Materials.** Please provide information to identify the specific wells and dates that slug tests were conducted.
4. **Comparison of Predicted Results to Monitoring Data (Section 5.0, Page 22).** We concur with the conclusion stated in the last sentence of the first paragraph on page 22 that the results from Bioplume III may be too optimistic. As noted in the report, chemical concentrations at the site are not decreasing at the rates predicted by the model. Additional groundwater monitoring data collected since 2003 confirm that Bioplume III model results are overly optimistic in predicting decreases in the concentrations of PCE, TCE, cis-1,2-DCE, and vinyl chloride.
5. **Calculation of Degradation Rates – Table 5.** Please identify the source of the half lives presented in Table 5.
6. **Groundwater Monitoring and Report Revision.** Groundwater monitoring will be required to verify the results of the contaminant transport modeling. One year of semi-annual groundwater monitoring is to be conducted prior to revision of the modeling report. Revision of the groundwater modeling report is to be evaluated and recommendations included in the 2006 Second Semi-annual Monitoring Report requested below.

TECHNICAL COMMENTS ON HUMAN HEALTH RISK ASSESSMENT AND REQUEST FOR SITE CLOSURE (SEPTEMBER 30, 2004)

7. **Groundwater Chemical Concentration Trends (Section 1.5, Page 12).** The report indicates that chemical concentrations appear to be decreasing in wells B-7, B-10, and GW-2. PCE concentrations do not appear to be decreasing in well GW-2. The report also indicates that concentrations in well GW-3 appear to be decreasing or stabilized for specific chemicals. Well GW-3 is a downgradient well located southwest (downgradient) of the three residences on site. The concentrations of PCE and TCE appear to be increasing over time in well GW-3. We concur that chemical concentrations appear to be decreasing in well LFR-1. The report indicates that concentrations of TPHss and TPHg in well LFR-2 have stabilized. The concentration of TPHss has increased from 1.1 mg/l in August 2000 to 1.5 mg/l in February 2005. As noted in the report, chemical concentrations appear to be decreasing in SOMA-2 and increasing in SOMA-3. SOMA-2, which is adjacent to SOMA-3 is screened from 10 to 20 feet bgs while SOMA-3 is screened from 21 to 26 feet bgs. Therefore, it appears that chemical concentrations are increasing within the lower interval, which may represent vertical expansion of the plume. Based on the concentration trends observed in the wells, the contention that the VOC plumes are shrinking is not well supported.
8. **Water Exposure Pathways (Section 4.1.3, page 23).** The sensitive receptor survey indicates that no water supply wells are located in close proximity to the site. Therefore, ingestion of groundwater is currently not a complete exposure pathway. The method used to show that groundwater beneath the Site should not be classified as a drinking water source based on well yield is not valid for the following reasons:
- A 10-foot thick interval of fine-grained soil beneath the site is considered the "water-bearing zone" for the site. A low hydraulic conductivity is assigned to this zone, which results in a low yield. Groundwater occurs within more zones than the 10-foot fine-grained zone considered. Consideration of other more permeable or thicker water-bearing zones beneath the site would result in significantly higher well yield.
 - A four inch well is not the typical diameter for a water supply well.

Based on these considerations, the conclusion that groundwater beneath the site should not be classified as a drinking water source based on well yield is not valid.

9. **Exposure Concentrations and Chemicals (Section 4.2, Pages 27-28).** The results of the contaminant transport modeling described in "Groundwater Flow, Chemical Transport, and Bioattenuation Modeling," (SOMA 2003) were used to estimate off-site future concentrations of PCE, TCE, cis-1,2-DCE, and vinyl chloride in groundwater and the duration of the exposure. These predicted concentrations and exposure duration were used to estimate risks to future off-site residents from indoor air vapor intrusion. As described in comments 1 through 6 above, which pertain to the document entitled "Groundwater Flow, Chemical Transport, and Bioattenuation Modeling," we are not able to fully assess the modeling results. Therefore, we are not able to assess the validity of the estimated risks from vapor intrusion that are based on the modeling results.

10. **Uncertainty Analysis (Section 4.4.3, Page 33).** The uncertainty analysis must be expanded to consider the complex nature and limited information on the multiple chemical releases at the site.
11. **Conclusions and Recommendations – Remediation (Section 5.0, Page 37).** The recommendation that no active soil or groundwater contamination is required is not supported to the degree necessary to make this determination. Soil and/or groundwater remediation may be required at the site.
12. **Conclusions and Recommendations – Groundwater Monitoring (Section 5.0, Page 37).** Groundwater monitoring is to be conducted on a semi-annual basis. The recommended reduction in monitoring frequency to annual is not to be implemented.
13. **Report Revision.** Revision of the human health risk assessment to address the above technical comments is to be evaluated following one year of groundwater monitoring. Revision of the human health risk assessment report is to be evaluated and recommendations included in the 2006 Second Semi-annual Groundwater Monitoring Report requested below.

TECHNICAL COMMENTS ON FIRST SEMI-ANNUAL 2005 GROUNDWATER MONITORING REPORT (MARCH 14, 2005)

14. **Elevated Reporting Limits for Vinyl Chloride and PCE in Wells SOMA-2 and SOMA-3.** Please provide improved analytical methods to achieved lower detection limits for vinyl chloride and PCE in wells SOMA-2 and SOMA-3 or provide an explanation as to why lower analytical results cannot be achieved for groundwater samples from these wells.
15. **Future Groundwater Monitoring.** Future groundwater monitoring is to be conducted on a semi-annual basis at the site. Please include collection of samples from well B-10 in future groundwater monitoring events.
16. **Free Product Activities.** Free product recovery is to be continued at the site. A summary of free product activities at the site is to be presented in the 2005 Second Semi-Annual Groundwater Monitoring Report requested below. The report is to describe the type and duration of free product recovery activities conducted in each well, volumes recovered, free product measurements over time, and recommendations for future free product recovery.

TECHNICAL REPORT REQUEST

Please submit technical reports to Alameda County Environmental Health (Attention: Mr. Jerry Wickham), according to the following schedule:

- **August 16, 2005** – 2005 Second Semi Annual Groundwater Monitoring Report
- **October 17, 2005** – Evaluation of Preferential Pathways
- **February 17, 2006** – 2006 First Semi Annual Groundwater Monitoring Report
- **August 17, 2006** – 2006 Second Semi Annual Groundwater Monitoring Report

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

PERJURY STATEMENT

All work plans, technical reports, or technical documents submitted to ACEH must be accompanied by a cover letter from the responsible party that states, at a minimum, the following: "I declare, under penalty of perjury, that the information and/or recommendations contained in the attached document or report is true and correct to the best of my knowledge." This letter must be signed by an officer or legally authorized representative of your company. Please include a cover letter satisfying these requirements with all future reports and technical documents submitted for this fuel leak case.

PROFESSIONAL CERTIFICATION & CONCLUSIONS/RECOMMENDATIONS

The California Business and Professions Code (Sections 6735, 6835, and 7835.1) requires that work plans and technical or implementation reports containing geologic or engineering evaluations and/or judgments be performed under the direction of an appropriately registered or certified professional. For your submittal to be considered a valid technical report, you are to present site specific data, data interpretations, and recommendations prepared by an appropriately licensed professional and include the professional registration stamp, signature, and statement of professional certification. Please ensure all that all technical reports submitted for this fuel leak case meet this requirement.

UNDERGROUND STORAGE TANK CLEANUP FUND

Please note that delays in investigation, later reports, or enforcement actions may result in your becoming ineligible to receive grant money from the state's Underground Storage Tank Cleanup Fund (Senate Bill 2004) to reimburse you for the cost of cleanup.

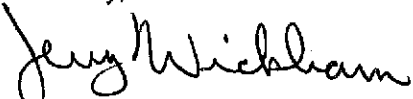
Mr. Stuart Depper
June 21, 2005
Page 6

AGENCY OVERSIGHT

If it appears as though significant delays are occurring or reports are not submitted as requested, we will consider referring your case to the Regional Board or other appropriate agency, including the County District Attorney, for possible enforcement actions. California Health and Safety Code, Section 25299.76 authorizes enforcement including administrative action or monetary penalties of up to \$10,000 per day for each day of violation.

If you have any questions, please call me at (510) 567-6791.

Sincerely,



Jerry Wickham, P.G.
Hazardous Materials Specialist

cc: Albert Cohen
Loeb & Loeb LLP
10100 Santa Monica Boulevard, Suite 2200
Los Angeles, CA 90067-4164

Mansour Sepehr
SOMA Environmental Engineering, Inc.
2680 Bishop Drive, Suite 203
San Ramon, CA 94583

Bruce Page
Bruce Page Consulting, Inc.
439 Kearney Street
El Cerrito, CA 94530

Donna Drogos, ACEH
Jerry Wickham, ACEH
File

Ro 458

Seery, Scott, Env. Health

From: Seery, Scott, Env. Health
Sent: Thursday, April 29, 2004 2:48 PM
To: 'bwpage@neteze.com'
Subject: requirement for RP cover letter to all reports and work plans

As we discussed, CA Water Code Sec. 13267(b)(1) requires that technical reports be furnished, under penalty of perjury, by the "person" responsible for a discharge or suspected discharge. We read that to mean that such reports must come directly from the RP, not from the consultant.

In addition, the 30 August 1991 Tri-Regional Recommendations - "Appendix - A Reports" - for evaluation of UST sites requires that all technical reports and work plans be submitted under cover letter from the UST owner or other Responsible Party (RP). This cover letter is to indicate agreement or disagreement with the findings of the report; accuracy of the report; timelines for completion of particular tasks; and, whether and why a meeting may be requested to discuss options.

See: http://www.swrcb.ca.gov/rwqcb5/available_documents/ug_tanks/usttri-regappA.pdf

(If this link fails to work, just go to the SWRCB home page, click on "Regional Boards", go to map and click on 5c [Central Valley], then click on "Available Documents", then scroll to UST, and open "Appendix A Reports".)

When directives are issued from this office, they are sent to the RPs. Directives are not issued to the contractor or consultant working for the RP. However, we often receive reports/work plans directly from the contractor/consultant. This does not ensure that the RP is necessarily aware of what is presented in such reports/work plans, unless it comes directly from the RP, and a cover letter from the RP is attached.

We are simply requesting compliance with these standards when asking for cover letters to technical reports.



ENVIRONMENTAL ENGINEERING, INC
2660 Bishop Drive • Suite 203 • San Ramon, CA 94583
TEL (925) 244-6600 • FAX (925) 244-6601

JAN 15 2002

January 11, 2002

Dr. Bruce Page
Bruce W. Page Consulting
439 Kearny Street
El Cerrito, CA 94530

Re: Former Glovatorium Site, 3815 Broadway Oakland, California

Dear Bruce:

During our 4th Quarter 2001 groundwater monitoring event, **over two feet of free product was observed at observation point B-8.** In addition, free product was also observed at B-2 and B-3 at 0.25 and 1.0 foot, respectively. Historically, the presence of free product has been reported in all of the "B" series wells installed by Geosolv, except B-13.

On October 12, 2001, during the installation of SOMA-4, and subsequently on October 18, 2001 during the 4th Quarter 2001 groundwater monitoring event, no free product was observed in SOMA-4. **On November 6, 2001, SOMA made an attempt to conduct a slug test on SOMA-4. Due to the presence of over five feet of free product on the watertable at SOMA-4 no slug test was conducted on this well.** On November 8, SOMA's staff used a free product interface probe to better define the extent of the free product using the "B" series wells. Based on our discussion and concurrence from Mr. Scott Seery of the Alameda County Department of Environmental Health (ACDEH), SOMA's staff measured the product thicknesses and pumped out as much floating product as possible from the different wells. Table-1 shows the thickness of free product and volume of recovered products at different dates.

It appears that the existing monitoring network is insufficient to delineate the extent of the free product beneath the former Glovatorium building. In addition the casing perforation interval of the existing wells may not be suitable to detect the presence of floating product in the subsurface. For instance, despite the close proximity of B-7 to the former underground storage tanks (USTs), no floating product has been reported in this well, while B-8 which is located 32 feet to the north of B-7 shows significant thickness of free product. In addition, none of the existing 3/4-inch diameter wells are suitable for removing the free product from the subsurface. Using a bailer or product-removing pump from the existing 2-inch diameter well, SOMA-4 does not seem to be a cost effective mean to remove the free product.

In order to define the horizontal extent of free product, and assess the ease of free product removal using larger diameter wells (at least 2-inches in diameter), SOMA is proposing to submit a workplan to the ACDEH. The workplan will propose:

1. The installation of shallow observation wells in the vicinity of the SOMA-4, B-8 and B-7 for complete delineation of the extent of free product;
2. Using SPILLVOL model for evaluation of true thickness of free phase petroleum product over watertable and estimation of the total free product volume in the subsurface;
3. The installation of large diameter product recovery wells;
4. The installation of the passive/active product removal canisters for periodic removal of free product from subsurface.

I suggest meeting with Mr. Scott Seery of the ACDEH to discuss our proposed approach before developing a workplan. Once the workplan is approved, SOMA will submit a cost estimate for the implementation of the approved workplan. Meanwhile, please call me at your earliest convenience to discuss my proposed scope of work for mitigation of the free phase petroleum hydrocarbons at the subject property.

Table-1

Well Name	Date	Product Thickness (ft)	Vol. Of Product Removed (gal)
B-2	11/8/01	0.25	-
B-3		0.85	-
B-8		2.60	-
SOMA-4		5.55	-
B-2	11/27/01	1.05	.02
B-3		2.85	0.10
B-8		2.80	0.15
SOMA-4		8.6	4.33
B-2	11/29/01	0	-
B-3		1.0	.10
B-8		0.05	-
SOMA-4		1.0	60
B-2	12/6/01	0	-
B-3		0.02	-
B-8		0	-
SOMA-4		0.6	0.26

Dr. Bruce page
Page 3 of 3
November 26, 2001

This concludes our latest field activities in connection with the presence of free product beneath the referenced site.

Sincerely,



Mansour Sepehr, Ph.D., P.E.
Principal Hydrogeologist

cc: Mr. Scott Seery, ACDEH ✓
Albert M. Cohen, Esq., Smiland & Khachigian
Mr. Stuart Depper

Glovatorium
3815 Broadway

10-11-01

MEMO to file:

On site today during initial stage of well drilling inside Glovatorium structure. The proposed well locations were moved, reportedly to facilitate rig access. One such location was very close to one of the USTs previously closed in site a few years ago. Probing with a hand auger confirmed this, as the tank was struck. This proposed boring was moved again to a location near B6.

SOS

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



August 27, 2001

STID 439

Robert Depper
31 Muth Drive
Orinda, CA 94563

Stuart Depper
% Kevin D. Taguchi, Esq.
1260 B-Street, Ste. 220
Hayward, CA 94541

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

RE: Glovatorium, 3815 Broadway, Oakland -- Well Installation Workplan

Dear Messrs. Depper:

This letter follows receipt and review of the June 15, 2001 SOMA Environmental Engineering, Inc. (SOMA) workplan for, among other Phase I tasks of the workplan, the installation of five (5) permanent monitoring wells in locations on and surrounding the subject site. Two of these wells will replace GeoSolv wells B-7 and B-10, and will be screened between 10 and 20' below grade (bg). The three remaining wells will be constructed with screens beginning at the 20' depth, and continuing to an anticipated 35-40' bg, to monitor a deeper zone of the shallow formation. These last wells will be installed near current wells B-10, and LFR-2 and -3. The remaining Phase I tasks include the collection and analyses of soil and groundwater samples, aquifer tests, and a sensitive receptor survey.

Phase II of the SOMA workplan includes two tasks: Conducting groundwater flow and chemical transport modeling (Task 1), and completing a Risk-Based Corrective Action (RBCA) evaluation (Task 2).

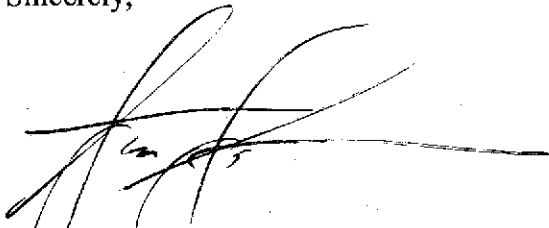
Phase I, and Task 1 of Phase II, of the cited SOMA workplan have been accepted for implementation at this time. The Task 2 element of Phase II will be addressed at a later time pending the results of this investigation.

Please be reminded that data generated in the course of this project will be evaluated by this office in context with U.S. Environmental Protection Agency (EPA) guidance document EPA/600/R-98/128 entitled, "*Technical Protocol for Evaluating Natural Attenuation of Chlorinated Solvents in Ground Water*".

Messrs. Depper
Re: Glovatorium, 3815 Broadway, Oakland
August 27, 2001
Page 2 of 2

Please contact me at (510) 567-6783 when you have secured drilling and encroachment permits, and when field work has been scheduled.

Sincerely,

A handwritten signature in black ink, appearing to read 'Scott O. Seery', with a long horizontal line extending to the right.

Scott O. Seery, CHMM
Hazardous Materials Specialist

cc: Ariu Levi, Chief, Environmental Protection
Chuck Headlee, RWQCB
Betty Graham, RWQCB
Mike O'Connor, Alameda County District Attorney's Office
Leroy Griffin, Oakland Fire Department
Bruce Page, Bruce W. Page Consulting, 439 Kearney St., El Cerrito, CA 94530
Albert Cohen, Law Offices of Smiland & Khachigian
7th Floor, 601 West 5th Street, Los Angeles, CA 90071

Bruce W. Page Consulting

ENVIRONMENTAL CHEMICAL ENGINEERING

March 29, 2001

Mr. Scott Seery, CHMM
Hazardous Materials Specialist
Alameda County Health Care Services Agency
Department of Environmental Health
1131 Harbor Bay Parkway, 2nd Floor
Alameda, California 94502

APR 02 2001

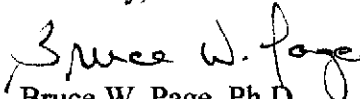
Subject: Selection of SOMA Environmental Engineering to Replace LFR Levine-Fricke
Former Glovatorium Site, Oakland, California

Dear Mr. Seery:

Mr. Taylor Bennett of LFR Levine-Fricke called late yesterday to inform me that he has resigned and that tomorrow, Friday, will be his last day at LFR. He further informed me that LFR has not selected a replacement for him to act as their project manager. This would be the third change in leadership at LFR since Mr. Depper retained me as Project Manager and LFR as the environmental contractor for the Glovatorium. They started with Taylor Bennett who was replaced by Ms. Julie Sharp when he became "too busy" to work on the Glovatorium. Then Julie Sharp took a leave of absence and Taylor Bennett resumed leadership. In less than one quarter they are announcing another change, and haven't even named a replacement. I have concluded that LFR does not place a high priority on this project.

As you know, we were already planning on replacing LFR on this project. You have received a Statement of Qualifications from SOMA Environmental Engineering and have talked with their president, Dr. Mansour Sepehr. After conferring with Mr. Albert Cohen, Mr. Stuart Depper and Dr. Sepehr, we have decided to replace LFR with SOMA Environmental Engineering now rather than waiting for the second quarter sampling event. Taylor Bennett informed me that the tables are "nearly complete" for the 1Q01 report, but the figures and the text have not been started. He has agreed to transfer the autocad base map and an electronic version of the tables to SOMA. Dr. Sepehr has asked for a two-week extension in order to prepare the 1Q01 report. I am forwarding that request to you. The second quarter sampling event, scheduled for late April, and subsequent events will be conducted by SOMA.

Sincerely,


Bruce W. Page, Ph.D.

cc: Albert M. Cohen
Stuart Depper
Mansour Sepehr
Kevin D. Taguchi

February 22, 2001

Mr. Scott Seery, CHMM
Hazardous Material Specialist
Alameda County Department of Environmental Health
1131 Harbor Bay Parkway, Suite 250
Alameda, CA 94502-6577

Subject: SOMA Environmental Engineering, Inc. Statement of Qualifications
in Connection with Former Glovatorium Site, 3815 Broadway
Oakland, California

Dear Scott:

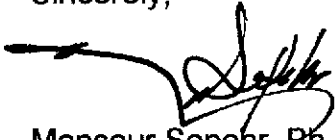
Based on Dr. Bruce Page's request, a copy of SOMA Environmental Engineering, Inc.'s (SOMA) Statement of Qualifications is enclosed. SOMA is a small but highly professional environmental engineering firm whose major area of expertise is in hydrogeological assessment, chemical fate and transport modeling and human and ecological health risk assessment. Besides our strong capability in conducting chemical fate and transport modeling, SOMA is involved in conducting groundwater remediation, monitoring and assessment of bio-attenuation processes. Currently, SOMA is involved in conducting groundwater monitoring programs and bio-attenuation studies at more than ten different sites that are impacted by petroleum hydrocarbons, MTBE and chlorinated solvents. SOMA's field crew is conducting in-situ measurements of dissolved oxygen and ex-situ measurements of sulfate, nitrate, ferrous iron on a quarterly basis in more than five sites impacted by petroleum hydrocarbons and chlorinated solvents.

One of the petroleum release sites in which SOMA has been involved since mid-1999, is Tony's Express Auto Service Site located at 3609 International Boulevard, Oakland California. Your colleague, Mr. Barney Chan of Alameda County Department of Environmental Health, is providing regulatory over-sight and reviewing our technical reports. The site has been used as a gasoline service station since the 1960's and as a result has been impacted heavily by the petroleum hydrocarbons and MTBE. Since mid-1999, SOMA has performed site characterization, risk-based corrective action (RBCA), corrective action plan (CAP), design and implementation of groundwater and vapor extraction and remediation system, and performing groundwater monitoring including bio-attenuation studies at the site. Since the implementation of a soil and groundwater remediation system, more than 1.5 million gallons of fuel-impacted groundwater has been extracted from a French drain and treated using

granulated activated carbon (GAC). As a result, the groundwater extraction system along with the vapor extraction unit has removed significant amounts of petroleum hydrocarbons from subsurface. During the monitoring events, SOMA has documented the occurrence of strong biodegradation in groundwater by assessing the dissolved oxygen levels and other electron acceptors such as nitrate, sulfate and ferrous iron. The results of the groundwater monitoring program suggests that contaminant levels in groundwater has reduced dramatically since the implementation of the groundwater remediation system.

I hope the enclosed Statement of Qualifications will give you enough information about SOMA's technical and practical qualification in the area of groundwater monitoring and the implementation of RBCA and CAP. Meanwhile, please do not hesitate to call me at (925) 244-6600, if you need additional information or references.

Sincerely,



Mansour Sepenr, Ph.D., P.E.
Principal Hydrogeologist

cc: Mr. Albert Cohen, Esq. Smiland & Khachigian
Dr. Bruce Page, Bruce W. Page Consulting

Enclosure

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



July 6, 2000

STID 439

Robert Depper
31 Muth Drive
Orinda, CA 94563

Stuart Depper
% Kevin D. Taguchi, Esq.
1260 B-Street, Ste. 220
Hayward, CA 94541

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

RE: Glovatorium, 3815 Broadway, Oakland – Well Installation Workplan

Dear Messrs. Depper:

This letter follows receipt and review of the June 14, 2000 LFR Levine-Fricke (LFR) workplan for the installation of four (4) permanent monitoring wells in locations surrounding the subject site. The locations of these wells, as well as analytical parameters for water samples collected from both proposed and existing sampling points, were determined during a meeting at the Regional Water Quality Control Board, San Francisco Bay region (RWQCB), on May 10, 2000 attended by Taylor Bennett (LFR), Dr. Bruce Page, Betty Graham (RWQCB), and this author.

The technical scope of the cited LFR workplan has been accepted for the pending phase of work at this site with the following additions:

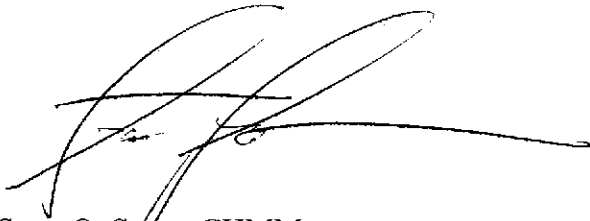
- Water samples collected from each sampling point should also be appropriately field screened for pH and temperature, and analyzed in the laboratory for CO₂ and methane. These bioattenuation parameters are in addition to those already proposed.

Data generated in the course of this project will be evaluated by this office in context with U.S. Environmental Protection Agency (EPA) guidance document EPA/600/R-98/128 entitled, "*Technical Protocol for Evaluating Natural Attenuation of Chlorinated Solvents in Ground Water*".

Messrs. Depper
Re: Glovatorium, 3815 Broadway, Oakland
July 6, 2000
Page 2 of 2

Please contact me at (510) 567-6783 when you have secured drilling and encroachment permits, and when field work has been scheduled.

Sincerely,

A handwritten signature in black ink, appearing to read 'Scott O. Seery', with a long horizontal flourish extending to the right.

Scott O. Seery, CHMM
Hazardous Materials Specialist

cc: Ariu Levi, Chief, Environmental Protection
Chuck Headlee, RWQCB
Betty Graham, RWQCB
Larry Blazer, Alameda County District Attorney's Office
Mike O'Connor, Alameda County District Attorney's Office
Leroy Griffin, Oakland Fire Department
Bruce Page, 439 Kearney St., El Cerrito, CA 94530
Albert Cohen, Law Offices of Smiland & Khachigian
7th Floor, 601 West 5th Street, Los Angeles, CA 90071

Bruce W. Page Consulting

ENVIRONMENTAL
PROTECTION
ENVIRONMENTAL CHEMICAL ENGINEERING

00 APR 20 PM 3:41

April 19, 2000

Scott O. Seery, CHMM
Alameda County Health Care Services Agency
Department of Environmental Health
1131 Harbor Bay Parkway, 2nd Floor
Alameda, California 94502

Subject: Former Glovatorium Site – Meeting with Regional Water Quality Control Board

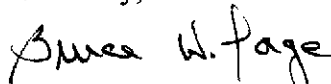
Dear Mr. Seery:

Now that the "Soil and Groundwater Investigation Report" for the former Glovatorium site has been completed by LFR Levine-Fricke (March 20, 2000), there are two tasks that must be scheduled for the near-future. The first is the next round of quarterly sampling, which will occur during April. Taylor Bennett of LFR is currently in the process of scheduling that work. You will be informed of the field days as soon as that is known. The second task is to schedule a meeting with Betty Graham of the Regional Water Quality Control Board.

In the interest of keeping this project moving forward, I would like to inform you that I will be on vacation from May 16 through May 29, returning to work on May 30. If at all possible, we would prefer having the subject meeting before I leave. There are a number of important topics to discuss at that meeting and we believe it will benefit all concerned to begin that discussion sooner rather than later.

Thanks for your attention to this matter.

Sincerely,


Bruce W. Page, Ph.D.

cc: Albert M. Cohen, Esq., Smiland & Khachigian
Stuart Depper, Clean Tech Machinery
Taylor Bennett, LFR Levine-Fricke

Seery, Scott, Public Health, EH

From: Bruce Page[SMTP:bwpage@home.com]
Sent: Friday, April 07, 2000 11:26 AM
To: Scott O. Seery
Cc: Taylor Bennett
Subject: April Sampling Event

We are scheduled to conduct another round of sampling at the Glovatorium this month. Taylor will prepare a cost estimate and schedule for the work. Briefly, we have agreed that LFR will take water level measurements in all of the same locations measured in January (at least those with water present). In addition, LFR will attempt to include 1 or 2 more off-site wells to the East and Northeast of 38th and Broadway in order to improve our understanding of the ground water flow direction. However, we will not submit samples from the B-series piezometers (Geosolve points) for chemical analysis.

You will be informed as soon as the field work is scheduled.

Seery, Scott, Public Health, EH

From: Seery, Scott, Public Health, EH
Sent: Thursday, March 09, 2000 4:06 PM
To: 'Bennett, Taylor'
Cc: 'bwpage@home.com'; Blazer, Larry, CEPD
Subject: RE: Submittal of Soil and Groundwater Investigation Report-Glovatorium m

Taylor

March 20th is fine. I think that this should be the final extension on this phase of the project, though, unless something extraordinary occurs between then and now.

Scott

From: Bennett, Taylor[SMTP:Taylor.Bennett@lfr.com]
Sent: Thursday, March 09, 2000 3:07 PM
To: 'sseery@co.alameda.ca.us'
Cc: 'bwpage@home.com'
Subject: Submittal of Soil and Groundwater Investigation Report-Glovatorium m

Preparation of the subject report is in progress. I request your permission to submit the report on March 20, 2000. There has been some delay due to personal illness and difficulty scheduling production of tables and figures for the report. I appreciate your past flexibility regarding the submittal date.

Seery, Scott, Public Health, EH

From: Seery, Scott, Public Health, EH
Sent: Monday, April 24, 2000 11:53 AM
To: 'Bruce Page'
Cc: Taylor Bennett

Seery, Scott, Public Health, EH

From: Bruce Page[SMTP:bwpage@home.com]
Sent: Friday, April 07, 2000 11:26 AM
To: Scott O. Seery
Cc: Taylor Bennett
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You will be informed as soon as the field work is scheduled.

Subject: RE: April Sampling Event

I just received your 4/19 letter regarding a proposed meeting before May 16th. I'm certainly in favor of your suggestion. Let me see what Betty's schedule looks like, and get back to you this week.

Scott

From: Bruce Page[SMTP:bwpage@home.com]
Sent: Friday, April 07, 2000 11:26 AM
To: Scott O. Seery
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We are scheduled to conduct another round of sampling at the Glovatorium this month. Taylor will prepare a cost estimate and schedule for the work. Briefly, we have agreed that LFR will take water level measurements in all of the same locations measured in January (at least those with water present). In addition, LFR will attempt to include 1 or 2 more off-site wells to the East and Northeast of 38th and Broadway in order to improve our understanding of the ground water flow direction. However, we will not submit samples from the B-series piezometers (Geosolve points) for chemical analysis.

You will be informed as soon as the field work is scheduled.

Seery, Scott, Public Health, EH

From: Bennett, Taylor[SMTP:Taylor.Bennett@lfr.com]
Sent: Tuesday, May 02, 2000 9:28 AM
To: 'Seery, Scott, Public Health, EH'
Cc: 'bwpage@home.com'
Subject: Access request for Unocal (TOSCO) wells near 3815 Broadway, Oakla nd, CA

I spoke to Dave DeWitt of TOSCO (925-277-2384) on Thursday, April 27, 2000, regarding access to measure groundwater levels in wells MW-8, MW-9, and MW-11, and to collect groundwater samples from well MW-11, as part of the groundwater monitoring program for the subject site. He granted permission for LFR to perform these activities on a one-time basis. He requested that you send him a letter indicating that that this monitoring is required by ACHCSA as part of the investigation at the site, so that we can continue this monitoring on a quarterly schedule in the future.

Mr. DeWitt also indicated that groundwater levels are monitored in the Unocal wells on a monthly schedule. He referred me to Diana Harding of Gettler-Ryan at (925) 551-7555 as the person to contact if we wish to coordinate measuring groundwater levels in the future.

Seery, Scott, Public Health, EH

From: Seery, Scott, Public Health, EH
Sent: Tuesday, May 02, 2000 9:24 AM
To: 'Bennett, Taylor'
Subject: RE: Access request for Unocal (TOSCO) wells near 3815 Broadway, Oakla nd, CA

I'll give Dave a call and see if I can "informalize" the process. If not, I'll send a letter. The other alternative, of course, is to coordinate LFR's schedule with GRI and "share" their gauging/sampling info.

From: Bennett, Taylor[SMTP:Taylor.Bennett@lfr.com]
Sent: Tuesday, May 02, 2000 9:28 AM
To: 'Seery, Scott, Public Health, EH'
Cc: 'bwpage@home.com'
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Seery, Scott, Public Health, EH

From: Bennett, Taylor[SMTP:Taylor.Bennett@lfr.com]
Sent: Wednesday, May 17, 2000 1:48 PM
To: 'Seery, Scott, Public Health, EH'
Cc: 'Bruce Page'
Subject: Submittal Date for Work Plan for Former Glovatorium

We can submit a work plan proposing installation of groundwater monitoring wells at the Former Glovatorium site on June 9, 2000. This should allow enough time for Bruce Page to review the work plan when he returns from vacation on May 29, and for client review. Let me know if this schedule is acceptable.

It was a productive meeting at the RWQCB on May 10, and I enjoyed meeting Betty Graham. I think the data we presented in the March 20, 2000 Soil and Groundwater Investigation Report and the recent quarterly groundwater level measurements that we discussed during the meeting have developed a good basis to propose well locations and move this project toward the RBCA evaluation.

Seery, Scott, Public Health, EH

From: Seery, Scott, Public Health, EH
Sent: Wednesday, May 17, 2000 2:21 PM
To: Blazer, Larry, DA
Subject: FW: Submittal Date for Work Plan for Former Glovatorium

Larry

Here's a post I got today from Taylor Bennett (LFR) regarding the Glovatorium well installation work plan.

Scott

From: Bennett, Taylor[SMTP:Taylor.Bennett@lfr.com]
Sent: Wednesday, May 17, 2000 1:48 PM
To: 'Seery, Scott, Public Health, EH'
Cc: 'Bruce Page'
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Seery, Scott, Public Health, EH

From: Bennett, Taylor[SMTP:Taylor.Bennett@lfr.com]
Sent: Thursday, June 01, 2000 5:30 PM
To: 'sseery@co.alameda.ca.us'
Cc: 'bwpage@home.com'
Subject: Work Plan for Well Installation

Dear Mr. Seery:

I am requesting an extension to submit the Work Plan for Well Installation for the former Glovatorium project. The reason for this request is that I was out sick for three days last week, and this has had a significant impact on my schedule. In addition, our editing department has an extremely heavy work load next week, with 28 Phase I ESAs going out on Friday, June 9 (this was our originally proposed submittal date for the Work Plan). I wish to emphasize that our client is diligently cooperating with us to move this project forward. With your permission, therefore, I would like to submit the Work Plan on June 14.

I also wish to confirm the submittal date for the quarterly groundwater monitoring report, which I believe would be June 15.

Thank you for your consideration of this request.

Taylor Bennett, R.G.

Seery, Scott, Public Health, EH

From: Seery, Scott, Public Health, EH
Sent: Friday, June 02, 2000 12:06 PM

To: Seery, Scott, Public Health, EH; 'Bennett, Taylor'
Cc: 'bwpage@home.com'; Blazer, Larry, DA; O'Connor, Micheal, CEPD; Peacock, Tom, Public Health, EH; Levi, Ariu, Public Health, EH
Subject: RE: Work Plan for Well Installation

I don't see that a delay of 5 days for workplan submittal should pose a problem. So, sure, you have my blessing.

Scott

From: Bennett, Taylor[SMTP:Taylor.Bennett@lfr.com]
Sent: Thursday, June 01, 2000 5:30 PM
To: 'sseery@co.alameda.ca.us'
Cc: 'bwpage@home.com'
Subject: Work Plan for Well Installation

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Thank you for your consideration of this request.

Taylor Bennett, R.G.

Seery, Scott, Public Health, EH

From: Sharp, Julie[SMTP:Julie.Sharp@lfr.com]
Sent: Wednesday, June 14, 2000, 10:44 AM
To: 'sseery@co.afameda.ca.us'
Cc: 'bwpage@home.com'
Subject: Glovatorium Quarterly Groundwater Monitoring Report schedule

Dear Mr. Seery:

My name is Julie Sharp, and I am the new LFR project manager for the former Glovatorium project. I am working with Taylor Bennett on preparation of the Quarterly Groundwater Monitoring Report, which we had hoped to submit to you on June 15. I am writing this e-mail to request an extension of the submittal date for the Quarterly Groundwater Monitoring Report. The reason I am requesting this extension is that I am not feeling well and need a little time at home to recuperate. (This extension request does not come from our client - he is continuing to work with us on moving the project forward).

Taylor and I will call you shortly to discuss this extension request, how it fits into your schedule, and to confirm that it will not impact the overall project schedule.

Seery, Scott, Public Health, EH

From: Seery, Scott, Public Health, EH
Sent: Wednesday, June 14, 2000 1:55 PM
To: Seery, Scott, Public Health, EH; 'Sharp, Julie'
Cc: 'bwpage@home.com'; O'Connor, Micheal, CEPD; Blazer, Larry, DA
Subject: RE: Glovatorium Quarterly Groundwater Monitoring Report schedule

Welcome to the team, Julie. I don't see how a delay of a few days will make a bit of a difference with the QMR submittal. I was also expecting the well installation workplan on June 14th (today). Is that expected to be delayed as well? An extension of an additional 5 days was already granted for its submittal a couple weeks back.

From: Sharp, Julie[SMTP:Julie.Sharp@lfr.com]
Sent: Wednesday, June 14, 2000 10:44 AM
To: 'sseery@co.alameda.ca.us'
Cc: 'bwpage@home.com'
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From: Seery, Scott, Public Health, EH
Sent: Wednesday, June 14, 2000 1:55 PM
To: Seery, Scott, Public Health, EH; 'Sharp, Julie'
Cc: 'bwpage@home.com'; O'Connor, Micheal, CEPD; Blazer, Larry, DA
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Seery, Scott, Public Health, EH

From: Seery, Scott, Public Health, EH
Sent: Thursday, March 09, 2000 3:06 PM
To: 'Bennett, Taylor'
Cc: 'bwpage@home.com'; Blazer, Larry, CEPD
Subject: RE: Submittal of Soil and Groundwater Investigation Report-Glovatoriu m

Taylor

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Scott

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Sent: Thursday, March 09, 2000 3:07 PM
To: 'sseery@co.alameda.ca.us'
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Subject: Submittal of Soil and Groundwater Investigation Report-Glovatoriu m

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Seery, Scott, Public Health, EH

From: Seery, Scott, Public Health, EH
Sent: Friday, February 04, 2000 3:24 PM
To: 'Bennett, Taylor'
Subject: RE: Former Glovatorium - Schedule for Submittal of Soil and Groundwater er Investigation Report

Taylor

Please take the time you need to complete the report in a fashion appropriate to convey and contemplate the plethora of information I know you've generated in the last ~ 8 months. If another week beyond even the 6th would be helpful to achieve that goal, please take it. I'd rather have you two guys feel relaxed enough to fully evaluate everything. Hope this helps.

Scott

From: Bennett, Taylor[SMTP:Taylor.Bennett@lfr.com]
Sent: Friday, February 04, 2000 3:19 PM
To: 'sseery@co.alameda.ca.us'
Cc: 'bwpage@home.com'
Subject: Former Glovatorium - Schedule for Submittal of Soil and Groundwat er Investigation Report

My understanding of the schedule for submitting the subject report, according to your letter dated January 5, 2000, is as follows:

January 25	Complete sampling and water-level measurements (completed)
February 1	Receive laboratory analysis results (1-week turnaround; partially completed)
March 2	Report due

Although we requested rush 24-hour turnaround of the samples from the laboratory, Curtis & Tompkins, we have not yet received all of the analytical results. As I mentioned in a telephone message to you last week, the laboratory informed us that they could not meet the 1-week turnaround requirement for samples we collected on January 24 and 25, because of problems they were experiencing with their analytical instruments. We expect to receive the remaining results today, but have not received them yet.

Would it be acceptable to change the submittal date for the report to Monday, March 6, 2000? We will strive to meet the March 2, 2000 due date. However, because of a previously scheduled vacation, I will have only until February 21 to complete a draft of the report, and will be out of the office from February 22 until March 1, 2000. The additional time when I return would allow us to provide better quality control of the report.

Seery, Scott, Public Health, EH

From: Seery, Scott, Public Health, EH
Sent: Thursday, January 27, 2000 1:37 PM
To: 'Bennett, Taylor'
Cc: Levi, Ariu, Public Health, EH
Subject: RE: Analysis of samples from former Glovatorium

Thanks for the e-mail, Taylor!

I understand that it is common practice to not analyze water samples collected from wells that have floating LNAPLs present (e.g., petroleum). I understand that this practice is followed primarily because it is assumed that the particular chemical is at saturation concentrations in groundwater for free-phase product to accumulate. Consequently, collection of dissolved chemical concentration data would be fairly redundant if you are cognizant of the expected saturation concentrations of the contaminant.

At this site, however, we are faced with the unfortunate task of evaluating for both LNAPL and DNAPL. I have to assume that any sheen or free-phase product is of the LNAPL variety (e.g., Stoddard). Perhaps there's some dissolved DNAPL in the otherwise LNAPL mix, too, but clearly, if it's floating, I doubt we're looking at chlorinated compounds. I'm glad to hear that the lab will be attempting to identify the compound(s) that comprise the free-product.

I recommend you consider running all the water samples, otherwise we will not have a clear picture of the DNAPL issue, and won't be able, consequently, to make an informed comparison between the current data and those collected previously.

Scott

From: Bennett, Taylor[SMTP:Taylor.Bennett@lfr.com]
Sent: Thursday, January 27, 2000 10:59 AM
To: 'sseery@co.alameda.ca.us'
Cc: 'bwpage@home.com'
Subject: Analysis of samples from former Glovatorium
Importance: High

As Dr. Bruce Page discussed with you yesterday, LFR collected samples from 7 of the temporary sampling points installed previously by GeoSolv inside the former Glovatorium building. Our field observations indicated that two of these sampling points, B-3 and B-8, had a separate phase product in them, and 4 of the remaining sampling points, B-2, B-7, B-9, and B-10 had a visible product sheen present. B-13 did not have visible sheen or product present.

LFR's standard protocol calls for not analyzing water samples from wells that have visible product or sheen present, which is standard industry practice. However, your letter dated January 5, 2000 requires that we analyze water samples from all of the sampling points that can be sampled. We collected samples of product from two of the points (B-3 and B-8), and are requesting that they be analyzed by Friedman & Bruya laboratories, who specialize in product identification of this type. We are also requesting that Friedman & Bruya analyze water from these two sampling points.

I recommend that we do not analyze water samples from the remaining sampling points that have sheen, because the samples from points B-3, B-8, and B-13 should adequately characterize the product and its potential impacts to groundwater. Please let me know if this is acceptable.

ALAMEDA COUNTY
HEALTH CARE SERVICES



AGENCY
DAVID J. KEARS, Agency Director

ENVIRONMENTAL HEALTH SERVICES
ENVIRONMENTAL PROTECTION
1131 Harbor Bay Parkway
Alameda, CA 94502-6577
(510) 567-6700
(510) 337-9432

January 11, 2000

STID 439

Mr. Albert M. Cohen
Law Offices of Smiland & Khachigian
601 West Fifth Street, 7th Floor
Los Angeles, CA 90071-2004

Re: Glovatorium, 3815 Broadway, Oakland

Dear Mr. Cohen:

I am in receipt of your January 10, 2000 correspondence submitted with the intent to clarify a few points presented in my letter of January 5, 2000. For the record, I was informed by Bruce Page on January 7th that Levine-Fricke Recon (LFR) had been retained on the project, but not as the project "lead". Dr. Page informed me that he would continue as the project lead, with LFR in a technical yet subordinate role. I believe that this is an excellent arrangement, and congratulate the parties for working through the reported difficulties of the last ~3 months.


However, as we discussed on December 29, 1999 and based on my previous conversations earlier that month with Dr. Page and LFR's Taylor Bennett, I understood that LFR had effectively been removed from the project on or around December 13, 1999. Further, I was informed at that late date that none of the environmental data acquisition tasks (e.g., "well" sampling, monitoring, etc.) stemming from the October 15th meeting had been completed or even initiated. This work was to have begun in November 1999, and continued following a quarterly schedule. In my view, these assessment data would have been available to us about this time. Instead, these data will likely not become available in a comprehensive format until late February or early March 2000. Consequently, a couple of months or more have been lost in the course of this project due to a failure to promptly complete the cited tasks.

For your information, I was informed in late December that the Regional Water Quality Control Board (RWQCB) had assigned an individual to the position vacated previously by Derek Lee. The name of this person is Betty Graham. I believe Ms. Graham has only recently and indirectly become aware of this project by way of copy of the January 5th correspondence. I will attempt to schedule a joint meeting with Ms. Graham once I have received the pending soil and water investigation report.

Mr. Albert M. Cohen
RE: Glovatorium, 3815 Broadway, Oakland
January 11, 2000
Page 2 of 2

Please call me at (510) 567-6783 should you have any questions or comments.

Sincerely,



Scott O. Seery, CHMM
Hazardous Materials Specialist

cc: Ariu Levi, Chief, Environmental Protection
Chuck Headlee, RWQCB
Betty Graham, RWQCB
Larry Blazer, Alameda County District Attorney's Office
Leroy Griffin, Oakland Fire Department
Bruce Page, 439 Kearney St., El Cerrito, CA 94530
Kevin D. Taguchi, Gatehouse Plaza, 1290 B-Street, Ste. 218, Hayward, CA 94541

LAW OFFICES OF
SMILAND & KHACHIGIAN ENVIRONMENTAL PROTECTION

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KENNETH L. KHACHIGIAN
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CHRISTOPHER G. FOSTER
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00 JAN 12 PM 3: 58

JOSEPH W. SWANWICK
1858-1932
CHARLES E. DONNELLY
1890-1973
EMERITUS
ERNEST M. CLARK, JR.

January 10, 2000

BY TELECOPIER AND U.S. MAIL
(510) 337-9335

Mr. Scott Seery
ALAMEDA COUNTY HEALTH CARE AGENCY
Environmental Health Protection Division,
Department of Environmental Health
1131 Harbor Bay Parkway
2nd Floor, Room 250
Alameda, CA 94502

Re: 3815 Broadway, Oakland, CA 94611

Dear Mr. Seery:

I am in receipt of your letter dated January 5, 2000 and received by me on January 10, 2000. First, I wanted to thank you for your attention to this matter and for setting specific deadlines. As we have discussed in the past, I believe that the clearer the deadlines the less likely that disputes will arise.

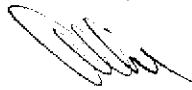
I did want to clarify a few points in your letter. First, Levine Fricke ("LFR") is still directly involved in this project and will be working with Dr. Bruce Page. They are currently preparing a bid for the work discussed in your January 5 letter. Second, in your letter you state that because the well sampling and monitoring has not been conducted, unnecessary delays have occurred. We intend to complete the monitoring within the time frame set out in your letter. However, we do not agree that there have been any delays which will affect the pace of the remediation effort. You previously informed us that the ACHCA is not expecting my clients to perform any additional work on the site at this time, aside for the monitoring, because ACHCA wants to coordinate with the Regional Water Quality Control Board ("RWQCB"), but the RWQCB has not yet assigned anyone to work on this matter. We agreed that this was important because we want to insure that any sampling and monitoring data is acceptable to the RWQCB and that any recommendations for future work, including a risk assessment, meet RWQCB criteria. Therefore, we agreed that once that person is assigned, you will arrange a joint meeting so that we can develop a coordinated approach. We are not aware that anyone at the RWQCB has been assigned to this matter. We are ready to meet with you and the

Mr. Scott Seery
January 10, 2000
Page 2

RWQCB as soon as someone is assigned so that the investigation and remediation can proceed expeditiously. Please let us know when a person has been designated so that we can set a meeting to bring that person up to date on developments at the site.

Again, thank you for your assistance. Please do not hesitate to call if you have any questions.

Sincerely,



Albert M. Cohen

AMC/ams

cc: Mr. Stuart Depper
Kevin D. Taguchi, Esq.
Lawrence C. Blazer, Esq.

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



January 5, 2000

STID 439

Robert Depper
31 Muth Drive
Orinda, CA 94563

Stuart Depper
% Kevin D. Taguchi
Gatehouse Plaza
1290 B-Street, Ste. 218
Hayward, CA 94541

ENVIRONMENTAL HEALTH SERVICES
ENVIRONMENTAL PROTECTION
1131 Harbor Bay Parkway
Alameda, CA 94502-6577
(510) 567-6700
(510) 337-9432

RE: Glovatorium, 3815 Broadway, Oakland – Soil and Water Investigation

Dear Messrs. Depper:

This letter follows recent developments in the progress and management of your project. I understand that Levine-Fricke Recon (L-F) is no longer directly involved in the subject project, and that Bruce Page, formerly of L-F, is now the project "lead". I also understand that the agreements formalized on October 15, 1999 with your agents, Mr. Page and L-F's Taylor Bennett, have not been implemented fully. For example, several of the agreed upon tasks stemming from the October 15th meeting (e.g., reopen GeoSolv "wells", survey all L-F and GeoSolv well points, begin quarterly sampling and monitoring, determine groundwater flow, etc.) were to have been initiated or completed in November 1999, but were not. These interim steps were intended to gather the data necessary to discuss your case with the Regional Water Quality Control Board (RWQCB) in an informed manner at some point in December or early January. These collective developments have, in my view, hindered the continuity of the project and, yet again, caused unnecessary delays in its progress.

At this time you are directed to comply with the following tasks:

1. Within 20 days of the date of this letter, have your environmental consultant reopen all GeoSolv "wells" that were prepared for such reuse (i.e., those capped by a knock-off plug of grout), professionally survey casing elevations of L-F and GeoSolv "wells", measure groundwater elevations, and determine groundwater flow direction and gradient. Sample groundwater, where encountered, from all cited "wells" and have a state-certified laboratory analyze each sample for the constituents identified in the Section 3.1.6 workplan element of the May 6, 1999 L-F document entitled "*Results of Utility Survey and Work Plan for Soil and Grab Groundwater Investigation.*" All samples are to be submitted to the contracted laboratory on a 1-week or shorter turn-around time.

In addition, you are to ensure the future viability of each of the aforementioned "wells" by seeking and acquiring any necessary permits from the City of Oakland or others, and making each more secure (e.g., well boxes, locked caps, etc.) so that they may be relied on as viable data points in the future if necessary.

2. Submit, within 30 days of your consultant's receipt of the aforementioned laboratory data, a final soil and water investigation (SWI) report under seal of a California-registered geologist or civil engineer. This report shall incorporate all data generated during all phases of the environmental investigation performed pursuant to the cited May 6, 1999 L-F workplan element. This final SWI report shall also incorporate any and all work identified in Item 1, above, including any additional elements stemming from the October 15, 1999 meeting, and all other modifications implemented since the L-F workplan was accepted by this office.

Messrs. Robert and Stuart Depper
Re: 3815 Broadway, Oakland
January 5, 2000
Page 2 of 2

This final SWI report shall include, among other elements consistent with a professional technical report of this kind:

- Project introduction, including project scope and objectives
- Site description (location of site; local topography and geology; nearby creeks/flood control channels, etc.)
- Site investigation status, including degree to which project objectives were met
- Detailed discussion of investigation results, professional data interpretation and recommendations for any additional work, including installation of permanent wells, risk assessment, or other appropriate tasks
- Maps: Vicinity map; Site map identifying all pertinent landmarks, including streets, structures, wells and boreholes, tanks, buried utility conduits, etc.; Chemical distribution/isoconcentration maps for both soil and groundwater; Groundwater gradient map; Licensed surveyor's plat; Cross section location map, etc.
- Tabulated sampling data and copies of laboratory reporting sheets
- Copies of field data sheets for each sampling/monitoring event
- Lithologic logs and "well" construction diagrams
- Geologic cross sections

Due to the unanticipated delays in the completion of this phase of the investigation in the final quarter of 1999, the final SWI report submittal deadline articulated in this letter supersedes that of my letter of June 4, 1999.

Please be advised that this letter constitutes an official request for technical reports pursuant to Water Code Section 13267(b) and provisions of Article 11, Title 23, California Code of Regulations. Please be further advised that both the Water Code and California Health & Safety Code provide for substantial penalties for failure to comply with a request of this sort.

You may call me at (510) 567-6783 should you have any questions about the content of this letter.

Sincerely,



Scott O. Seery, CHMM
Hazardous Materials Specialist

cc: Ariu Levi, Chief, Environmental Protection
Chuck Headlee, RWQCB
Betty Graham, RWQCB
Larry Blazer, Alameda County District Attorney's Office
Leroy Griffin, Oakland Fire Department
Bruce Page, 439 Kearney St., San Francisco, CA 94530
Albert Cohen, Law Offices of Smiland & Khachigian
7th Floor, 601 West 5th Street, Los Angeles, CA 90071

WILLIAM M. SMILAND
KENNETH L. KHACHIGIAN
THEODORE A. CHESTER, JR.
CHRISTOPHER G. FOSTER
ALBERT M. COHEN
IVAN J. TETHER

OF COUNSEL
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ENVIRONMENTAL
PROTECTION

99 DEC -7 AM 10:19

JOSEPH W. SWANWICK
1858-1932
CHARLES E. DONNELLY
1890-1973

EMERITUS
ERNEST M. CLARK, JR.

December 3, 1999

BY TELECOPIER AND U.S. MAIL
(510) 337-9335

Mr. Scott Seery
ALAMEDA COUNTY HEALTH CARE AGENCY
Environmental Health Protection Division,
Department of Environmental Health
1131 Harbor Bay Parkway
2nd Floor, Room 250
Alameda, CA 94502

Re: 3815 Broadway, Oakland, CA 94611

Dear Mr. Seery:

Thank you very much for speaking with me about this matter a few weeks ago. I was pleased to learn that everything is on track and wanted to confirm the status of this matter.

First, one of the issues which we understood the Alameda County Health Care Agency ("ACHCA") was concerned with was whether there are still any underground tanks below the sidewalk in front of 3820 Manilla Street. We retained a consultant, Subtronic Corp., to investigate the site to make this determination. Its report is enclosed. Subtronic did not find any underground storage tanks.

Second, I wanted to confirm that other than quarterly monitoring, the ACHCA is not expecting my clients to be performing any additional work on the site at this time. You informed me that you want to coordinate with the Regional Water Quality Control Board, but the RWQCB has not yet assigned anyone to work on this matter. It is our understanding that once that person is assigned, you will arrange a joint meeting so that ACHCA and the RWQCB can develop a coordinated approach.

Finally, my clients want to complete the investigation and, if necessary, any remediation, as quickly as possible. Please let us know if there is anything we can do to expedite the process including contacting the RWQCB to request that a person be designated to handle this matter.

Mr. Scott Seery
December 3, 1999
Page 2

Thank you for your cooperation. Please do not hesitate to call if you should have any questions.

Sincerely,



Albert M. Cohen

AMC/ams

Enclosure

cc: Mr. Stuart Depper
Kevin D. Taguchi, Esq.
Lawrence C. Blazer, Esq.

ALAMEDA COUNTY
HEALTH CARE SERVICES



AGENCY
DAVID J. KEARS, Agency Director

ENVIRONMENTAL HEALTH SERVICES

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

June 18, 1999

STID 439

Robert Depper
31 Muth Drive
Orinda, CA 94563

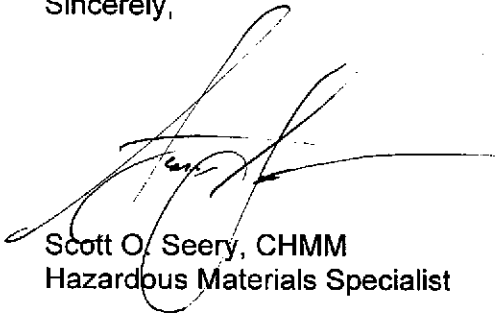
RE: GLOVATORIUM, 3815 BROADWAY, OAKLAND

Dear Mr. Depper:

I am in receipt of the June 17, 1999 correspondence from your lawyer, Albert Cohen, informing me of the your delayed receipt of my June 4, 1999 correspondence. I understand that you did not receive this letter until June 14th. In so far as the June 4th letter grants only a 45-day period in which to initiate the current phase of the investigation, I believe Mr. Cohen's request to extend this time frame to July 29, 1999 is reasonable and, therefore, accepted.

Please call me at (510) 567-6783 should you have any questions and to inform me when fieldwork will begin.

Sincerely,



Scott O. Seery, CHMM
Hazardous Materials Specialist

cc: Chuck Headlee, RWQCB
Derek Lee, RWQCB
Larry Blazer, Alameda County District Attorney's Office
Leroy Griffin, Oakland Fire Department
Taylor Bennett, Levine-Fricke, 1900 Powell St., 12th Floor, Emeryville, CA 94608-1827
Albert Cohen, Law Offices of Smiland & Khachigian
7th Floor, 601 West 5th Street, Los Angeles, CA 90071

LAW OFFICES OF
SMILAND & KHACHIGIAN

WILLIAM M. SMILAND
KENNETH L. KHACHIGIAN
THEODORE A. CHESTER, JR.
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ALBERT M. COHEN
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OF COUNSEL
CHARLES H. CHASE

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JOSEPH W. SWANWICK
1858-1932
CHARLES E. DONNELLY
1890-1973

EMERITUS
ERNEST M. CLARK, JR.

June 17, 1999

BY TELECOPIER AND U.S. MAIL
(510) 337-9335

Scott Seery
ALAMEDA COUNTY HEALTH CARE AGENCY
Environmental Health Protection Division,
Department of Environmental Health
1131 Harbor Bay Parkway
2nd Floor, Room 250
Alameda, CA 94502

Re: 3815 Broadway, Oakland, CA 94611

Dear Mr. Seery:

On June 14, 1999 we received a letter from you dated June 4th, mailed on June 10, 1999 which states that the Glovatorium has 45 days from the date of the letter to complete the next phase of work. While we are attempting to move the process along as quickly as possible, the fact that we received the letter ten days after it is dated significantly reduces the time we have to respond. We therefore request that the date that the work needs to be completed be July 29, 1999 which is 45 days from the date when we received the letter.

Please let me know if this is acceptable and thank you for your cooperation.

Sincerely,



Albert M. Cohen

AMC/jmc
cc: Stuart Depper
Taylor Bennett

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99 JUN 21 PM 3:59
ENVIRONMENTAL
PROTECTION

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



June 4, 1999

STID 439

Robert Depper
31 Muth Drive
Orinda, CA 94563

ENVIRONMENTAL HEALTH SERVICES

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

RE: GLOVATORIUM, 3815 BROADWAY, OAKLAND

Dear Mr. Depper:

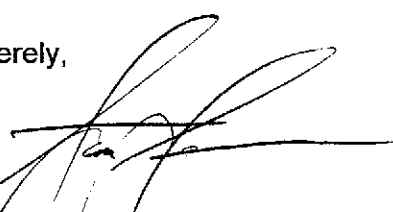
Thank you for our recent receipt of the May 6, 1999 Levine-Fricke document entitled "*Results of Utility Survey and Work Plan for Soil and Grab Groundwater Investigation, Former Glovatorium, Oakland, California.*" This report and associated work plan have been reviewed in context with the project objectives discussed with Messrs. Bruce Page and Taylor Bennett of Levine-Fricke during our March 16 and April 16, 1999 meetings.

The cited Levine-Fricke work plan has been accepted as submitted for this stage of the investigation at this site. Please be certain that all borings for this phase of work are completed within 45 calendar days of the date of this letter. A report documenting this work must be submitted within 45 calendar days of final site demobilization.

Please be advised that, based on the results of the pending work, additional investigations may become necessary to adequately assess the extent of the releases from this site. Permanent well installations and long-term monitoring will also be required at some point in the near future.

Please call me at (510) 567-6783 should you have any questions and to inform me when fieldwork will be initiated.

Sincerely,



Scott O. Seery, CHMM
Hazardous Materials Specialist

cc: Chuck Headlee, RWQCB
Derek Lee, RWQCB
Larry Blazer, Alameda County District Attorney's Office
Leroy Griffin, Oakland Fire Department
Taylor Bennett, Levine-Fricke, 1900 Powell St., 12th Floor, Emeryville, CA 94608-1827
Albert Cohen, Law Offices of Smiland & Khachigian
7th Floor, 601 West 5th Street, Los Angeles, CA 90071

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



March 19, 1999

STID 439

Robert Depper
31 Muth Drive
Orinda, CA 94563

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

RE: GLOVATORIUM, 3815 BROADWAY, OAKLAND

Dear Mr. Depper:

The GeoSolv, LLC ("GeoSolv") subsurface investigation report dated October 13, 1998 has been reviewed. The noted GeoSolv report was received on December 10, 1998.

On February 11, 1999, I toured the subject facility in the company of Mr. Chuck Headlee of the California Regional Water Quality Control Board (RWQCB), San Francisco Bay region, and Steven Craford, Oakland Fire Department. The spirit of this tour was to introduce Mr. Headlee to the unique features of the site and to locate the recent sample points. On March 8, 1999, I met with Mr. Derek Lee, RWQCB, to discuss the next appropriate steps in the evaluation of the solvent release(s) at this site. I subsequently met with Messrs. Taylor Bennett, Eric Nichols, and Bruce Page of Levine-Fricke, your new consultant of record, on March 16, 1999. We discussed the outcome of my meeting with the RWQCB, the many technical idiosyncrasies and challenges of your case, and the steps necessary to assess and understand them.

The next phase of assessment will be broken into two tasks:

- Task 1 - Determine the exact locations of buried utility corridors (e.g., sanitary sewer and storm water) that serve, radiate from, and/or pass beneath the facility
- Task 2 - Submittal of a utility corridor report which incorporates a comprehensive work plan for: the assessment of releases from the 38th Street tanks; determining the likelihood for contaminant exfiltration from, and migration along, anthropogenic and other preferential pathways; determining the potential for contaminant infiltration into, or migration along, the storm water channel that passes beneath the site; the installation of an array of permanent monitoring wells; determining ground water flow characteristics; and, the collection of soil and ground water samples to aid in determining, among other goals, human health risks and the occurrence of natural bioattenuation.

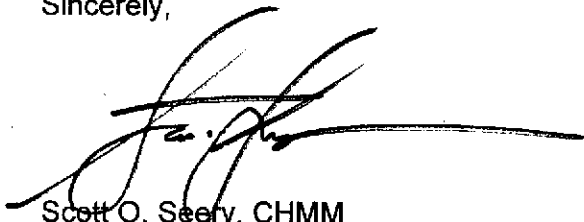
I have been informed that the utility survey (Task 1) is scheduled for the week of April 5 - 9, 1999. Consequently, I will be meeting with the consultant on Friday, April 16, 1999 to discuss their findings and to fine-tune the scope of the (Task 2) work plan.

The final Task 2 work plan is due for submittal by May 6, 1999.

Mr. Depper
RE: 3815 Broadway, Oakland
March 19, 1999
Page 2 of 2

Please call the undersigned at (510) 567-6783 should you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'S. Seery', with a long horizontal line extending to the right.

Scott O. Seery, CHMM
Hazardous Materials Specialist

cc: Chuck Headlee, RWQCB
Derek Lee, RWQCB
Larry Blazer, Alameda County District Attorney's Office
Leroy Griffin, Oakland Fire Department
Taylor Bennett, Levine-Fricke, 1900 Powell St., Emeryville, CA 94608-1827
Albert Cohen, Law Offices of Smiland & Khachigian
7th Floor, 601 West 5th Street, Los Angeles, CA 90071

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SMILAND & KHACHIGIAN

WILLIAM M. SMILAND
KENNETH L. KHACHIGIAN
THEODORE A. CHESTER, JR.
CHRISTOPHER G. FOSTER
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OF COUNSEL
CHARLES H. CHASE

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ENVIRONMENTAL
PROTECTION

98 DEC 18 PM 3:42

JOSEPH W. SWANWICK
1858-1932
CHARLES J. DONNELLY
1890-1973
EMERITUS
ERNEST M. CLARK, JR.

December 16, 1998

BY TELECOPIER AND U.S. MAIL

Lawrence C. Blazer, Esq.
Deputy District Attorney
OFFICE OF THE DISTRICT ATTORNEY
Consumer & Environmental Protection Division
7677 Oakport Street, Suite 400
Oakland, CA 94261
(510) 569-0505

Scott Seery
ALAMEDA COUNTY HEALTH CARE AGENCY
Environmental Health Protection Division
Department of Environmental Health
1131 Harbor Bay Parkway
2nd Floor, Room 250
Alameda, CA 94502
(510) 337-9335

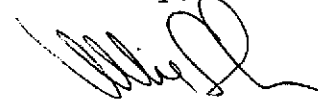
Re: 3815 Broadway

Dear Larry and Scott:

It is my understanding that GeoSolv delivered the Second Phase Subsurface Investigation Report to you last week. GeoSolv is no longer working on this project and we are interviewing new consultants. At least until we have a new consultant on board, I request that you direct any questions or comments regarding the report or this project directly to me.

Thank you very much for your cooperation.

Sincerely,


Albert M. Cohen

AMC/mbs

cc: Robert Depper
Stuart Depper
Kevin D. Taguchi, Esq.
William R. Linehan, Esq.

ENVIRONMENTAL PROTECTION AGENCY OFFICES OF
PROTECTION & KHACHIGIAN

WILLIAM M. SMILAND
KENNETH L. KHACHIGIAN
THEODORE A. CHESTER, JR.
CHRISTOPHER G. FOSTER
ALBERT M. COHEN
IVAN J. TETHER

OF COUNSEL
CHARLES H. CHASE

98 NOV 31 AM 9:21

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JOSEPH W. SWANWICK
1858-1932
CHARLES E. DONNELLY
1890-1973

EMERITUS
ERNEST M. CLARK, JR.

November 24, 1998

BY TELECOPIER AND U.S. MAIL
(510) 569-0505

Lawrence C. Blazer, Esq.
Deputy District Attorney
OFFICE OF THE DISTRICT ATTORNEY
Consumer & Environmental Protection Division
7677 Oakport Street, Suite 400
Oakland, CA 94261

Re: Robert & Stuart Depper

Dear Larry:

Last week I informed you and Scott Seery that I hoped to get you the GeoSolv report by today. Unfortunately, Geosolv hired a lawyer with regard to the billing dispute, which resulted in an additional delay. I believe that we have worked out the remaining issues and I understand that GeoSolv will have a final report by next Tuesday. It is my understanding from speaking with Stuart Depper that you and Kevin Taguchi have agreed that the Deppers can have another week or two to submit the report. We very much appreciate your cooperation.

Please feel free to call if you have any questions.

Sincerely,


Albert M. Cohen

AMC/mbs

cc: Robert Depper
Stuart Depper
Kevin D. Taguchi, Esq.
William R. Linehan, Esq.
Scott Seery

Gloratorium
3815 Broadway
Oakland

9/15/98

MEMO to file:

Boring ~~5~~ not installed where originally planned in the backyard of the residence, as it is reported that attempts to contact the resident were unsuccessful in the past week. It ~~was planned that~~ inside the Gloratorium structure instead, ~~part of the structure~~ of the exterior wall of the facility. (Account from voicemail from F. Goldman)

98

9/10/98

All include locations identified and concrete curing completed. Shallow samples were all collected as requested, with some additional ones collected, too. Borings near floor drains were right next to drains. Borings planned near B10 were spread out an additional 10' away in all 3 directions. (Account from voicemail from F. Goldman)

98

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



September 8, 1998

STID 439

Frank Goldman
GeoSolv, LLC
643 Oregon Street
Sonoma, CA 95476

ENVIRONMENTAL HEALTH SERVICES

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

RE: GLOVATORIUM, 3815 BROADWAY, OAKLAND

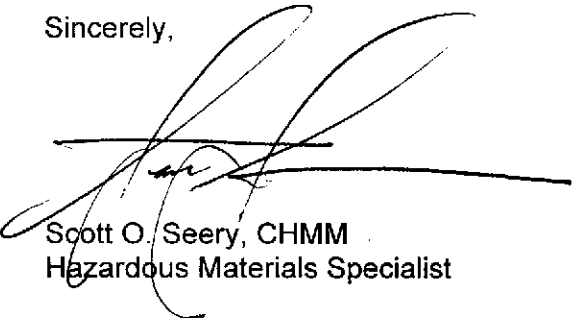
Dear Mr. Goldman:

Thank you for meeting with me on Friday, September 4, 1998, so that we could fine-tune and clarify the sampling and analysis requirements for the pending phase of the soil and water investigation (SWI) at the subject site. As we discussed, please apply the following clarifications and adjunct to the August 6, 1998 correspondence from this office:

- All soil and water samples selected for laboratory analyses will be analyzed for: TPH Stoddard solvent (TPH-SS); benzene, toluene, ethylbenzene, and total xylene isomers (BTEX); and, halogenated volatile organic compounds (HVOC), at a minimum.
- Soil sample intervals are to be substantially based on observations made in the field during boring advancement using best professional judgment. Hence, soil samples are to be collected for potential laboratory analyses where evidence of contamination is suspected (i.e., odors, staining, meter deflections, etc.), at significant lithologic contacts, or where there is need for additional data (e.g., f_{oc} , etc.), among other criteria which may apply.

Please call me at (510) 567-6783 should you have any questions.

Sincerely,



Scott O. Seery, CHMM
Hazardous Materials Specialist

cc: Mee Ling Tung, Director, Environmental Health
Chuck Headlee, RWQCB
Larry Blazer, Alameda County District Attorney's Office
Leroy Griffin, Oakland Fire Department
Robert Depper, 31 Muth Drive, Orinda, CA 94563
Albert Cohen, Law Offices of Smiland & Khachigian
7th Floor, 601 West 5th Street, Los Angeles, CA 90071



Peter M. Rooney
Secretary for
Environmental
Protection

State Water Resources Control Board

John P. Caffrey, Chairman PROTECTION



Pete Wilson
Governor

Division of Clean Water Programs 98 SEP -4 AM 11:09

2014 T Street, Suite 130 • Sacramento, California 95814 • (916) 227-4539 FAX (916) 227-4530
Mailing Address: P.O. Box 944212 • Sacramento, California • 94244-2120
Internet Address: <http://www.swrcb.ca.gov/~cwphome/ustcf/fundhome.htm>

Certified No. Z 233 754 650

439
SOS

SEP 3 1998

Mr. Albert M. Cohen
Law Offices of Smiland & Khachigian
601 West Fifth Street, 7th Floor
Los Angeles, CA 90071

Dear Mr. Cohen:

UNDERGROUND STORAGE TANK CLEANUP FUND PROGRAM, FINAL DIVISION
DECISION, CLAIM NO. 9693, SITE ADDRESS: 3815 BROADWAY, OAKLAND 94611

I am responding to your July 27, 1998, request for a Final Division Decision in response to Dave Deaner's March 27, 1998, decision to deny the subject claim. The reasons given for denial of the claim included: 1) noncompliance with the applicable operating permit requirements pursuant to Chapter 6.7 of the Health and Safety Code; 2) noncompliance with corrective action orders and directives of the regulatory agency; and 3) corrective action costs occasioned by or resulting from the gross negligence or the intentional reckless acts of the claimant.

I have carefully reviewed your letter and the accompanying material. While I am sympathetic to your clients situation and I see where the Depper's are beginning to work with the regulatory agency to make progress at the site, I cannot ignore the extensive history of noncompliance with Underground Storage Tank (UST) laws. For the reasons provided below, I must uphold the staff decision to deny the claim.

CLAIMANT DID NOT COMPLY WITH PERMIT REQUIREMENTS OF CHAPTER 6.7 OF THE HEALTH AND SAFETY CODE

Section 25299.57(d)(3) of the Health and Safety Code (H&SC) requires, as a condition for payment of a claim, that the claimant has complied with permit requirements of Chapter 6.7 of the H&SC.

A strict interpretation of the statute and its permit requirements would deny a claim unless the claimant properly permitted a tank at all times from and after January 1, 1984, when Chapter 6.7 of the H&SC became effective. Since such an application would defeat the intent in establishing the Fund, program regulations and the State Water Resources Control Board (Board) took a

liberal view of the statutory requirements. First, the Board adopted regulations which extended the permit compliance date from January 1, 1984 to January 1, 1990 for the purpose of participation in the Fund. Second, the Board provided that the filing of a substantially complete application for the permit by January 1, 1990, was the equivalent of obtaining a permit by that date. Third, the Board provided an opportunity for a claimant to demonstrate on a case-by-case basis that the facts of a particular case were such that obtaining a permit was beyond the claimant's reasonable control or that it would be unreasonable or inequitable to apply the permit requirement to the claimant. In 1993, the legislature amended the statutes to allow the Board to waive the requirement as a condition for eligibility to the Fund for claims filed after January 1, 1994. In order to waive the requirement, the Board must find: (1) the claimant was unaware of the permit requirement prior to January 1, 1990, and there was no intent to avoid the permit requirement or the fees associated with the permit; (2) prior to submittal of the application to the Fund, the claimant has complied with financial responsibility requirements and paid for all permits currently required; and (3) prior to submittal of the application, the claimant has paid all underground storage tank fees imposed and all prior fees due on and after January 1, 1991.

In your appeal, you argue that the Board should waive compliance with permit requirements as a condition for eligibility since the Deppers applied for a UST operating permit before January 1, 1990 and intended to comply with permit and fee requirements.

I do not agree. The site history shows a continuing violation of the permit requirements from 1989 until the tanks were closed in place the week of June 16, 1997. For the Deppers to take over seven years to close the tanks and then only to do so after being taken to court by the Alameda County District Attorney does not show a good faith effort to comply with permit requirements.

CLAIMANT FAILED TO COMPLY WITH CORRECTIVE ACTION REGULATIONS AND DIRECTIVES ISSUED BY THE REGULATORY AGENCY

Section 25299.54(d) provides: "An owner or operator who violates Article 4 (commencing with Section 25299.36) is liable for any corrective action costs which result from the owner's or operator's violation of Article 4 (commencing with Section 25299.36) and is ineligible to file a claim pursuant to this section."

Compliance with corrective action orders and directives of the regulatory agency is a statutory requirement for participation in the Fund. While you argue that the Deppers did attempt to cooperate with regulatory agencies and comply with regulatory requirements, the records of the regulatory agency do not support your position. The declaration of Mr. Scott Seery, with the Alameda County Environmental Health Department (County) in the Superior Court case brought by the Alameda County District Attorney's Office against Robert and Stuart Depper states in part: "In spite of repeated requests for a workplan (which is legally required) to assess the

damage caused by the leakage, no plan has ever been submitted....this facility has refused to comply with even the most rudimentary underground tank requirements.”

RELEASE FROM THE UNDERGROUND STORAGE TANKS DUE IN PART TO THE INTENTIONAL OR RECKLESS ACTS OF THE CLAIMANT

Section 25299.61 of the H&SC provides: “The board shall not pay any claims against or presented to the Fund pursuant to this article if the claims are in connection with an unauthorized release of petroleum into the environment from an underground storage tank resulting from the gross negligence or the intentional or reckless acts of the claimant.”

Records of the regulatory agency indicate that the claimant knew of extensive leakage from the tanks as early as 1990, but failed to make a good faith effort to comply with UST requirements and therefore acted in reckless disregard of the consequences which allowed an unauthorized release to continue. The County’s letter of January 8, 1991, stated in part: “There are clearly leaks or holes (or both) in the underground tank cluster under the floor of the building. The ongoing release from the tank system are a source of gross pollution to the groundwater, which may be a flowing underground stream in this area.” The declaration of Mr. Scott Seery, with the County, in the Superior Court case brought by the Alameda County District Attorney’s Office against Robert and Stuart Depper states in part: “The records in this case indicate our knowledge (and that of the defendants) of extensive leakage from the tanks as early as 1990.” The District Attorney’s presentation to the court included testimony of a former employee, Mr. Nicholas Evans, who reported that the facility has several underground storage tanks for dry cleaning solvent, and that at least one was leaking, as it was continually filling with water. Mr. Evans also said that Mr. Stuart Depper told him that there was an underground creek running near the tank and that, since it was filling with water, it needed to be pumped out every other day. Mr. Evans’ job was to pump out, using a sump pump, the fluid from a well that sunk into the ground near the tanks. This fluid would go through a pipe into a 55-gallon drum. Mr. Evans would then skim off the solvent floating on the top, reuse it, and throw the contaminated water beneath the solvent into the sewer drain.

In your appeal letter you express the opinion that Fund staff denied the claim in large part based on the information and declarations relating to criminal charges brought against the Deppers by the Alameda County District Attorney. I agree that the court documentation appears to have been a factor, but not the deciding factor. The County records support the court documents.

This determination represents the Final Division Decision in this matter. If you disagree with this decision, you may file a petition for review with the State Water Resources Control Board within thirty (30) calendar days from the date of this letter as provided for in Article 5, Title 23, Division 3, Chapter 18 of the California Code of Regulations.

Mr. Albert M. Cohen
Claim No. 9693

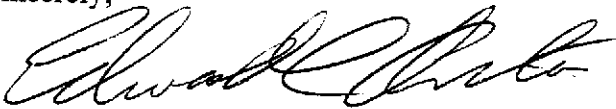
-4-

Please send any petition for review to Mr. John Caffrey, Chairman, with copies to Mr. William R. Attwater, Chief Counsel and Mr. Edward C. Anton, Chief, Division of Clean Water Programs. The petition must be addressed to:

State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812-0100

If you have any questions, please contact Cheryl Gordon at (916) 227-4539.

Sincerely,

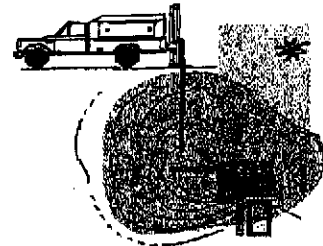


Edward C. Anton, Chief
Division of Clean Water Programs

cc: ✓ Mr. Thomas Peacock
Alameda County EHD
1131 Harbor Bay Pkway, 2nd Fl.
Alameda, CA 94502-6577

GeoSolv, LLC

Environmental and Hydrogeological Consulting
643 Oregon Street, Sonoma, CA 95476
Phone: (707) 996-4227 Fax: (707) 996-7882
We Don't Just Work on Your Environmental Problems. We Solve Them!



August 27, 1998

Scott Seery
Alameda County Health Care Agency
Environmental Protection Division, Department of Environmental Health
1131 Harbor Bay Parkway, 2nd Floor, Room 250
Alameda, CA 94502
(510) 567-6774 Phone, (510) 337-9335 Fax

SUBJECT: Response to Alameda County Health Care Services Correspondence dated August 06, 1998, regarding the 5-22-98 GeoSolv Workplan for a 2nd Phase Subsurface Investigation Report on Hydrocarbons at the Former Glovatorium/The Leather Cleaners Site Located at: 3815 BROADWAY, OAKLAND, CA 94611

Dear Mr. Seery,

This correspondence is a response to your "changes and conditions" related to specific tasks proposed in the workplan for the 2nd phase subsurface investigation as outlined in your August 06, 1998 letter.

Correction of proposed borehole placement

OK
The boring proposed, in the original workplan, to be placed between B-6 and E-23, which was left off of the map in the GeoSolv-July 18, 1998 response letter, was a mere oversight, and will be included in the investigation as proposed in the conditionally approved workplan. It will now be designated as borehole E-26.

Requirement for additional soil sample analyses based upon standard soil sampling interval

Your requirement, as listed in item number "3", requires that all soil samples be collected at a 5-foot vertical interval. This standard, 5-foot vertical sampling interval has been chosen for proposed soil borings E-15, E-16, and E-19 because we have no prior subsurface information adjacent to these proposed locations, regarding the extent of the chlorinated solvent plume, with which to base an alternative sampling interval. On the other hand, the sampling intervals chosen for proposed soil borings E-21, E-22, E-23, E-24, E-25 and E-26, were based on available subsurface data (e.g stratigraphic correlation and the distribution of contaminants) provided in the initial subsurface investigation for the purpose of filling in gaps in data necessary to make a complete interpretation of the subsurface environment. Specifically, the following list summarizes the rationale for the sampling intervals and boring locations proposed for each soil boring.

- E-21- One soil sample has been proposed to be collected at a depth of seven (7) feet bgs because it is considered to be the depth at which contaminants may enter the adjacent storm drain conduit. Chlorinated solvents and stoddard solvents could

enter through breaches in the storm drain conduit. Heavy oils and gasoline ranged organics could enter the storm drain from offsite and exit the conduit beneath the site, thus contaminating the site. This was the reason that analyses for stoddard solvent, chlorinated solvents, gasoline ranged organics and heavy oil ranged organics were proposed. The reason the borehole is to be excavated to a depth of ten (10) feet bgs is so that there will be enough of a volume of groundwater in the borehole to fill up one amber liter bottle and four 40 ml VOAs.

- E-22 - Soil samples have been proposed to be collected at a depth of six (6) and nine (9) feet bgs because the boring log for the closest boring, B-13, indicates that no soil samples were collected for analysis between two (2) and (9) feet bgs. Also, a two to three foot thick layer of black silty clay which may be considered as a "peat", which exists within this interval may be acting as a wick, drawing hydrocarbons, laterally through shallow soils from the UST cluster to the east. Since the surface elevation of the proposed boring is several feet higher than the surface elevation of the UST cluster, we should be obtaining stratigraphic and chemical concentration data corresponding with between 2 and 5 feet below the surface at the UST cluster location.

OK

- E-23 - The placement of this borehole was made in order to determine if the piping which runs from the UST cluster out to 38th Street has leaked. It has been placed in the center of the piping's length to provide properly distributed coverage. The sampling depth of eight feet and 15 feet bgs was chosen based upon the stratigraphy exhibited in the closest soil borehole, B-11. B-11 shows an interface at a depth of 8 1/2 feet bgs between an overlying sand and an underlying gravelly clay and an interface at 15 feet bgs between an overlying gravelly clay and an underlying silty clay. These interfaces are ideal locations for intercepting the vertical migration of contaminants which may have pooled on these structure contour surfaces.

add 3'
sampleB-12 does
not show
this, and
is closer
to E-23

- E-24 - This borehole has been placed at the residences to determine the health effects of contaminants in shallow soils. The divergence from the standard 5-foot vertical interval for the sample to be collected at 7 feet bgs instead of 10 feet bgs was made because it is the shallowest contamination which will pose the greatest health risk so that it would be more preferable to obtain more shallower soil data. The reason for the 15 foot deep soil sample is to provide a lateral stratigraphic link between the point sources inside the building (e.g. UST cluster & solvent spill at B-10) and the soils beneath the residences for the purpose of evaluating fate and transport of contaminants between the two locations.

OK

- E-25 - This soil boring has been place for the purpose of intercepting MTBE contamination entering the site from up gradient and offsite as was identified in groundwater at B-8.

no
change

- E-26 - This soil boring was proposed based upon the same criteria applied to soil borehole E-23.

Additional soil samples will be collected, as was done during the initial subsurface investigation, where justified, based upon the soil stratigraphy, the contamination

Searcy Response Letter to 2nd Phase Investigation Requirements

08/28/98

Page 3 of 3

encountered, and the need for data which is representative of soil characteristics (i.e. based upon best professional judgement). I believe that the sampling interval proposed by Geosolv will provide a more focused suite of data with which to complete the evaluation of the subsurface environment.

Requirement for additional groundwater and soil sample analyses

Your requirement, as listed in item number "4", requires that all soil and groundwater samples be analyzed for standard solvent, chlorinated solvents, and BTEX constituents. The groundwater analytical suite originally proposed by GeoSolv was based upon data gaps left by the initial investigation. One of the repercussions of this requirement in your letter would be that soil and groundwater samples would have to be run for BTEX at E-15 through E-21 (e.g. 16 extra soil sample and 7 extra water sample analyses). Since the initial investigation indicates that there is no apparent onsite point source of gasoline, that there is no benzene in soil samples collected onsite, and that the source of benzene in groundwater is most logically from offsite (i.e. Unocal to the north and/or Earl Thompson to the southeast), it does not appear that these additional analytical tests would be of any tangible value. These additional tests will be \$1,400.00 for the lab costs and perhaps up to an additional \$1,200.00 to \$2,200.00 in related field work and professional services.

Analytes to remain as indicated precisely

Not yet evaluated to the extent needed to draw a firm conclusion.

Time schedule for 2nd phase subsurface investigation

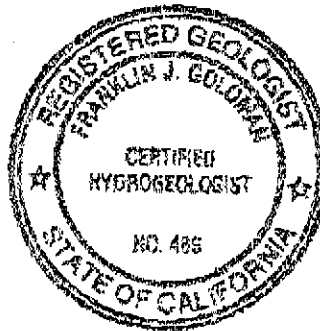
As of today, we are tentatively scheduled to initiate the 2nd phase investigation during the week after labor day, September 8th, 9th and 10th, 1998. Precision Sampling, Inc.'s DA-2 rig, which has exceptional access and can be bolted to the floor, is only available on the dates designated above.

If you disagree with the rationale proposed for sampling by Geosolv, please call me to discuss it.

Sincerely,

Franklin J. Goldman

**Franklin J. Goldman
CEO/GeoSolv, LLC
Registered Geologist No. 5557
Certified Hydrogeologist No. 466**





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

August 7, 1998

Kevin D. Taguchi
Gatehouse Plaza
1290 "B" Street, Suite 218
Hayward, CA 94541

William Linehan
Law Offices of Kessler & Linehan
1297 "B" Street, Suite "C"
Hayward, CA 94541

**RE: DEPPER PROBATION
Superior Court No. 116653 A&B**

Dear Sirs:

This matter was on in Department 7 for a progress report yesterday afternoon. The next progress report is scheduled for August 27, 1998 at 9:00 a.m.

The Judge indicated some dissatisfaction with the progress of the investigation. He expects all the attorneys and the defendants to appear on the 27th.

If you have any questions, feel free to call me.

Very truly yours,

THOMAS J. ORLOFF
District Attorney

By:


Lawrence C. Blazer
Senior Deputy District Attorney

cc: Hon. Vernon Nakahara
Scott Seery
Albert Cohen

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



August 6, 1998

STID 439

Robert Depper
31 Muth Drive
Orinda, CA 94563

ENVIRONMENTAL HEALTH SERVICES

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

RE: GLOVATORIUM, 3815 BROADWAY, OAKLAND

Dear Mr. Depper:

The GeoSolv, LLC ("GeoSolv") subsurface investigation work plan dated May 22, 1998 has been reviewed. Comments and requests for additional information were transmitted to GeoSolv electronically (e-mail) on June 19, 1998. Supplemental information and work plan revisions dated June 21, 1998 were submitted under GeoSolv cover dated July 18, 1998. This supplemental information and work plan revisions have also been reviewed.

The cited GeoSolv work plan, as revised, has been accepted with the following changes and conditions:

- 1) An additional boring shall be emplaced in the area midway between boring B-6 and the current proposed location of boring E-23. (Note: a boring was previously proposed in this location in the original May 22 work plan, but omitted in the June 21 revision.)
- 2) All borings, except borings E-17, -18, and -20, are to be advanced to groundwater, at a minimum.
- 3) Except in borings E-17, -18, and -20, soil samples shall be collected for potential laboratory analyses at standard 5 foot intervals (e.g., 5', 10', 15', etc.), in addition to those collected at significant lithologic contacts, the capillary fringe, and zones where contamination is identified (e.g., odors, staining, meter deflections, etc.). Shallower or intermediate-depth samples may also be collected for analyses where appropriate based on intended use for the data (e.g., f_{oc} , etc.), or where an anticipated source zone may be at a depth shallower or deeper than the prescribed sampling intervals (e.g., E-21, etc.).
- 4) All soil and groundwater samples selected for laboratory analyses are to be analyzed for the presence of TPH-Stoddard solvent, HVOC, and BTEX, at a minimum.
- 5) *Precision Sampling* rigs are proposed for this phase of work at the site. Therefore, the "XD series" rig shall be used in those boring locations where access may be achieved and clearance is not an issue. The "DA-2 off carrier" or "DA-3" rigs, as appropriate, shall be

Mr. Depper
RE: 3815 Broadway, Oakland
August 6, 1998
Page 2 of 2

used in all other boring locations. Contingencies for bolting the rig to the concrete floor shall be in place and implemented during this phase of work at the site whenever such is required to complete any particular borehole.

All borings for this phase of work at the site shall be completed within 45 calendar days of the date of this letter. A report documenting this phase of work at the site shall be submitted within 45 calendar days of the final demobilization of the drill rigs from the site.

Additional assessment of the 38th Street Glovatorium tanks, in addition to the lines serving the floor drains in the facility and the buried storm drain which passes beneath the site, among other possible target areas, will be addressed during the next phase of work at the site. In preparation for this pending work, please submit a copy of the videotape which I understand documents the decayed state of the noted storm drain. This tape should be submitted within 30 calendar days of the date of this letter.

Please call the undersigned at (510) 567-6783 at least 72 hours in advance of the initiation of fieldwork associated with this phase of work at the site, or should you have any questions.

Sincerely,

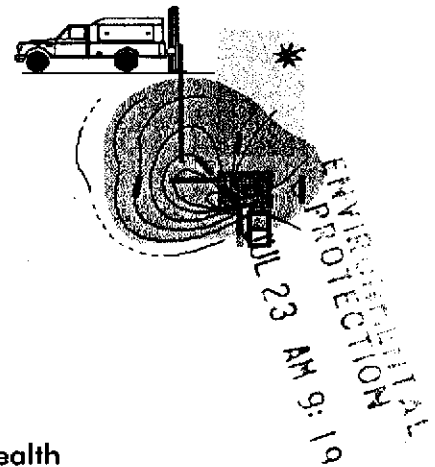


Scott O. Seery, CHMM
Hazardous Materials Specialist

cc: Mee Ling Tung, Director, Environmental Health
Chuck Headlee, RWQCB
Larry Blazer, Alameda County District Attorney's Office
Leroy Griffin, Oakland Fire Department
Frank Goldman, GeoSolv LLC
Albert Cohen, Law Offices of Smiland & Khachigian
7th Floor, 601 West 5th Street, Los Angeles, CA 90071

GeoSolv, LLC

Environmental and Hydrogeological Consulting
643 Oregon Street, Sonoma, CA 95476
Phone: (707) 996-4227 Fax: (707) 996-7882



We Don't Just Work on Your Environmental Problems. We Solve Them!

July 18, 1998

Scott Seary
Alameda County Health Care Agency
Environmental Protection Division, Department of Environmental Health
1131 Harbor Bay Parkway, 2nd Floor, Room 250
Alameda, CA 94502
(510) 567-6774 Phone, (510) 337-9335 Fax

SUBJECT: Response to Alameda County Health Care Services Correspondence dated July 15, 1998, regarding the 5-22-98 GeoSolv Workplan for a 2nd Phase Subsurface Investigation Report on Hydrocarbons at the Former Glovatorium/The Leather Cleaners Site Located at: 3815 BROADWAY, OAKLAND, CA 94611

Dear Mr. Seary,

Attached is the response to the questions you posed in your June 19, 1998 E-Mail. As you can see, I prepared my response within two days of receiving your E-Mail. Albert Cohen, the Depper's attorney, reviewed my June 21, 1998 letter, for me, last week. He has many responsibilities which he must prioritize, as do I, and I for one, am not adverse to receiving a deadline in your agency correspondence. Since you took approximately one month to respond to my workplan submittal, we assumed that a one month response time to your inquiry is acceptable. This is also consistent with your agency's and other County and State agencies' practice of requiring 30 days for a response to environmental regulatory correspondence. Please include specific deadlines for responses, when necessary, to be received by your agency.

Also, E-Mail is a wonderful medium for communication, however, remember that I can't always respond with E-Mail because your agency may not have the text and graphics conversion capabilities necessary to receive the information you may need in my response to you. Finally, if you are going to send E-Mail, please "cc:" Albert Cohen and the Deppers, as well. I know that Mr. Cohen has E-Mail, however, I don't know if the Deppers do.

Sincerely,

A handwritten signature in cursive script that reads 'Franklin J. Goldman'.

Franklin J. Goldman
CEO/GeoSolv, LLC
Registered Geologist No. 5557
Certified Hydrogeologist No. 466

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



July 15, 1998

ENVIRONMENTAL HEALTH SERVICES

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

STID 439

Mr. Frank Goldman
GeoSolv, LLC
643 Oregon Street
Sonoma, CA 95476

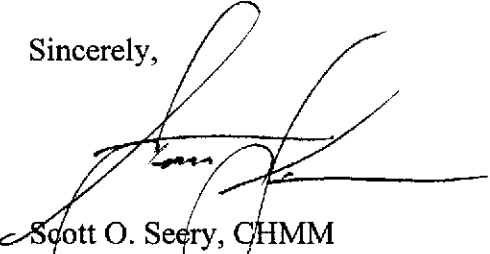
RE: Glovatorium, 3815 Broadway, Oakland – Request for Response

Dear Mr. Goldman:

My review of the May 22, 1998 GeoSolv, LLC work plan for further assessment of the subject site was completed on or around June 19, 1998. Review comments and a request for supplemental information were submitted via E-mail to you after our telephone conversation that same day. To date, no response has been received from you regarding this topic. A copy of this transmittal is attached to this letter.

Please contact me at (510) 567-6783 and provide the requested information within 10 days of the date of this letter.

Sincerely,



Scott O. Seery, CHMM
Hazardous Materials Specialist

Attachment

cc: Mee Ling Tung, Director, Environmental Health
Larry Blazer, Alameda County District Attorney's Office
Leroy Griffin, Oakland Fire Department
Chuck Headlee, RWQCB
Albert Cohen, Law Office of Smiland & Khachigian
601 West Fifth Street, 7th Floor
Los Angeles, CA 90071

Seery, Scott, Public Health, EH

From: Seery, Scott, Public Health, EH
Sent: Tuesday, July 14, 1998 4:17 PM
To: 'Geosolv@vom.com'; Seery, Scott, Public Health, EH
Cc: Blazer, Larry, CEPD; 'Chuck Headlee'
Subject: RE: 5/22/98 GeoSolv workplan - Glovatorium, 3815 Broadway, Oakland

Frank

What is the status of the workplan revisions, etc.?

Scott

From: Seery, Scott, Public Health, EH
Sent: Friday, June 19, 1998 2:39 PM
To: 'Geosolv@vom.com'
Cc: Blazer, Larry, CEPD; 'Chuck Headlee'
Subject: 5/22/98 GeoSolv workplan - Glovatorium, 3815 Broadway, Oakland

Frank

I completed a cursory review of the May 22, 1998 GeoSolv work plan for the continued investigation of the Glovatorium plant in Oakland. I have a few questions for you and general comments regarding the proposed scope of work, boring placement, target compounds, boring depths, and "drilling" equipment.

1) Overall I like the proposed boring locations. I'd like to present to you, however, a discussion about the locations of those borings planned proximal to (previous) boring B-10, located near a floor drain west of the cleaning room.

The boring you have shown closest and immediately east of boring B-10 looks like a good location to collect the shallow soil data missed in B-10.

Here are my thoughts about the other three boring locations: according to the scaled map, each is currently proposed within approximately 10 feet of boring B-10. My initial thought is that these 3 should be moved another 5-10 feet further out along the same "spokes" from B-10. My reasoning behind this is that moving them further out will give better spatial resolution in terms of gradations in both soil and groundwater (GW) concentrations, and will move two of them closer to the buried storm drain, a potential "receptor" and conduit for off-site transport.

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Along this same line of thought, the boring proposed for the upper northeast corner of the outdoor equipment storage area (adjacent to the cleaning room) should add HVOC and Stoddard solvent to the suite of proposed target compounds; and, the boring proposed directly adjacent the buried storm drain should also add both HVOC and Stoddard solvent to the proposed suite of target compounds.

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10) Once the boring locations are finalized, a revised map should then be generated. The borehole locations should be assigned an identification label (e.g, B-14, B-15, etc.) to facilitate communication and review of work plan scope.

Thanks for your attention to these issues.

Scott

Seery, Scott, Public Health, EH

From: Seery, Scott, Public Health, EH
Sent: Monday, July 13, 1998 10:18 AM
To: 'Geosolv@vom.com'
Cc: Blazer, Larry, CEPD; 'Chuck Headlee'
Subject: RE: 5/22/98 GeoSolv workplan - Glovatorium, 3815 Broadway, Oakland

Frank

What's the status of the work plan revisions?

Scott

From: Seery, Scott, Public Health, EH
Sent: Friday, June 19, 1998 2:39 PM
To: 'Geosolv@vom.com'
Cc: Blazer, Larry, CEPD; 'Chuck Headlee'
Subject: 5/22/98 GeoSolv workplan - Glovatorium, 3815 Broadway, Oakland

Frank

I completed a cursory review of the May 22, 1998 GeoSolv work plan for the continued investigation of the Glovatorium plant in Oakland. I have a few questions for you and general comments regarding the proposed scope of work, boring placement, target compounds, boring depths, and "drilling" equipment.

1) Overall I like the proposed boring locations. I'd like to present to you, however, a discussion about the locations of those borings planned proximal to (previous) boring B-10, located near a floor drain west of the cleaning room.

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Scott

LAW OFFICES OF
SMILAND & KHACHIGIAN

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KENNETH L. KHACHIGIAN
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CHRISTOPHER G. FOSTER
ALBERT M. COHEN

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CHARLES H. CHASE

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ENVIRONMENTAL
PROTECTION

JOSEPH W. SWANWICK
1958-1932
98 MAY 15 PM 3:18
CHARLES E. DONNELLY
1890-1973

EMERITUS
ERNEST M. CLARK, JR.

May 13, 1998

BY TELECOPIER AND U.S. MAIL
(510) 337-9335

Scott Seery
ALAMEDA COUNTY HEALTH CARE AGENCY
Environmental Health Protection Division,
Department of Environmental Health
1131 Harbor Bay Parkway
2nd Floor, Room 250
Alameda, CA 94502

Re: 3815 Broadway, Oakland, CA 94611

Dear Mr. Seery:

Thank you for speaking with me today. As we discussed, we are seeking approval for our workplan from our insurance carrier. However, we need additional time to obtain this approval. This is to confirm our discussion today in which you agreed to give us until May 22, 1998 to submit our proposed workplan. We are hopeful that this will be enough time and will let you know if there are any problems.

Thank you very much for your cooperation.

Sincerely,



Albert M. Cohen

AMC/mbs
cc: Stuart Depper
Franklin J. Goldman

LAW OFFICES OF
SMILAND & KHACHIGIANWILLIAM M. SMILAND
KENNETH L. KHACHIGIAN
THEODORE A. CHESTER, JR.
CHRISTOPHER G. FOSTER
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601 WEST NIPM STREET
LOS ANGELES, CALIFORNIA 90071
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FAX: (213) 691-1414SUITE 203
200 AVENIDA DEL MAR
SAN CLEMENTE, CALIFORNIA 92672
TEL: (714) 498-3079
FAX: (714) 498-8187JOSEPH W. SWANWICK
1858-1932
CHARLES E. DONNELLY
1890-1973EMERITUS
ERNEST M. CLARK, JR.OF COUNSEL
CHARLES H. CHASE

May 13, 1998

BY TELECOPIER AND U.S. MAIL
(510) 337-9335Scott Seery
ALAMEDA COUNTY HEALTH CARE AGENCY
Environmental Health Protection Division,
Department of Environmental Health
1131 Harbor Bay Parkway
2nd Floor, Room 250
Alameda, CA 94502Re: 3815 Broadway, Oakland, CA 94611

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Sincerely,



Albert M. Cohen

-discussion re:
extension of one
initial week was
on Tuesday, May 12,
not Wednesday, May 13.

AMC/mbs
cc: Stuart Depper
Franklin J. Goldman

SMILAND & KHACHIGIAN
601 West Fifth Street, 7th Floor
Los Angeles, California 90071-2004

TELEPHONE: (213) 891-1010
FACSIMILE: (213) 891-1414

Date: May 13, 1998

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TO: Scott Seery

FIRM/COMPANY: ALAMEDA COUNTY HEALTH CARE AGENCY
Environmental Health Protection Division
Department of Environmental Health

FACSIMILE NO.: (510) 337-9335

FROM: Albert M. Cohen, Esq.

RE: 3815 Broadway, Oakland, CA 94611
Letter dated 5/13/98

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ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



April 15, 1998

STID 439

Robert Depper
31 Muth Drive
Orinda, CA 94563

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

RE: GLOVATORIUM, 3815 BROADWAY, OAKLAND

Dear Mr. Depper:

This letter follows the April 2, 1998 meeting at the Alameda County District Attorney's Office during which was discussed, among other topics, the scope of the next phase of the continuing environmental investigation at the referenced site. In attendance were: Albert Cohen, your lawyer; Frank Goldman, of Geosolv LLC, your environmental consultant; Larry Blazer, Deputy District Attorney, and this author.

Geosolv will be submitting a work plan outlining the next phase of assessment work to be completed at the site. This work plan will primarily focus on the assessment of halogenated volatile organic compounds (HVOC) derived from the release of chlorinated drycleaning solvents. The presence of Stoddard solvent will also be assessed concurrently during this pending phase of work.

The Geosolv work plan will include, among other elements, the following:

- o Collection of "shallow" soil samples in the areas of (previous) borings B-6, B-9, and B-10.
- o Shallow soil collected in the area of boring B-6 shall be between 0-5' below grade (BG). A "hand sampler" device may be employed for this purpose if undisturbed soil may be collected in the appropriate fashion at those depths.
- o Shallow samples collected from the areas of borings B-9 and B-10 shall be collected from two depth intervals in each borehole - one (1) sample collected from the 3-5' BG range, and one (1) from the 7-10' BG range.
- o Property and facility boundaries depicted in submitted maps are to be revised to reflect updated lot line and ownership information. All presented maps are to be drawn to scale to correctly depict spatial relationships of site features.

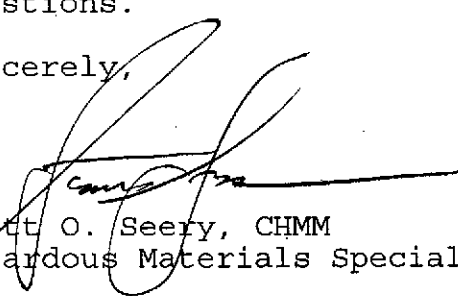
Mr. Depper
RE: 3815 Broadway, Oakland
April 15, 1998
Page 2 of 2

- o Appropriate sampling/drilling/probing equipment is to be used with due consideration for sample recovery capabilities and cross-contamination concerns.

This work plan is due for submittal within 30 calendar days of the date of this letter.

Please call the undersigned at (510) 567-6783 should you have any questions.

Sincerely,



Scott O. Seery, CHMM
Hazardous Materials Specialist

cc: Mee Ling Tung, Director
Stephen Hill, RWQCB
Larry Blazer, Alameda County District Attorney's Office
Leroy Griffin, Oakland Fire Department
Frank Goldman, Geosolv LLC

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



**FACSIMILE
TRANSMITTAL**

TO: 337-9335
(Fax Phone Number)

DATE: 4/1/98

NAME:

SCOTT SEERY

AGENCY:

HAZ MAT

FROM:

NAME:

LARRY BLAZER

SPECIAL INSTRUCTIONS/COMMENTS:

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OAKLAND, CA 94621

LAW OFFICES OF
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TEL: (714) 498-8870
FAX: (714) 498-8877JOSEPH W. SWANWICK
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CHRISTOPHER G. FOSTER
ALBERT M. COHENOF COUNSEL
CHARLES H. CHASE

April 1, 1998

BY TELECOPIER AND U.S. MAIL
(510) 569-0505Lawrence C. Blazer, Esq.
Deputy District Attorney
OFFICE OF THE DISTRICT ATTORNEY
Consumer & Environmental
Protection Division
7677 Oakport Street, Suite 400
Oakland, CA 94261Re: Robert & Stuart Depper

Dear Larry:

First, I wanted to confirm the meeting on Thursday at 10:00 a.m., with Scott Seery, Frank Goldman, you and me to discuss technical issues regarding the investigation of the Glovatorium property at 3815 Broadway, Oakland, California (the "Property"). I look forward to the meeting.

Second, I thought it may be helpful to explain our position regarding some of the issues raised in your response to Defendants' Petition to Modify Probation. We believe that there are good, technically based, explanations for the differences of opinion and that once you and Scott Seery review the explanations, credibility should be not a concern. These issues are addressed in the attached document. Please understand that I am not attempting to "win" any argument on these points. I am simply articulating where we are coming from so that we can try to put these issues behind us. At the same time, we would be pleased to discuss these issues at the meeting if you think that would be helpful.

Third, and most importantly, we hope that the focus of Thursday's discussion can be on how to proceed with the investigation. In that regard, we obviously want to hear what Mr. Seery has in mind. From our perspective, we would like to discuss the following:

Lawrence C. Blazer, Esq.
April 1, 1998
Page 2

1. What additional data, if any, is needed to assess the nature and scope of contamination associated with this site so that the appropriate response action can be selected.
2. We believe that a Risk Based Corrective Action analysis ("RBCA") is necessary in order to evaluate the risk and to determine the nature and scope of any remedial action. Therefore, we would like to discuss how to conduct a RBCA and what additional data may be required to accomplish this.
3. We believe that offsite sources, including the Earl Thompson property and the UNOCAL site, need to be evaluated. Therefore, we would like to discuss what information is needed and how this information can be obtained.
4. We have concerns about how the storm drain is affecting the site and surrounding areas and would like to get the County's thoughts on this issue and how the storm drain should be further evaluated.

We appreciate your consideration of these issues and look forward to discussing them with you on Thursday. Please do not hesitate to call if you have any questions.

Sincerely,



Albert M. Cohen

AMC/mbs
cc: Franklin J. Goldman
Stuart Depper

Issues Raised By Alameda County in its Response to Defendants' Petition to Modify Probation

1. Shallow Soil Samples:

Scott Seery correctly noted that GeoSolv's report did not include test results from shallow soil samples taken from many of the sampling locations on the site even though GeoSolv's boring logs and chain of custody and driller confirmed that these samples were recovered. Scott Seery further stated that Frank Goldman told him that the samples were not taken and that this is of concern because either Goldman is lying or his field notes are wrong. I think that this issue is largely one of semantics and not credibility. In fact, the samples were taken. However, Frank Goldman, as the geologist on site, determined that the samples taken from the upper three feet were unconsolidated and jumbled and, therefore, could not be validly analyzed. Had they been analyzed, the results would have been artificially low because the VOCs would have volatilized. Also, the high organics associated with peat found in the soil may have indicated hydrocarbons not associated with a petroleum discharge. Thus, the samples were "taken," but not "analyzed." If there was a misunderstanding because imprecise language was used, we apologize. However, there was certainly no intention to mislead anyone.

① GeoSolv 3/11 response states "soil samples could not be collected from the 3' depth interval" as the soils were "unconsolidated fill soils," and besides "most of the bore holes were liquid augered"

② boring logs do not indicate "fill"

③ only a problem when doing OIG analysis w/o silica gel, not 8015.

We were also looking for HLOC, the primary focus of shallow samples.

2. Contribution From Outside Sources:

Scott Seery expressed concern that GeoSolv's report attempted to blame outside sources for much of the contamination found on the site. Again, I think this issue is largely semantic. We did not challenge that there are on-site sources. We merely raised the possibility that there may be offsite sources as well. The Deppers accept that contamination originated onsite. However, we think it appropriate to determine whether any of the contamination was caused by others.

(Look @ B-3 and B-9 for comparison logs/lab data)

a. Stoddard Solvent: The report clearly states that there were several on-site sources of stoddard solvent contamination. However, it also states that there may be a source on the Earl Thompson property. At this point we agree with Mr. Seery that we cannot say whether the Earl Thompson property is a major source. However, we believe there is sufficient evidence to warrant additional investigation. We would be pleased to discuss this evidence in more detail with Mr. Seery.

- ① Name that evidence
- ② benzene
- ③ TEX
- ④ can't say ET is source at all

b. MTBE Contamination: The investigation found MTBE contamination on site at levels as high as 790 ppb. The only potential source of MTBE of which we are aware

is the UNOCAL station. Therefore, we believe that this should be investigated. Mr. Seery states that the available data indicates that the plume associated with the UNOCAL site "is substantially limited to that site." This may be the case. However, it is generally recognized that MTBE is much more mobile than gasoline. Therefore, the MTBE may have moved further than other contaminants. All we are asking is that the Agency reevaluate the UNOCAL information to determine whether any further investigation is warranted.

c. Storm Drain: We erroneously believed that the storm drain was owned by Alameda County rather than the City. Therefore, we asserted that the County was responsible for the storm drain. This was apparently an error and we apologise for that error. However, we have evidence that the storm drain leaks and that there was hydrocarbon contamination in the storm drain inflow. We believe that this problem should be evaluated and would like to discuss how this can best be accomplished.

3. Drilling to Groundwater:

Scott Seery expressed concern that when he arrived at the site during the investigation, several of the sampling borings were not drilled deep enough to reach groundwater. Seery stated that if appropriate sampling equipment had been used, this problem could have been avoided. We believe that this dispute involved a technical disagreement between Mr. Seery and Mr. Goldman. First, it is correct that Mr. Goldman originally recommended use of a "GeoProbe" but then elected to use a different drilling technique. However, he recommended the GeoProbe when the workplan only called for drilling through a Stoddard solvent in the vicinity of the USTs. Since there was no real threat of the presence of dense non-aqueous phase liquids ("DNAPLs") from PCB at those locations, he thought a GeoProbe, which pushes directly through the soil, was appropriate.

However, the workplan was later modified to include sampling in other locations. Since DNAPLs could be present in these locations, he elected to use a different boring technique which employs an outer conductor casing to prevent cross-contamination resulting from DNAPL falling into the borehole. Mr. Seery was informed about this prior to the commencement of work. And, this would not have been a problem, except that the casing could not be pushed through the last few feet of soil. At that point there was a disagreement as to how to proceed. In Mr. Goldman's technical judgment, it was not appropriate to push the inner drill rod through without the casing because this could cause cross-contamination. Mr. Seery apparently disagreed and required

- ① concentration gradients
- ② purpose of evaluating SW inflow concentrations
- ③ need to assess Gw contaminants from site along SW alignment

- ① how was this surprised?
- ②

① to what extent would "cross-contamination" occur?

not to my recollection that is why I was surprised at seeing it during site visit

Mr. Goldman to proceed. I cannot comment on what each party alleges the other said during this argument. However, we do believe that the fundamental problem was a technical disagreement regarding the propriety of using a particular sampling technique under these circumstances. We would be pleased to discuss this issue if you would like. More importantly, however, we hope that in the future, all concerned can discuss and resolve these type of issues based on the technical issues and concerns.



Ca/EPA

March 27, 1998

RECEIVED
98 MAR 30 PM 6:00



Pete Wilson
Governor

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Control Board**

**Division of
Clean Water
Programs**

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World Wide Web
<http://www.swrcb.ca.gov/~cwphome/fundhome.htm>

Mr. Albert M. Cohen
Law Offices of Smiland & Khachigian
601 West Fifth Street, 7th Floor
Los Angeles, CA 90071

Dear Mr. Cohen:

UNDERGROUND STORAGE TANK CLEANUP FUND PROGRAM (FUND), CLAIM NO. 9693 FOR SITE AT 3815 BROADWAY, OAKLAND, PROGRAM MANAGER DECISION TO DENY CLAIM

This is in response to your letter of March 5, 1998, submitted on behalf of your clients, Stuart Depper and Robert Depper. You request my review and reconsideration of Fund staff's February 5, 1998 decision that the subject claim is not eligible for reimbursement and will be removed from the Priority List. You also requested additional time to submit additional information in support of the request.

Pertinent facts include:

The claimant operates a dry cleaning facility known as the Glovatorium, located at 3815 Broadway in Oakland. Six underground storage tanks (USTs) were located on the site. Alameda County Department of Environmental Health, Hazardous Materials Division, hand delivered a notice of violation on September 26, 1989 that required a Plan of Correction be submitted by October 27, 1989. A second notice of violation was hand delivered on November 20, 1989 which required a response by December 20, 1989. There was no response, and the Alameda County Health Care Services Agency (County) issued a third and final notice of violation on January 22, 1990. Most of the violations were associated the handling of hazardous waste and hazardous material. One of the many violations was for incomplete monitoring provisions on the six USTs. The notice stated "To lawfully operate these six tanks, then, you must take actions to comply with Title 23; otherwise, you are required to close the tanks by filing a closure permit with this office."... "Because this is our third request for a Plan of Correction, we will be referring your case to the District Attorney's office for enforcement." The County's letter dated January 8, 1991, stated in part "There are clearly leaks or holes (or both) in the underground tank cluster under the floor of the building. The ongoing releases from the tank system are a source of gross pollution to the groundwater, which may be a flowing underground stream in this area. Therefore, all of the underground tanks currently in use must be pumped out completely, and their use halted indefinitely." The County's letter of September 23, 1994 outlined



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a number of violations, one of which was "There are six underground storage tanks on-site that are not registered and permitted".

The District Attorney for the County of Alameda filed suit against Robert and Stuart Depper in the Superior Court for Alameda County. Declaration in the case showed a long history of violations including the defendants knew of extensive leakage from the tanks as early as 1990, but failed to comply even with the most rudimentary UST requirements. Stuart Depper was sentenced in Alameda County Superior Court to one year in county jail after pleading no contest to one felony count of disposal of hazardous waste. A claim application was filed with the Fund in January 1995. The USTs were closed in place the week of June 16, 1997.

I have reviewed the claim file and documentation obtained through staff's review of the regulatory agency records and I must agree with the staff decision that the claimant is not eligible for assistance from the Fund.

Reasons for denial of the claim include:

1. Compliance with permit requirements is a statutory condition for participation in the Fund (§25299.57(d)(3) California Health and Safety Code (H&SC)). Fund staff has determined that the six underground storage tanks were never permitted pursuant to §25284 H&SC as required by state law. The SWRCB may waive the provision as a condition for payment from the Fund under certain conditions where the claimant was unaware of the permit requirement, there was no intent to intentionally avoid the permit requirement, and the claimant obtained the required permits upon becoming aware, but that is not the situation in this case.
2. Compliance with corrective action orders and directives of the regulatory agency is a statutory requirement for participation in the Fund. An owner or operator who violates Article 4 (commencing with Section 25299.36) is liable for any corrective action costs which result from the owner's or operator's violation of Article 4 (commencing with Section 25299.36) and is ineligible to file a claim pursuant to this section." (§25288,54(d)). In this case the claimant has a history of non-compliance and of being uncooperative with the regulatory agency.
3. Corrective action costs occasioned by or resulting from the gross negligence or the intentional or reckless acts of the claimant are not eligible for reimbursement from the Fund (see §2810.3 of the Cleanup Fund Regulations). The record indicates that the claimant knew of extensive leakage from the tanks as early as 1990, but failed to make even a good faith effort to comply with UST requirements and acted in reckless disregard of the consequences which caused or allowed an unauthorized release of petroleum to occur or to continue.



Mr. Albert M. Cohen

- 3 -

If you disagree with this decision, you may request a final division decision from the Chief of the Division pursuant to Cal. Code Regs., tit. 23§2814. A request to the Chief of the Division must be sent to Harry M. Schueller, Chief, Division of Clean Water Programs, State Water Resources Control Board, Division of Clean Water Programs, P.O. Box 944212, Sacramento, CA 94244-2120.

If you do not request a final division decision within sixty (60) calendar days from the date of this letter, this decision will then become final and conclusive.

Sincerely,



Dave Deaner, Manager
Underground Storage Tank Cleanup Fund Program

cc: Scott Seery
Alameda County Health Care Services
1131 Harbor Bay Pkwy, 2nd Floor
Alameda, CA 94502-6577



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

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



February 9, 1998

ENVIRONMENTAL HEALTH SERVICES

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

STID 439

Robert Depper
31 Muth Drive
Orinda, CA 94563

Frank Goldman
GeoSolv, LLC
643 Oregon Street
Sonoma, CA 95476

RE: GLOVATORIUM, 3815 BROADWAY, OAKLAND

Dear Messrs. Depper and Goldman:

The GeoSolv, LLC ("GeoSolv") subsurface investigation report, variously dated both December 16, "1998" and January 16, 1998, has been reviewed. Following are preliminary requests for supplemental information to support and corroborate certain of the statements and conclusions memorialized in the subject report:

- 1) Please submit the "well" surveyor's plat from *Virgil Chavez Land Surveying* identifying
 - i) the location of survey benchmark(s)
 - ii) the locations of wells "A,B,C,D,E,F, and G"
 - iii) to what mark (e.g., rim of well casing, top of cover, etc.) are wells surveyed
- 2) Please indicate whether the noted wells "A" through "G" are related to borings B1 through B13 and BSD. Present cross reference guidance.
- 3) Submit field notes documenting depth-to-water measurements, and time and date of well development; submit field notes documenting time, date and adequacy of well purging (i.e., pH, temperature, conductivity) prior to sample collection.
- 4) Approval of the GeoSolv work plan for this phase of work at this site was contingent upon the collection of shallow (i.e., ~3') soil samples from each boring, among other conditions.

The GeoSolv report does not transmit laboratory data for shallow soil samples which were to have been collected from

Messrs. Depper and Goldman
RE: 3815 Broadway, Oakland
February 9, 1998
Page 2 of 3

each borehole for laboratory analysis. Out of the 12 approved boring locations, results are transmitted for only four (4) such shallow soil samples. The omitted laboratory data are to be submitted.

- 5) Many of the maps supplied in the GeoSolv report, although informative, are mislabelled (i.e., 38th Street is identified as Broadway). Further, map (north) orientation from map to map is frequently reversed. Such makes review and interpretation of illustrated data difficult, particularly for the reader not familiar with the site.

Please revise Figs. 1, 7, 8, 9, and 10 to reflect the proper labelling of 38th Street. Please be certain to orient these maps with north generally towards the top of the page to be consistent with remaining (assessor's) maps and standard practice.

- 6) Much reference is made to the adjoining Earl Thompson property (316-38th Street). In fact, the name "Earl Thompson" is mentioned no fewer than 13 times in this report, and is referred to as a likely source of contaminants identified at the subject site during this preliminary investigation. Reference is made of "...[c]ontamination identified at the Earl Thompson property..." with respect to toluene, ethylbenzene, and xylene isomers. *[Sec. 4.0, Benzene]*

Please present i) the analytical results of environmental samples collected from the Earl Thompson site which demonstrate the noted "contamination", and ii) the specific data which lead you to imply "most" of the Stoddard solvent contamination has originated from that site. *[Sec. 4.0, Stoddard solvent]*

- 7) The GeoSolv report identifies the storm drain running below the subject site, from Manilla in the north to 38th Street and beyond to the south, as being owned by Alameda County. Further, the report states "...[the drain] is riddled with holes, cracks, and very serious deep gaps in the concrete/brick liner..."

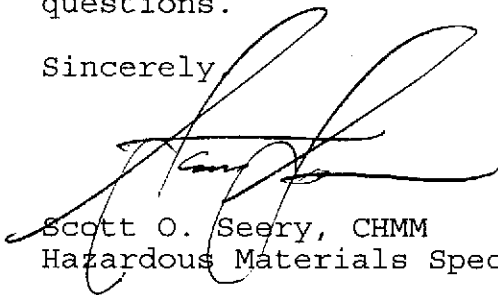
Please submit the documents upon which these statements are based. Title documents and bonafide inspection reports would support your contentions.

Messrs. Depper and Goldman
RE: 3815 Broadway, Oakland
February 9, 1998
Page 3 of 3

The requested information is due within 30 days of the date of this letter. Upon review of these data, you will be advised regarding the scope of the next phase of investigative work at the site.

Please call the undersigned at (510) 567-6783 should you have any questions.

Sincerely,



Scott O. Seery, CHMM
Hazardous Materials Specialist

cc: Mee Ling Tung, Director
Richard Pantages, Chief, Environmental Protection Division
Stephen Hill, RWQCB
Larry Blazer, Alameda County District Attorney's Office
Leroy Griffin, Oakland Fire Department



Ca/EPA

**State Water
Resources
Control Board**

**Division of
Clean Water
Programs**

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

**2014 T Street,
Suite 130
Sacramento, CA
95814
(916) 227-4539
FAX (916) 227-4530**

**World Wide Web
<http://www.swrcb.ca.gov/~cwphome/fundhome.htm>**

February 5, 1998

ENVIRONMENTAL
PROTECTION

98 FEB 11 PM 1:25



Pete Wilson
Governor

Robert & Stuart Depper
31 Muth Dr
Orinda, CA 94563

**UNDERGROUND STORAGE TANK CLEANUP FUND PROGRAM, STAFF DECISION
FOR NOTICE OF INELIGIBILITY DETERMINATION, CLAIM NUMBER 9693, SITE
ADDRESS: 3815 BROADWAY, OAKLAND**

Dear Messrs. Depper:

This is to notify you that during the detailed review of your application, it has been determined that your claim for the subject site is not eligible for reimbursement in the Underground Storage Tank Cleanup Fund. It is being proposed, therefore, that your claim be removed from the Priority List based on the following reasons:

- 1) The underground storage tanks were not in compliance with the requirements to have a permit under Section 25284 of the California Health and Safety Code.
- 2) Information obtained from the Alameda Environmental Health Agency revealed that illegal activity occurred during your operation of the dry cleaning business at the site including, but not limited to: 1) illegally operating known leaking tanks, 2) illegally storing hazardous materials onsite, 3) illegally aerating contaminated filter powder on site (polluting the air), 4) dumping toxic materials into the soil, and 5) allowing dry cleaning fluids to flow into the sanitary sewer system. You were accused, found guilty and [Stuart Depper] sentenced after pleading no contest to one felony count of disposal of hazardous wastes. Section 2810.3 of the UST Cleanup Fund Regulations states "..., corrective action costs and third party compensation claims costs which are occasioned by or result from the gross negligence or the intentional or reckless acts of the claimant or the agents, servants, employees or representatives of the claimant, are not eligible for reimbursement from the Fund."

If you disagree with this Staff Decision, you may either request review and reconsideration by the Program Manager or you may formally appeal the decision and request a Division Decision from the Chief of the Division. A request for reconsideration along with any additional documentation should be sent to:

Dave Deaner, Program Manager, Claim #9693
UST Cleanup Fund Program
State Water Resources Control Board
Division of Clean Water Programs
P. O. Box 944212
Sacramento, CA 94244-2120



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ROBERT DEPPER

Page 2

A request to the Chief of the Division must include, at a minimum: (1) a statement describing how the claimant is damaged by the prior Staff Decision; (2) a description of the remedy or outcome desired; and (3) an explanation of why the claimant believes the action or the Staff Decision is erroneous, inappropriate or improper.

The request to the Chief of the Division must be sent to Harry M. Schueller, Chief, Division of Clean Water Programs, at the address listed above.

If you do not request review and reconsideration by the Program Manager or request a Division Decision from the Chief of the Division within thirty (30) calendar days from the date of this letter, the Staff Decision will then become final and conclusive.

If you have any questions, please contact Cheryl Gordon at (916) 227-4539.

Sincerely,



Cheryl Gordon
Claim Review Unit
Underground Storage Tank Cleanup Fund

cc: Mr. Thomas Peacock
Alameda County EHD
1131 Harbor Bay Pkway, 2nd Fl.
Alameda, CA 94502-6577



Recycled Paper

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

LAW OFFICES OF
SMILAND & KHACHIGIANWILLIAM M. SMILAND
KENNETH L. KHACHIGIAN
THEODORE A. CHESTER, JR.
CHRISTOPHER G. FOSTER
ALBERT M. COHENSEVENTH FLOOR
601 WEST FIFTH STREET
LOS ANGELES, CALIFORNIA 90071
TEL: (213) 681-1010
FAX: (213) 681-1014SUITE 203
208 AVENIDA DEL MAR
SAN CLEMENTE, CALIFORNIA 92672
TEL: (714) 499-3878
FAX: (714) 499-6147JOSEPH W. SWANWICK
1884-1932
CHARLES E. DONNELLY
1890-1973
EMERITUS
ERNEST M. CLARK, JR.OF COUNSEL
CHARLES H. CHASE

January 16, 1998

BY TELECOPIER
(510) 337-9335Scott Seary
ALAMEDA COUNTY HEALTH CARE AGENCY
Environmental Health Protection Division,
Department of Environmental Health
1131 Harbor Bay Parkway
2nd Floor, Room 250
Alameda, CA 94502Re: 3815 Broadway, Oakland, CA 94611

Dear Mr. Seary:

This is to confirm our discussion earlier this week and today in which you agreed that the Subsurface Investigation Report for the Former Glovatorium/The Leather Cleaners Site will be timely if submitted to your office by close of business on Monday, January 19, 1998.

Please do not hesitate to call if you have any questions.

Sincerely,


Albert M. Cohen

AMC/mbs

cc: Stuart Depper
Franklin J. Goldman

1/20/98 F. Goldman called yesterday (1/19/98) indicating subject report would be ~~Fed Express~~ to me by today. "overnight" mailed

D:\data\2566 (Dep)\2566-2\Cor\Seary\

SAS

SMILAND & KHACHIGIAN
601 West Fifth Street, 7th Floor
Los Angeles, California 90071-2004

TELEPHONE: (213) 891-1010
FACSIMILE: (213) 891-1414

FACSIMILE TRANSMISSION INFORMATIONDate: **January 16, 1998**TOTAL NUMBER OF PAGES, INCLUDING THIS COVER SHEET: **2**

If you do not receive all of the pages transmitted, please contact us immediately at telephone number (213) 891-1010

TO: Scott Seary

FIRM/COMPANY: ALAMEDA COUNTY HEALTH CARE AGENCY
Environmental Health Protection Division
Department of Environmental Health

FACSIMILE NO.: (510) 337-9335

FROM: Albert M. Cohen, Esq.

RE: 3815 Broadway, Oakland, CA 94611
Letter dated 1/16/98

AN ORIGINAL OR A COPY HAS / / HAS NOT / x / BEEN SENT TO YOU BY MAIL
(OVERNIGHT SERVICE / /)

CONFIDENTIALITY NOTICE

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SPECIAL INSTRUCTIONS/MESSAGE:

ALAMEDA COUNTY
HEALTH CARE SERVICES



AGENCY

DAVID J. KEARS, Agency Director

December 12, 1997
STID 439

Mr. Robert Depper
31 Muth Drive
Orinda, CA 94563

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

RE: GLOVATORIUM, 3815 BROADWAY, OAKLAND

Dear Mr. Depper:

I am in receipt of your letter dated December 6, 1997 enclosed with your remittance of \$680 to satisfy the deficit in the account established in April 1997 to offset county staff time during oversight of the underground storage tank (UST) closures at the referenced site. This supplementary deposit was first requested September 29, 1997 in correspondence from this office addressed to your son, Stuart Depper, and sent to your home address.

Our September 29 letter requested that Mr. Scott Seery of my staff be contacted should there be any questions. However, a letter from you dated October 16, 1997 was sent to my attention while I was overseas serving a 3 week commitment with the U.S. Army Reserves. Mr. Seery was not aware that your letter had been received by this office as, contrary to our specific request, your inquiry was brought not to his attention, but rather, to mine.

It was not until my return to the office in November that Mr. Seery became aware of the requests contained in your October 16 letter for specific billing information and supporting documents. Before my return, unfortunately, a second request for the subject supplementary deposit was issued November 13, 1997, and signed by Mr. Seery in my absence. I understand that Mr. Seery since transmitted specific billing information to you via facsimile on November 26, 1997.

Let me make clear from the outset that the request for billing information and supporting documents articulated in your October 16 correspondence is not viewed as a request for public information pursuant to the "California Public Record Act," as you imply it was in your recent December 6 letter. In fact, your October 16 letter indicates only that you would "appreciate" a response within 10 days so that "...[you] may review the documents and pay this invoice on a timely basis." Your December 6 letter is also incorrect when it further implies that this office somehow violated state criteria when a response to your request was not provided by this agency within your 10 day time frame.

Mr. Robert Depper
RE: Glovatorium, 3815 Broadway, Oakland
December 12, 1997
Page 2 of 2

Attached is a copy of the Alameda County Department of Environmental Health "*Public Records Search Policy*" for your information. Please note that this office does not copy file entries for transmittal to requesting parties. Public files are simply made available to such parties for review. Although you vis a vis your contractors/consultants should already be in possession of all correspondence or field notes generated during the UST closure process, should you nevertheless wish to review your case file and make copies of entries contained therein, you may contact **Ms. Karen Gray** (567-6700) to make an appointment.

Should you have any further questions, you may contact Mr. Seery at 510/567-6783.

Sincerely,



Thomas Peacock, Manager
Environmental Protection

Attachment

c: Mee Ling Tung, Director
Larry Blazer, Alameda County District Attorney's Office
SOS/files

ALAMEDA COUNTY
DEPARTMENT OF ENVIRONMENTAL HEALTH

Public Records Search Policy

The following shall be policy of the Department of Environmental Health regarding requests to inspect public records.

When the Department receives an inquiry about a file, the requestor will be informed that they have the option of requesting an inspection of our files at a date and time established by the Department at no cost, or a technical consultation of the record in question by the specialist assigned to the project. If the requestor wishes to only inspect the files, the Department will provide file oversight by clerical support staff and no technical answers will be provided. If a technical consultation is requested, the Department will make a Project Specialist available at a mutually agreed upon date and time to answer questions and explain the materials. The Project Specialist may also certify in writing, as appropriate, as to the completeness of the Departmental file(s) in question. The requestor should send the Department a letter stating their preferred method of file inspection and the authorizing of the appropriate fees, if any. Both public records inspection and technical consultation may be limited or delayed by the availability of staff.

FEES:

The following fees will be assessed according to the request:

- (1.) For Inspecting a File..... No Fee
- (2.) For Copies: Ten cents (\$0.10) per page for the reproduction of documents of 8.5" x 11" inches or 8.5" x 14" inches. Reproduction charges for oversized documents (larger than 8.5" x 14" inches) or any other copy media shall be equivalent to the direct cost of duplication. Copy requests in excess of twenty (20) pages may be subject to a reasonable delay.
- (3.) For Technical Consultation or any explanation of any materials in the file, a charge of \$90.00 per hour, or fraction thereof.

REQUESTS:

All requests should be submitted in writing and sent to the Department at 1131 Harbor Bay Parkway, Alameda, CA. 94502-6577 Attention: Public Records Search.

MR. ROBERT DEPPER
31 MUTH DR.
ORINDA, CALIF 94563

DECEMBER 6, 1997

MR. SCOTT O. SEERY
ALAMEDA COUNTY HEALTH CARE SERVICES
1131 HARBOR BAY PARKWAY, SUITE 250
ALAMEDA, CALIF. 94502

RE: UST CLOSURE REPORT - GLOVATORIUM, 3815 BROADWAY, OAKLAND

DEAR MR. SEERY,

THE PURPOSE OF THIS LETTER IS TO THANK YOU FOR FINALLY ANSWERING MY LETTER OF OCTOBER 18TH 1997. I HAVE ENCLOSED A CHECK IN THE AMOUNT OF \$680 WHICH IS PAYMENT IN FULL. IN THAT LETTER ON OCTOBER 18TH I ALSO REQUESTED THAT I BE PROVIDED A COPY OF FILES LETTERS, LETTER BOARD, INTERNAL MEMOS OF ALL COUNTY EMPLOYEE'S WHO PARTICIPATED ON THE TANK CLOSURE (LOP & HAZMAT) ALONG WITH SUPPORTING DOCUMENTS IN ANY FORM. I WOULD LIKE TO AGAIN REQUEST THE INFORMATION UNDER THE CALIFORNIA PUBLIC RECORD ACT. FOR THE PURPOSE OF INSPECTION AND COPYING THE ABOVE DOCUMENTS. AS YOU KNOW IT HAS BEEN WELL OVER THE 10 DAYS ALLOWED BY THE STATE FOR YOUR OFFICE TO COMPLY WITH MY REQUEST, BUT I UNDERSTAND THAT MR. PEACOCK WAS UNABLE TO OBEY ALTHOUGH HE FOUND TIME TO WRITE A LETTER REQUESTING THAT I PAY HIS INVOICE. PLEASE RESPOND IMMEDIATELY WITH A DATE AND TIME THAT WILL ACCOMMODATE MY SCHEDULE.

SINCERELY,



ROBERT DEPPER



UNITED STATES POSTAL MONEY ORDER

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SERIAL NUMBER		YEAR, MONTH, DAY	POST OFFICE	U.S. DOLLARS AND CENTS
PAY TO Alameda County Health Dept.		CHECKWRITER IMPRINT AREA		9968000000
ADDRESS		FROM	ADDRESS	
		Robert Depper	31 Muth Drive Orinda, Calif. 94563	
COD NO. OR USED FOR				
Project 53831 J. P. R.				
NEGOTIABLE ONLY IN THE U.S. AND POSSESSIONS				
⑆0000008002⑆		67977902158⑆		

**ALAMEDA COUNTY ENVIRONMENTAL
HEALTH SERVICES**

ENVIRONMENTAL PROTECTION DIVISION

1131 Harbor Bay Parkway, Suite 250

Alameda, CA 94502-6577

Telephone (510) 567-6700

Fax (510) 337-9335

FAX COVER SHEET

DATE: Nov. 26, 19 97

TO: Stuart / Robert Depper

FAX# (415) 589-3679

Total number of pages including cover sheet 6

FROM: Scott Seery

ACDEH

NOTE:

PLEASE RESPOND BY FAX ONLY.

Here is accounting for UST closure project which
requires additional funds. This project (and its funding)
is separate from the investigation. Delay in response to

(SMILE) HAVE A NICE DAY

DO SOMETHING FOR OUR ENVIRONMENT

JDSB/0396
your 10/16 letter is due to Mr. Peacock serving a ~ 3 week
stint with Army Reserves in Okinawa at the time of our
receipt of your letter. Please see to it that all such inquiries
be addressed to my attention.

TRANSMIT REPORT

1997.11-26 10:30
510 337 9335
ALAMEDA CO EHS HAZ-OPS

COM No.	REMOTE STATION	START TIME	DURATION	PAGES	RESULT	USER ID	REMARKS
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**ALAMEDA COUNTY ENVIRONMENTAL
HEALTH SERVICES**

**ENVIRONMENTAL PROTECTION DIVISION
1131 Harbor Bay Parkway, Suite 250
Alameda, CA 94502-6577
Telephone (510) 567-6700 Fax (510) 337-9335**

FAX COVER SHEET

DATE: Nov. 26, 19 97

TO: Stuart / Robert Depper

FAX# (415) 589-3679

Total number of pages including cover sheet 6

FROM: Scott Seery
ACDEH

NOTE:

PLEASE RESPOND BY FAX ONLY.

ALAMEDA COUNTY
HEALTH CARE SERVICES



AGENCY
DAVID J. KEARS, Agency Director

November 13, 1997

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

STID 439

Stuart Depper
31 Muth Drive
Orinda, CA 94563

RE: Project # 5383A - Type R
at 3815 Broadway, Oakland, CA 94612

Dear Mr. Depper:

Our records indicate the deposit/refund account for the above project has a negative balance of \$678.68. To close the account you are required to submit additional monies. A previous request for remittance of \$680 was sent to your attention on September 29, 1997. Please send a check or money order payable to Alameda County, Environmental Health Services.

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

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

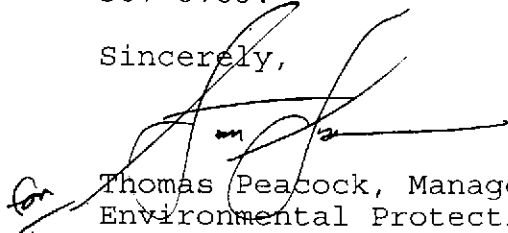
- project #
- type of project, and
- site address

(see RE: line above)

It should be noted that this project was completed by this office on September 29, 1997. If these funds are not remitted within 14 days, this matter will be referred to Central Collections.

If you have any questions, please contact Scott Seery at (510) 567-6783.

Sincerely,


Thomas Peacock, Manager
Environmental Protection

c: Larry Blazer, Alameda County District Attorney's Office
files/inspector

ENVIRONMENTAL
PROTECTION

MR. STUART DEPPER
6420 STONERIDGE MALL RD.
PLEASANTON, CALIF 94588

97 NOV -7 PM 3:48

Telephone (510) 734-6780

OCTOBER 21, 1997

MR. SCOTT O. SEERY
ALAMEDA COUNTY HEALTH CARE SERVICES
1131 HARBOR BAY PARKWAY, SUITE 250
ALAMEDA, CALIF. 94502

RE: UST CLOSURE REPORT - GLOVATORIUM, 3815 BROADWAY, OAKLAND

DEAR MR. SEERY,

THE PURPOSE OF THIS LETTER IS TO CONFIRM OUR CONVERSATION OF OCTOBER 10TH 1997 AT 3:50 P.M. ,DURING WHICH YOU AND I DISCUSSED THE TANK CLOSURE REPORT.

WHEN YOU CALLED MY OFFICE I ADVISED YOU THAT NEITHER MY FATHER NOR I HAD SEEN A COPY OF THE TANK CLOSURE REPORT WHICH YOU HAD BEEN GIVEN. YOU STATED THAT YOU HAD SPOKEN TO HK2 AND THAT THEY WERE GOING TO REVISE THE REPORT AND CLARIFY THE (2) TWO POINTS THAT WERE IN YOUR SEPTEMBER 29TH LETTER.

AT THE SAME TIME YOU ASSURED ME THAT YOU WERE "SATISFIED WITH THE OVERALL TANK CLOSURES" AND THAT THE ONLY AREA OF THE REPORT TO BE CHANGED CONCERNED TWO OPERATIONS DURING WHICH YOU WERE NOT PRESENT OR DIDN'T PERFORM THE SPECIFIED TASK.

I BELIEVE THAT THIS CORRECTLY SUMS UP OUR CONVERSATION CONCERNING THE TANK CLOSURE REPORT.

SINCERELY YOURS,


STU DEPPER

ROBERT DEPPER
31 MUTH DR.
ORINDA, CALIF, 94539

ENVIRONMENTAL
PROTECTION

97 OCT 17 PM 4:06

OCTOBER 16, 1997

MR. TOM PEACOCK

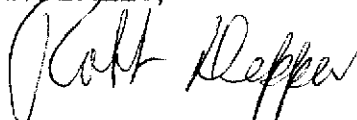
ALAMEDA COUNTY HEALTH CARE SERVICES
1131 HARBOR BAY PARKWAY SUITE 250
ALAMEDA, CALIF. 94502

RE: PROJECT # 5383A TYPE R
AT 3815 BROADWAY OAKLAND 94612

DEAR MR. PEACOCK,

I RECENTLY RECEIVED AN INVOICE FROM YOU DATED SEPTEMBER 29, 1997. WOULD YOU PLEASE EXPLAIN WHAT THE INVOICE IS FOR AND PROVIDE AN ITEMIZED ACCOUNTING OF YOUR BILLING TO DATE ALONG WITH ALL MEMO'S, DOCUMENTS, LETTERS PERTAINING TO THIS ACCOUNT IN THE POSSESSION OF THE EMPLOYEE'S WHO HAVE BILLED THE ACCOUNT. I WOULD APPRECIATE THIS INFORMATION WITHIN 10 DAYS OF THE ABOVE DATE SO I MAY REVIEW THE DOCUMENTS AND PAY THIS INVOICE ON A TIMELY BASIS.

SINCERELY,


ROBERT DEPPER

338 NO. CANAL # 26
SOUTH SAN FRANCISCO, CALIF.
94080

CLEANTECH
MACHINERY CO.

Fax

To: From: STU DEPPER

CHECK

From: Pages:

Phone: Date: 10/05/97

File: CC:

Urgent For Review Please Comment Please Reply Please Recycle

I HAVE RECENTLY RECEIVED A LETTER FROM THE COUNTY ADVISING ME THAT MY TANKS WERE NOT PROPERLY INSPECTED WHILE THEY WERE BEING FILLED. THIS SEEMS TO BE A SERIOUS VIOLATION OF YOUR INSPECTION PROCEDURES. WE MUST HAVE A COPY OF YOUR TANK CLOSURE REPORT AND A LETTER FROM YOU STATING HOW YOU INTEND TO RECTIFY THIS SITUATION BY THURSDAY OCTOBER 8TH, 1997.

10/7/97

I spoke w/ S. Depper today. I informed him that I was satisfied all went as well as could be expected considering the difficulties with the site, and that I expected to be further satisfied when I receive SFWD's response to my 9/29/97 letter.

SDS

HK₂, Inc./SEMCO

70 Chemical Way
Redwood City, California 94063
(650) 261-1968
Fax: (650) 261-0735

FAX TRANSMISSION COVER SHEET

Date: 10-7-97
To: Scott Seay
Fax: (510) 337-9335
Subject: Note from Depew
Sender: Rhonda Reames-Kiper

YOU SHOULD RECEIVE 2 PAGE(S), INCLUDING THIS COVER SHEET.
IF YOU DO NOT RECEIVE ALL THE PAGES, PLEASE CALL (650) 261-1968

Per your conversation with Chuck

HK2, Inc./SEMCO

70 CHEMICAL WAY • REDWOOD CITY, CALIFORNIA 94063 • (650) 261-1968 • (650) 261-0735 FAX
GENERAL ENGINEERING & ENVIRONMENTAL CONTRACTORS • LICENSE NO. 719103 (A, B, C57, C61/D40, HAZ, ASB)

October 7, 1997

Mr. Scott O. Seery
Alameda County Health Care Services Agency
Environmental Health Services
1131 Harbor Bay Parkway, Suite 250
Alameda, California 94502-6577

RE: UST Closure and Drum Sampling Report for the Glovatorium Site, 3815 Broadway,
Oakland, California (HK2 Project 97-0163)

Dear Mr. Seery:

This letter acknowledges the two corrections you made to our report on tank closure and drum sampling activities at the Glovatorium site, as stated in you letter dated September 29, 1997 (copy attached). I was unable to determine who collected the split samples from Drums D-1 through D-4, but will not pursue the matter further because the observation does not influence the findings and conclusions of our report. In addition, as we discussed on the telephone, you did not supervise any field activities at this site on June 20, 1997.

I apologize for the errors. Mr. Craig declined to note the duties of the many regulatory personnel who were present.

Please call if you have any questions.

Sincerely,

HK2, Inc./SEMCO



Deno G. Milano, RG
Senior Geologist

cc: Mr. Leroy Griffin, Oakland Fire Department
Mr. Larry Blazer, Alameda County District Attorney's Office
Mr. Stuart Depper

97-0163.lrl

ALAMEDA COUNTY
HEALTH CARE SERVICES



AGENCY
DAVID J. KEARS, Agency Director

September 29, 1997

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

STID 439

Mr. Kieth Craig
HK2, Inc./SEMCO
1751 Leslie Street
San Mateo, CA 94402

RE: UST closure report - Glovatorium, 3815 Broadway, Oakland

Dear Mr. Craig:

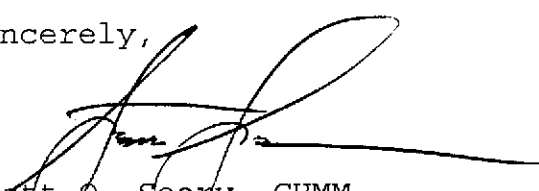
I am in receipt of the August 1, 1997 HK2, Inc./SEMCO report entitled "Tank Closure and Drum Removal Activities at the Glovatorium Leather Cleaning Facility, 3815 Broadway, Oakland, California." My review of this report uncovered some factual errors which should be clarified for the record.

On June 6, 1997 it is reported that I collected four split samples from Drums D-1 through D-4. Although I was present at the site that day, it was solely to observe progress with tank cleaning and internal inspections using a videocam. At no time on that or any other day did I sample drums located at this site.

On June 20, 1997 it is reported that, under my supervision, Tank T-5 was filled with pea gravel, the tank product fill port and valve box filled with concrete, the pit area backfilled, and above-ground vats rinsed. I was not at the site that day, nor did I witness the aforementioned activities any other day that I was at the site.

Please revise your report accordingly. Should you have questions, you may contact me at 510/567-6783.

Sincerely,



Scott O. Seery, CHMM
Hazardous Materials Specialist

cc: Mee Ling Tung, Director
Pam Evans, ACDEH
Leroy Griffin, Oakland Fire Department
Larry Blazer, Alameda County District Attorney's Office
Stuart Depper, 338 No. Canal Street, #26
So. San Francisco, CA 94080

ALAMEDA COUNTY
HEALTH CARE SERVICES



AGENCY
DAVID J. KEARS, Agency Director

ENVIRONMENTAL HEALTH SERVICES

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

September 29, 1997

ATTN: Stuart Depper

Depper, Stuart
31 Muth
Orinda CA 94563

RE: Project # 5383A - Type R
at 3815 Broadway in Oakland 94612

Dear Property Owner/Designee:

Our records indicate the deposit/refund account for the above project has fallen below the minimum deposit amount. To replenish the account, please submit an additional deposit of \$680.00, payable to Alameda County, Environmental Health Services.

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

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

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

- project #
- type of project and
- site address

(see RE: line above).

If you have any questions, please contact Scott O Seery at (510) 567-6783.

Sincerely,

Tom Peacock, Manager
Environmental Protection

c: files/inspector

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

II, III

Site ID # 439 Site Name Glovatorium Today's Date 8/22/97

Site Address 3815 Broadway

City Oakland Zip 94 Phone _____

____ 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:

On-site to gauge progress of intrusive investigation work. Both F. Goldman (Geo Solu) and R. Depper were present, along with drillers from Precision.

Several of the holes drilled yesterday using the inner/outer casing method were re-advanced using just the narrow diameter probes. GW was reached in each case, and 3/4" PVC slotted casings replaced as temporary well points.

Goldman was to return tomorrow to gauge GW depths.

Contact Frank Goldman
Title Geo Solu
Signature _____

Inspector S. Seery
Signature _____

II, III

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

II, III

Site ID # 439 Site Name Gloratorium Today's Date 8/20/97

Site Address 3815 Broadway

City Oakland Zip 94 Phone _____

____ 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:

On-site to observe portions of soil boring operation using a "push-tool" limited access rig. Boring B7 was completed through the floor of the dry cleaning room. Refusal was encountered @ ~11' BG; similar refusal was also experienced in other borings at depths from ~10 to 14' BG due to friction/obstructions caused by gravelly clays. Frank Goldman (Geo Solo) wanted to stop at these depths and wait several months for GW to rise into boreholes with coming rains. However, I suggested a modification to "drilling" technique such that the outer casing (a unique feature with this drilling apparatus) not be ~~pushed~~ pushed once reaching refusal, but to continue with a smaller diameter push rod/sampler. (GW) was reached in B7 within a few feet from where it was stopped previously due to refusal. I requested such techniques be used @ 5 other locations (SEE attached map).

Contact Frank Goldman

Title Geo Solo

Signature _____

Inspector S. SEERY

Signature _____

II, III

white -env.health
yellow -facility
pink -files

ALAMEDA COUNTY, DEPARTMENT OF ENVIRONMENTAL HEALTH
Hazardous Materials Inspection Form

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

II, III

Site ID # _____ Site Name Aratombm Today's Date 8/19/97
Site Address 3815 Broadway
City Oak Zip 94612 Phone _____

____ 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: Site map attached -
Met w/Frank Goldman onsite
Precision - drilling contractors
FOUR OF THE BORINGS HAD BEEN ADVANCED - MARKED AS
"DRILLED" ON MAP PROVIDED
LOCATION OF BORINGS SLIGHTLY CHANGED DUE TO PHYSICAL
OBSTRUCTION OF DRILL
- NO WATER WAS ENCOUNTERED IN ANY BOREHOLE
A SLOTTED CASING WAS PLACED W/ THE NORTHERN MOST
BORING. NOT NECESSARY SAID FRANK G.
FRANK G. SAID HE SMELLED DIESEL IN SOME OF THE BOREHOLE
BORINGS ADVANCED TO ~15' BGS
AT ~ 3:00 PM THE DRILLERS ENCOUNTERED RESISTANCE AND
HAD A MECHANICAL BREAKDOWN.
WILL RETURN AT ~7:00 AM ON 8/26/97

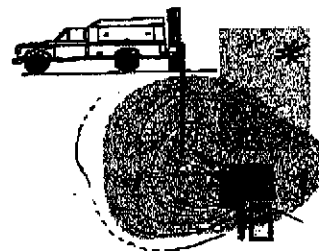
Contact _____
Title _____
Signature _____

Inspector Blhan
Signature _____

II, III

GeoSolv, LLC

Environmental and Hydrogeological Consulting
643 Oregon Street, Sonoma, CA 95476
Phone: (707) 996-4227 Fax: (707) 996-7882



We Don't Just Work on Your Environmental Problems. We Solve Them!

FAX MEMO

1 number of pages including this cover sheet.

DATE: July 31, 1997

TO: Scott Seary (510) 337-9335 FAX

FROM: Frank Goldman

SUBJECT: Revised map for Depper

Summary: I have arranged with Precision Sampling, Inc., of San Rafael, to drill the site according to the approved workplan on Tuesday and Wednesday of August 19 and 20, 1997.

Please let me know if this is amenable to you.

Thank you,

Franklin J. Goldman
Frank Goldman

ALAMEDA COUNTY
HEALTH CARE SERVICES



AGENCY

DAVID J. KEARS, Agency Director

July 23, 1997

ENVIRONMENTAL HEALTH SERVICES

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

STID 439

Mr. Stuart Depper
338 North canal Street
So. San Francisco, CA 94080

RE: GLOVATORIUM, 3815 BROADWAY, OAKLAND

Dear Mr. Depper:

I have completed review of the March 11, 1997 GeoSolv, LLC work plan, as revised July 23, 1997, for the installation of ~~twelve~~ (12) **GeoProbe boreholes** in areas where drycleaning machines operated and underground storage tanks (UST) and associated piping are located. Soil and ground water samples are proposed to be collected from each.

The cited GeoSolv work plan, as revised, has been accepted for this phase of the investigation at this site, with the following clarifications:

- 1) Of the soil samples ultimately collected from each boring, at least one shall be from the ~3 foot depth, and the other from the capillary fringe, at a minimum.

Upon review of the report documenting this phase of work, a determination will be made regarding the locations of and need for permanent monitoring wells or additional assessment.

Please contact me at (510) 567-6783 when field work is slated to begin.

Sincerely,



Scott O. Seery, CHMM
Senior Hazardous Materials Specialist

cc: Mee Ling Tung, Director
Larry Blazer, Alameda County District Attorney's Office
Kevin Graves, RWQCB
Leroy Griffin, Oakland Fire Department
Frank Goldman, GeoSolv, 643 Oregon St., Sonoma, CA 95476

1997.07-23 14:42
 510 337 9335
 ALAMEDA CO EHS HAZ-OPS

COM No.	REMOTE STATION	START TIME	DURATION	PAGES	RESULT	USER ID	REMARKS
555	17079967882	07-23 14:41	00' 45	01/01	OK		

7499402045

**ALAMEDA COUNTY
 HEALTH CARE SERVICES**

AGENCY

DAVID J. KEARS, Agency Director



July 23, 1997

ENVIRONMENTAL HEALTH SERVICES

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

STID 439

Mr. Stuart Depper
 338 North canal Street
 So. San Francisco, CA 94080

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1997, 07-23 14:43
510 337 9335
ALAMEDA CO EHS HAZ-OPS

COM No.	REMOTE STATION	START TIME	DURATION	PAGES	RESULT	USER ID	REMARKS
566	+	07-23 14:42	00' 45	01/01	OK		

7499402046

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



July 23, 1997

STID 439

Mr. Stuart Depper
338 North canal Street
So. San Francisco, CA 94080

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

RE: GLOVATORIUM, 3815 BROADWAY, OAKLAND

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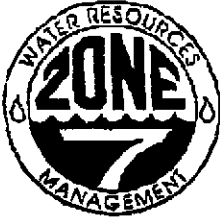
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Upon review of the report documenting this phase of work, a determination will be made regarding the locations of and need for permanent monitoring wells or additional assessment.

Please contact me at (510) 567-6783 when field work is slated to begin.

Sincerely,



ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT

5907 PARKSIDE DRIVE PLEASANTON, CALIFORNIA 94588-5127 PHONE (510) 484-2600 FAX (510) 462-3914

TELEFAX TRANSMITTAL

DATE: 1 Jul 97
DELIVER TO: Frank Goldman
NAME OF FIRM: Teeslow
FAX NUMBER: (707) 996-7882
FROM: Wyman Hong
NUMBER OF PAGES: 2
(Including transmittal)

FOR VOICE CONTACT CALL: (510) 484-2600

FOR RETURN FAX: (510) 462-3914

REMARKS: Drilling permit 97411 for a monitoring well construction project at 3815 Broadway in Oakland for Robert Depper.

JUN-25-97 WED 14:36

ZONE 7 WATER AGENCY WELL

FAX NO. 510-482-3914

P.02



ZONE 7 WATER AGENCY

5897 PARKSIDE DRIVE, PLEASANTON, CALIFORNIA 94588-5127 PHONE (510) 484-2600 X236
FAX (510) 482-3914

Attention: Wyman Hong

DRILLING PERMIT APPLICATION

FOR APPLICANT TO COMPLETE

FOR OFFICE USE

LOCATION OF PROJECT 3815 Broadway
Oakland, CA 94611

PERMIT NUMBER 97411
WELL NUMBER _____
APN _____

California Coordinates Source _____ ft. Accuracy ± _____ ft.
CCN _____ ft. CCE _____ ft.
APN _____

PERMIT CONDITIONS

Circled Permit Requirements Apply

CLIENT
Name Robert Depper
Address 31 Myth Drive Phone (510) 254-4049
City Orinda, CA Zip 94563

A. GENERAL
1. A permit application should be submitted so as to arrive at the Zone 7 office five days prior to proposed starting date.

APPLICANT
Name Frank Goldman/GeoSolv, LLC
Address 643 Oregon St Phone (707) 996-4327
City Sonoma, CA Zip 95475

2. Submit to Zone 7 within 60 days after completion of permit work the original Department of Water Resources Water Well Drillers Report or equivalent for well projects, or drilling log and location sketch for geotechnical projects.
3. Permit is void if project not begun within 90 days of apply date.

TYPE OF PROJECT
Well Construction
Cathodic Protection
Water Supply
Monitoring
Geotechnical Investigation:
General
Contamination
Well Destruction

B. WATER SUPPLY WELLS
1. Minimum surface seal thickness is two inches of cement grout placed by tremie.
2. Minimum seal depth is 50 feet for municipal and industrial wells or 20 feet for domestic and irrigation wells unless lesser depth is specially approved.

PROPOSED WATER SUPPLY WELL USE
New Domestic Replacement Domestic
Municipal Irrigation
Industrial Other _____

C. GROUNDWATER MONITORING WELLS INCLUDING PIEZOMETERS
1. Minimum surface seal thickness is two inches of cement grout placed by tremie.
2. Minimum seal depth for monitoring wells is the maximum depth practicable or 20 feet.

DRILLING METHOD:
Mud Rotary Air Rotary Auger
Cable Other

D. GEOTECHNICAL Backfill bore hole with compacted cuttings heavy bentonite and upper two feet with compacted material areas of known or suspected contamination, tremied cement grout shall be used in place of compacted cuttings.

DRILLER'S LICENSE NO. Precision Sampling, Inc.
WA 636887
SA No. 636387

E. CATHODIC Fill hole above anode zone with concrete placed by tremie.

WELL PROJECTS
Drill Hole Diameter 2.5 in. Maximum 15 ft
Casing Diameter 1.0 in. Depth 20 ft
Surface Seal Depth _____ ft. Number _____

F. WELL DESTRUCTION. See attached.
G. SPECIAL CONDITIONS

GEOTECHNICAL PROJECTS
Number of Borings 21 Maximum
Hole Diameter 2.5 in. Depth 20 ft

ESTIMATED STARTING DATE July 8, 1997
ESTIMATED COMPLETION DATE July 23, 1997

Approved Wyman Hong Date 30 Jun 97
Wyman Hong

I hereby agree to comply with all requirements of this permit and Alameda County Ordinance No. 73-68.

APPLICANT'S SIGNATURE Franklin Depper Date 6/26/97

HAZARDOUS WASTE GENERATOR INSPECTION REPORT

STID #: 4108	FACILITY NAME: Gluatorium / Prof. Industrial Svc	PG. 1	OF 1
SUPPLEMENTAL FORM 3815 Broadway / 3820 Manila Av. Oakland 94611			

Today's inspection was to observe progress on disposal of hazardous + suspected hazardous wastes and to see process with tank closure.

According to Chuck Kiper of SEMCO

- ① HAZARDOUS + POTENTIALLY HAZARDOUS WASTE DRUMS + CONTAINERS:
 - all the standards solvent waste is being pumped out today and will be hauled by Clear Water Environmental + Alviso Independent Oil.
 - Chlorinated solvents + other wastes with >1000 ppm chlorinated compounds + some drums with ≤ 20% sludge will be hauled by Conic
 - Empty drums will be cleaned, cut up + flattened onsite. SEMCO will handle disposal to a recycler.
 - Determination will be made on other waste disposal.

- ② UNDERGROUND TANK CLOSURE: All 4 tanks inside the building are closed. The T-6 tank has been closed since last week. T-5 will be closed by the end of today or tomorrow (located outside building on sidewalk/street)

Contact:

PRINT NAME: Chuck Kiper - SEMCO	INSPECTED BY: Amanda J. Quinn
SIGNATURE: <i>Chuck Kiper</i>	DATE: 6-18-97

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

II, III

Site ID # _____ Site Name Glovatorium Today's Date 6/9/97
Site Address 3815 Broadway (38th + Broadway)
City Oakland Zip 94 Phone _____

____ 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:

Came out to site at ~8:30 AM to oversee the completion of the cleaning of three USTs in the building, a camera survey into the USTs to assure that they were adequately cleaned, & the filling of all six USTs (two beneath the sidewalk & 4 in the building). Correction: Only two tanks used to be cleaned inside the building today according to Chuck Kiper. The two tanks being worked on in the building were pumped already. Lavender-colored sandy material excavated from one of tank pits. A small amount of digging was conducted around the fill pipes of each tank to try & access a minimum 1 1/2" diameter port for the camera. Water was observed in one pit at ~1/2-2' bgs in one of the holes around the fill pipe. No water was observed in the other hole at deeper depths, even though this hole was located only ~4 feet from the other hole w/ the water. Two additional pipelines were identified along the south wall of one of the holes w/ the lavender colored material (the eastern most tank). A measuring tape was placed down both USTs & product was noted still in both USTs, so USTs will be pumped again, & then pressure cleaned, & rinse will be placed in on-site storage tank.

Contact Chuck Kiper
Title President
Signature Chuck Kiper

Inspector Juliet Shin
Signature Juliet Shin

II, III

white - env. health
yellow - facility
pink - files

ALAMEDA COUNTY, DEPARTMENT OF
ENVIRONMENTAL HEALTH
Hazardous Materials Inspection Form

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

II, III

Site ID # 439 Site Name Gladiatorium Today's Date 6/9/97
Site Address 3815 Broadway
City Oakland Zip 94 Phone _____

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

page 1 of 2

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:

On-site during completion of UST cleaning and video-cam inspection. On Friday, June 6, three (3) of the USTs were cleaned and inspected using the "down-hob" videocam. The two (2) 38th Ave tanks passed muster as witnessed by OFD. Two of the four (4) USTs located inside the building in the "main" walkway could not be accessed for video cam inspection due to the small openings exposed at grade. The concrete was broken around these two tanks, dirt/backfill removed, and larger openings made. Video cam inspection revealed latent water present due to constant in-flow from the tank tops. (These were apparently the tanks which were lined in 1987).
• The final two (2) tanks are located in the adjoining equipment walkway. Both were cleaned Friday to the extent possible and inspected with the video cam; one was very clean, the other had "globbs" of saturated lint which could not be removed with pumps.

• Although one of the tanks in the "main" walkway had lint/sediment remaining, and the forementioned UST still had lint "globbs", approval for in-place filling was granted today.

Contact Chuck Kiper
Title SEMO
Signature _____

Inspector S. Sperry
Signature _____

II, III

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

II, III

Site ID # _____ Site Name Glastarum Today's Date 6/10/97

Site Address 3815 Broadway

City Oakland Zip 94 Phone _____

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

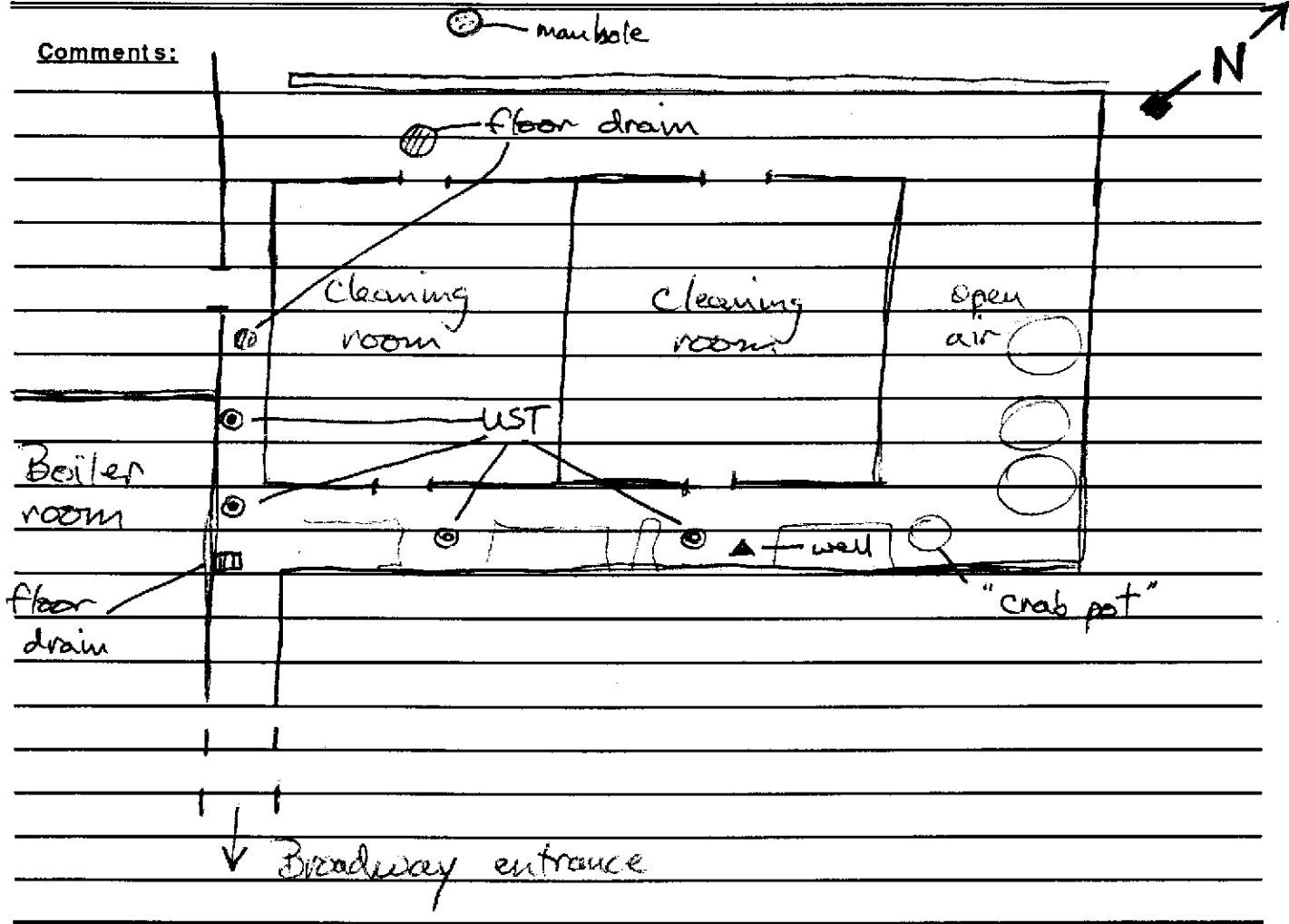
page 2 of 2

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:



Contact _____

Title _____

Signature _____

Inspector _____

Signature _____

II, III

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

II, III

Site ID # 439 Site Name Glovatorium Today's Date 5/12/87

Site Address 3815 Broadway

City Oakland Zip 94618 Phone _____

____ 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:

In the presence of Leroy Griffin (OPD) and a crew from the city sewer dept., Joel Tropp (OPD) was lowered into the manway on 38th Street. He observed from a distance of ~20' that the archway defining the roof of the storm sewer structure appeared evenly radially, with no protrusions. He did not venture the remaining distance to the area where the USTs were located, however.

Nevertheless, it appears the UST can be closed in place w/o access to the storm drain culvert.

Controlled density fill (or light wt. equivalent) may be the best choice for filling tanks.

Contact _____

Title _____

Signature _____

Inspector J. Seery

Signature _____

II, III

HK2, INC./SEMCO

1751 Leslie Street , San Mateo, California, (415) 572-8033 (415) 572-9734 Fax

General Engineering & Environmental Contractors, License # 719103, A, B, C-61/D40, HAZ

April 2, 1997

Mr. Leroy Griffin
Hazardous Materials Supervisor
City of Oakland Fire Department
1605 Martin Luther King Drive
Oakland, California 94612

Re: 3815 Broadway, Oakland, California
Closure in place

Dear Mr. Griffin:

This letter is intended to ask for approval of 6 underground storage tanks at the above referenced address.

Two of the USTs are located in the sidewalk outside a brick, non reinforced building with one also being placed 1' away from a high tension power pole. The other four are completely inaccessible with equipment and located inside the building.

HK2, Inc./SEMCO proposes to rinse and inert the UST's to meet acceptable oxygen and LEL levels. The USTs will be cleaned with a high pressure hot water wash. The rinsate will be disposed under manifest to a licensed hazardous waste disposal facility.

The interior of the USTs will be inspected with a down hole camera to verify suitability for filling in place. Please refer to the attached letter from Scott Seery at Alameda County Department of Environmental Health.

Samples as required will be collected by Geo Solv, a separate contractor, previously retained by the owner. The USTs will be filled with an approved inert material and concrete surface replaced as required in work area.

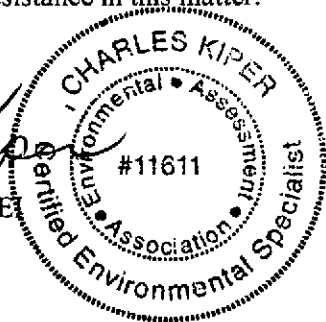
Thank you for your assistance in this matter.

Sincerely,

Chuck Kiper

Chuck Kiper, CES, CEI
President

cc: Scott Seery



STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
UNDERGROUND STORAGE TANK PERMIT APPLICATION - FORM A



COMPLETE THIS FORM FOR EACH FACILITY/SITE

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

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

D&A OR FACILITY NAME GLOVATORIUM		NAME OF OPERATOR		
ADDRESS 3815 BROADWAY		NEAREST CROSS STREET MACARTHUR	PARCEL # (OPTIONAL)	
CITY NAME OAKLAND		STATE CA	ZIP CODE 94	SITE PHONE # WITH AREA CODE
<input checked="" type="checkbox"/> BOX TO INDICATE <input type="checkbox"/> CORPORATION <input type="checkbox"/> INDIVIDUAL <input type="checkbox"/> PARTNERSHIP <input type="checkbox"/> LOCAL-AGENCY DISTRICTS <input type="checkbox"/> COUNTY-AGENCY <input type="checkbox"/> STATE-AGENCY <input type="checkbox"/> FEDERAL-AGENCY				
TYPE OF BUSINESS		<input type="checkbox"/> IF INDIAN RESERVATION OR TRUST LANDS	# OF TANKS AT SITE	E. P. A. I. D. # (optional)
<input type="checkbox"/> 1 GAS STATION <input type="checkbox"/> 2 DISTRIBUTOR <input type="checkbox"/> 3 FARM <input type="checkbox"/> 4 PROCESSOR <input type="checkbox"/> 5 OTHER				

EMERGENCY CONTACT PERSON (PRIMARY)

EMERGENCY CONTACT PERSON (SECONDARY) - optional

DAYS: NAME (LAST, FIRST) Depper STUART		PHONE # WITH AREA CODE 415-589-3677	
NIGHTS: NAME (LAST, FIRST) SAME		PHONE # WITH AREA CODE	

II. PROPERTY OWNER INFORMATION - (MUST BE COMPLETED)

NAME STUART Depper		CARE OF ADDRESS INFORMATION		
MAILING OR STREET ADDRESS 338 No. CANAL ST. #26		<input checked="" type="checkbox"/> box to indicate <input checked="" type="checkbox"/> INDIVIDUAL <input type="checkbox"/> LOCAL-AGENCY <input type="checkbox"/> STATE-AGENCY <input type="checkbox"/> CORPORATION <input type="checkbox"/> PARTNERSHIP <input type="checkbox"/> COUNTY-AGENCY <input type="checkbox"/> FEDERAL-AGENCY		
CITY NAME So. SAN FRANCISCO		STATE CA	ZIP CODE 94080	PHONE # WITH AREA CODE 415-589-3677

III. TANK OWNER INFORMATION - (MUST BE COMPLETED)

NAME OF OWNER STUART Depper		CARE OF ADDRESS INFORMATION		
MAILING OR STREET ADDRESS 338 No. CANAL ST. #26		<input checked="" type="checkbox"/> box to indicate <input type="checkbox"/> INDIVIDUAL <input type="checkbox"/> LOCAL-AGENCY <input type="checkbox"/> STATE-AGENCY <input type="checkbox"/> CORPORATION <input type="checkbox"/> PARTNERSHIP <input type="checkbox"/> COUNTY-AGENCY <input type="checkbox"/> FEDERAL-AGENCY		
CITY NAME So. SAN FRANCISCO		STATE CA	ZIP CODE 94080	PHONE # WITH AREA CODE 415-589-3677

IV. BOARD OF EQUALIZATION UST STORAGE FEE ACCOUNT NUMBER - Call (916) 739-2582 if questions arise.

TY (TK) HQ **44** - [] [] [] [] [] [] [] []

V. LEGAL NOTIFICATION AND BILLING ADDRESS

Legal notification and billing will be sent to the tank owner unless box I or II is checked.

CHECK ONE BOX INDICATING WHICH ABOVE ADDRESS SHOULD BE USED FOR LEGAL NOTIFICATIONS AND BILLING:
 I.
 II.
 III.

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

APPLICANT'S NAME (PRINTED & SIGNATURE) <i>Shonda Depper</i>	APPLICANT'S TITLE	DATE MONTH/DAY/YEAR 4-2-97
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LOCAL AGENCY USE ONLY

COUNTY # [] []	JURISDICTION # [] [] []	FACILITY # [] [] [] [] [] []
LOCATION CODE - OPTIONAL	CENSUS TRACT # - OPTIONAL	SUPVISOR - DISTRICT CODE - OPTIONAL

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

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
UNDERGROUND STORAGE TANK PERMIT APPLICATION - FORM B



COMPLETE A SEPARATE FORM FOR EACH TANK SYSTEM.

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

DBA OR FACILITY NAME WHERE TANK IS INSTALLED: Glennatronics, 3815 Broadway, Oakland

I. TANK DESCRIPTION COMPLETE ALL ITEMS - SPECIFY IF UNKNOWN	
A. OWNER'S TANK I. D. # <u>unknown</u>	B. MANUFACTURED BY: <u>unknown</u>
C. DATE INSTALLED (MO/DAY/YEAR) <u>unknown</u>	D. TANK CAPACITY IN GALLONS: <u>1000</u>

II. TANK CONTENTS IF A-1 IS MARKED, COMPLETE ITEM C.			
A. <input type="checkbox"/> 1 MOTOR VEHICLE FUEL	<input type="checkbox"/> 4 OIL	B. <input checked="" type="checkbox"/> 1 PRODUCT	C. <input type="checkbox"/> 1a REGULAR UNLEADED
<input checked="" type="checkbox"/> 2 PETROLEUM	<input type="checkbox"/> 80 EMPTY	<input type="checkbox"/> 2 WASTE	<input type="checkbox"/> 1b PREMIUM UNLEADED
<input type="checkbox"/> 3 CHEMICAL PRODUCT	<input type="checkbox"/> 95 UNKNOWN		<input type="checkbox"/> 1c MIDGRADE UNLEADED
			<input type="checkbox"/> 2 LEADED
			<input checked="" type="checkbox"/> 99 OTHER (DESCRIBE IN ITEM D. BELOW)
D. IF (A.1) IS NOT MARKED, ENTER NAME OF SUBSTANCE STORED <u>SOLVENT</u>			C. A. S. #:

III. TANK CONSTRUCTION MARK ONE ITEM ONLY IN BOXES A, B, AND C, AND ALL THAT APPLIES IN BOX D AND E				
A. TYPE OF SYSTEM	<input type="checkbox"/> 1 DOUBLE WALL	<input type="checkbox"/> 3 SINGLE WALL WITH EXTERIOR LINER	<input type="checkbox"/> 5 INTERNAL BLADDER SYSTEM	<input type="checkbox"/> 95 UNKNOWN
	<input checked="" type="checkbox"/> 2 SINGLE WALL	<input type="checkbox"/> 4 SINGLE WALL IN A VAULT	<input type="checkbox"/> 99 OTHER	
B. TANK MATERIAL (Primary Tank)	<input checked="" type="checkbox"/> 1 BARE STEEL	<input type="checkbox"/> 2 STAINLESS STEEL	<input type="checkbox"/> 3 FIBERGLASS	<input type="checkbox"/> 4 STEEL CLAD W/ FIBERGLASS REINFORCED PLASTIC
	<input type="checkbox"/> 5 CONCRETE	<input type="checkbox"/> 6 POLYVINYL CHLORIDE	<input type="checkbox"/> 7 ALUMINUM	<input type="checkbox"/> 8 100% METHANOL COMPATIBLE W/FRP
	<input type="checkbox"/> 9 BRONZE	<input type="checkbox"/> 10 GALVANIZED STEEL	<input type="checkbox"/> 95 UNKNOWN	<input type="checkbox"/> 99 OTHER
C. INTERIOR LINING OR COATING	<input type="checkbox"/> 1 RUBBER LINED	<input type="checkbox"/> 2 ALKYD LINING	<input type="checkbox"/> 3 EPOXY LINING	<input type="checkbox"/> 4 PHENOLIC LINING
	<input type="checkbox"/> 5 GLASS LINING	<input type="checkbox"/> 6 UNLINED	<input checked="" type="checkbox"/> 95 UNKNOWN	<input type="checkbox"/> 99 OTHER
	IS LINING MATERIAL COMPATIBLE WITH 100% METHANOL? YES ___ NO ___			
D. EXTERIOR CORROSION PROTECTION	<input type="checkbox"/> 1 POLYETHYLENE WRAP	<input type="checkbox"/> 2 COATING	<input type="checkbox"/> 3 VINYL WRAP	<input type="checkbox"/> 4 FIBERGLASS REINFORCED PLASTIC
	<input type="checkbox"/> 5 CATHODIC PROTECTION	<input type="checkbox"/> 91 NONE	<input checked="" type="checkbox"/> 95 UNKNOWN	<input type="checkbox"/> 99 OTHER
E. SPILL AND OVERFILL, etc.	SPILL CONTAINMENT INSTALLED (YEAR) _____		OVERFILL PREVENTION EQUIPMENT INSTALLED (YEAR) _____	
	DROP TUBE YES ___ NO ___		STRIKER PLATE YES ___ NO ___	
			DISPENSER CONTAINMENT YES ___ NO ___	

IV. PIPING INFORMATION CIRCLE A IF ABOVE GROUND OR U IF UNDERGROUND, BOTH IF APPLICABLE				
A. SYSTEM TYPE	<input checked="" type="radio"/> SUCTION	A U <input type="radio"/> 2 PRESSURE	A U <input type="radio"/> 3 GRAVITY	A U <input type="radio"/> 4 FLEXIBLE PIPING
		A U <input type="radio"/> 99 OTHER		
B. CONSTRUCTION	<input checked="" type="radio"/> SINGLE WALL	A U <input type="radio"/> 2 DOUBLE WALL	A U <input type="radio"/> 3 LINED TRENCH	A U <input type="radio"/> 95 UNKNOWN
		A U <input type="radio"/> 99 OTHER		
C. MATERIAL AND CORROSION PROTECTION	A U <input type="radio"/> 1 BARE STEEL	A U <input type="radio"/> 2 STAINLESS STEEL	A U <input type="radio"/> 3 POLYVINYL CHLORIDE (PVC)	A U <input type="radio"/> 4 FIBERGLASS PIPE
	A U <input type="radio"/> 5 ALUMINUM	A U <input type="radio"/> 6 CONCRETE	A U <input type="radio"/> 7 STEEL W/ COATING	A U <input type="radio"/> 8 100% METHANOL COMPATIBLE W/FRP
	A U <input type="radio"/> 9 GALVANIZED STEEL	A U <input type="radio"/> 10 CATHODIC PROTECTION	<input checked="" type="radio"/> 95 UNKNOWN	A U <input type="radio"/> 99 OTHER
D. LEAK DETECTION	<input type="checkbox"/> 1 MECHANICAL LINE LEAK DETECTOR	<input type="checkbox"/> 2 LINE TIGHTNESS TESTING	<input type="checkbox"/> 3 CONTINUOUS INTERSTITIAL MONITORING	<input type="checkbox"/> 4 ELECTRONIC LINE LEAK DETECTOR
	<input type="checkbox"/> 5 AUTOMATIC PUMP SHUTDOWN	<input checked="" type="checkbox"/> 99 OTHER	<u>unknown</u>	

V. TANK LEAK DETECTION					
<input type="checkbox"/> 1 VISUAL CHECK	<input type="checkbox"/> 2 MANUAL INVENTORY RECONCILIATION	<input type="checkbox"/> 3 VADOZE MONITORING	<input type="checkbox"/> 4 AUTOMATIC TANK GAUGING	<input type="checkbox"/> 5 GROUND WATER MONITORING	<input type="checkbox"/> 6 ANNUAL TANK TESTING
<input type="checkbox"/> 7 CONTINUOUS INTERSTITIAL MONITORING	<input type="checkbox"/> 8 SIR	<input type="checkbox"/> 9 WEEKLY MANUAL TANK GAUGING	<input type="checkbox"/> 10 MONTHLY TANK TESTING	<input type="checkbox"/> 95 UNKNOWN	<input checked="" type="checkbox"/> 99 OTHER

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

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

TANK OWNER'S NAME (PRINTED & SIGNATURE) <u>Brandon James</u>	DATE <u>4-2-97</u>
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LOCAL AGENCY USE ONLY THE STATE I.D. NUMBER IS COMPOSED OF THE FOUR NUMBERS BELOW				
STATE I.D.#	COUNTY #	JURISDICTION #	FACILITY #	TANK #
[] [] [] []	[] []	[] [] [] []	[] [] [] [] [] []	[] [] [] [] [] [] [] []
PERMIT NUMBER	PERMIT APPROVED BY/DATE		PERMIT EXPIRATION DATE	

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
UNDERGROUND STORAGE TANK PERMIT APPLICATION - FORM B



COMPLETE A SEPARATE FORM FOR EACH TANK SYSTEM.

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

DBA OR FACILITY NAME WHERE TANK IS INSTALLED: Glovatorium, 3815 Broadway, Oakland

I. TANK DESCRIPTION COMPLETE ALL ITEMS - SPECIFY IF UNKNOWN	
A. OWNER'S TANK I. D. # <u>unknown</u>	B. MANUFACTURED BY: <u>unknown</u>
C. DATE INSTALLED (MO/DAY/YEAR) <u>unknown</u>	D. TANK CAPACITY IN GALLONS: <u>800</u>

II. TANK CONTENTS IF A-1 IS MARKED, COMPLETE ITEM C.		
A. <input type="checkbox"/> 1 MOTOR VEHICLE FUEL <input checked="" type="checkbox"/> 2 PETROLEUM <input type="checkbox"/> 3 CHEMICAL PRODUCT	<input type="checkbox"/> 4 OIL <input type="checkbox"/> 80 EMPTY <input type="checkbox"/> 95 UNKNOWN	B. <input checked="" type="checkbox"/> 1 PRODUCT <input type="checkbox"/> 2 WASTE
C. <input type="checkbox"/> 1a REGULAR UNLEADED <input type="checkbox"/> 3 DIESEL <input type="checkbox"/> 6 AVIATION GAS <input type="checkbox"/> 1b PREMIUM UNLEADED <input type="checkbox"/> 4 GASAHCL <input type="checkbox"/> 7 METHANOL <input type="checkbox"/> 1c MIDGRADE UNLEADED <input type="checkbox"/> 5 JET FUEL <input type="checkbox"/> 8 M65 <input type="checkbox"/> 2 LEADED <input checked="" type="checkbox"/> 99 OTHER (DESCRIBE IN ITEM D. BELOW)		
D. IF (A.1) IS NOT MARKED, ENTER NAME OF SUBSTANCE STORED <u>Solvent</u>		C. A. S. #:

III. TANK CONSTRUCTION MARK ONE ITEM ONLY IN BOXES A, B, AND C. AND ALL THAT APPLIES IN BOX D AND E		
A. TYPE OF SYSTEM <input type="checkbox"/> 1 DOUBLE WALL <input checked="" type="checkbox"/> 2 SINGLE WALL	<input type="checkbox"/> 3 SINGLE WALL WITH EXTERIOR LINER <input type="checkbox"/> 4 SINGLE WALL IN A VAULT	<input type="checkbox"/> 5 INTERNAL BLADDER SYSTEM <input type="checkbox"/> 95 UNKNOWN <input type="checkbox"/> 99 OTHER
B. TANK MATERIAL (Primary Tank) <input checked="" type="checkbox"/> 1 BARE STEEL <input type="checkbox"/> 5 CONCRETE <input type="checkbox"/> 9 BRONZE	<input type="checkbox"/> 2 STAINLESS STEEL <input type="checkbox"/> 6 POLYVINYL CHLORIDE <input type="checkbox"/> 10 GALVANIZED STEEL	<input type="checkbox"/> 3 FIBERGLASS <input type="checkbox"/> 7 ALUMINUM <input type="checkbox"/> 95 UNKNOWN <input type="checkbox"/> 99 OTHER
C. INTERIOR LINING OR COATING <input type="checkbox"/> 1 RUBBER LINED <input type="checkbox"/> 5 GLASS LINING	<input type="checkbox"/> 2 ALKYD LINING <input type="checkbox"/> 6 UNLINED	<input type="checkbox"/> 3 EPOXY LINING <input checked="" type="checkbox"/> 95 UNKNOWN <input type="checkbox"/> 4 PHENOLIC LINING <input type="checkbox"/> 99 OTHER
IS LINING MATERIAL COMPATIBLE WITH 100% METHANOL? YES ___ NO ___		
D. EXTERIOR CORROSION PROTECTION <input type="checkbox"/> 1 POLYETHYLENE WRAP <input type="checkbox"/> 5 CATHODIC PROTECTION	<input type="checkbox"/> 2 COATING <input type="checkbox"/> 91 NONE	<input type="checkbox"/> 3 VINYL WRAP <input checked="" type="checkbox"/> 95 UNKNOWN <input type="checkbox"/> 4 FIBERGLASS REINFORCED PLASTIC <input type="checkbox"/> 99 OTHER
E. SPILL AND OVERFILL, etc. SPILL CONTAINMENT INSTALLED (YEAR) _____ OVERFILL PREVENTION EQUIPMENT INSTALLED (YEAR) _____ DROP TUBE YES ___ NO ___ STRIKER PLATE YES ___ NO ___ DISPENSER CONTAINMENT YES ___ NO ___		

IV. PIPING INFORMATION CIRCLE A IF ABOVE GROUND OR U IF UNDERGROUND, BOTH IF APPLICABLE	
A. SYSTEM TYPE	A <input checked="" type="radio"/> 1 SUCTION A U <input type="radio"/> 2 PRESSURE A U <input type="radio"/> 3 GRAVITY A U <input type="radio"/> 4 FLEXIBLE PIPING A U <input type="radio"/> 99 OTHER
B. CONSTRUCTION	A <input checked="" type="radio"/> 1 SINGLE WALL A U <input type="radio"/> 2 DOUBLE WALL A U <input type="radio"/> 3 LINED TRENCH A U <input type="radio"/> 95 UNKNOWN A U <input type="radio"/> 99 OTHER
C. MATERIAL AND CORROSION PROTECTION	A U <input type="radio"/> 1 BARE STEEL A U <input type="radio"/> 2 STAINLESS STEEL A U <input type="radio"/> 3 POLYVINYL CHLORIDE (PVC) A U <input type="radio"/> 4 FIBERGLASS PIPE A U <input type="radio"/> 5 ALUMINUM A U <input type="radio"/> 6 CONCRETE A U <input type="radio"/> 7 STEEL W/ COATING A U <input type="radio"/> 8 100% METHANOL COMPATIBLE W/FRP A U <input type="radio"/> 9 GALVANIZED STEEL A U <input type="radio"/> 10 CATHODIC PROTECTION A U <input checked="" type="radio"/> 95 UNKNOWN A U <input type="radio"/> 99 OTHER
D. LEAK DETECTION	<input type="checkbox"/> 1 MECHANICAL LINE LEAK DETECTOR <input type="checkbox"/> 2 LINE TIGHTNESS TESTING <input type="checkbox"/> 3 CONTINUOUS INTERSTITIAL MONITORING <input type="checkbox"/> 4 ELECTRONIC LINE LEAK DETECTOR <input type="checkbox"/> 5 AUTOMATIC PUMP SHUTDOWN <input checked="" type="checkbox"/> 99 OTHER <u>unknown</u>

V. TANK LEAK DETECTION					
<input type="checkbox"/> 1 VISUAL CHECK <input type="checkbox"/> 7 CONTINUOUS INTERSTITIAL MONITORING	<input type="checkbox"/> 2 MANUAL INVENTORY RECONCILIATION <input type="checkbox"/> 8 SIR	<input type="checkbox"/> 3 VADOOZE MONITORING <input type="checkbox"/> 9 WEEKLY MANUAL TANK GAUGING	<input type="checkbox"/> 4 AUTOMATIC TANK GAUGING <input type="checkbox"/> 10 MONTHLY TANK TESTING	<input type="checkbox"/> 5 GROUND WATER MONITORING <input checked="" type="checkbox"/> 95 UNKNOWN	<input type="checkbox"/> 8 ANNUAL TANK TESTING <input type="checkbox"/> 99 OTHER

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

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

TANK OWNER'S NAME (PRINTED & SIGNATURE) <u>Shonda Beames-Kiper</u>	DATE <u>4-29-97</u>
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LOCAL AGENCY USE ONLY THE STATE I.D. NUMBER IS COMPOSED OF THE FOUR NUMBERS BELOW				
STATE I.D.#	COUNTY #	JURISDICTION #	FACILITY #	TANK #
PERMIT NUMBER	PERMIT APPROVED BY/DATE		PERMIT EXPIRATION DATE	

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
UNDERGROUND STORAGE TANK PERMIT APPLICATION - FORM B



COMPLETE A SEPARATE FORM FOR EACH TANK SYSTEM.

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

DBA OR FACILITY NAME WHERE TANK IS INSTALLED: Glovatorium - 3815 Broadway, Oakland

I. TANK DESCRIPTION COMPLETE ALL ITEMS - SPECIFY IF UNKNOWN	
A. OWNER'S TANK I. D. # <u>UNKNOWN</u>	B. MANUFACTURED BY: <u>UNKNOWN</u>
C. DATE INSTALLED (MO/DAY/YEAR) <u>UNKNOWN</u>	D. TANK CAPACITY IN GALLONS: <u>5,000</u>

II. TANK CONTENTS IF A-1 IS MARKED, COMPLETE ITEM C.		
A. <input type="checkbox"/> 1 MOTOR VEHICLE FUEL <input checked="" type="checkbox"/> 2 PETROLEUM <input type="checkbox"/> 3 CHEMICAL PRODUCT	<input type="checkbox"/> 4 OIL <input type="checkbox"/> 80 EMPTY <input type="checkbox"/> 95 UNKNOWN	B. <input checked="" type="checkbox"/> 1 PRODUCT <input type="checkbox"/> 2 WASTE
C. <input type="checkbox"/> 1a REGULAR UNLEADED <input type="checkbox"/> 1b PREMIUM UNLEADED <input type="checkbox"/> 2 LEADED		<input type="checkbox"/> 3 DIESEL <input type="checkbox"/> 4 GASAHOL <input type="checkbox"/> 5 JET FUEL <input type="checkbox"/> 6 AVIATION GAS <input type="checkbox"/> 7 METHANOL <input type="checkbox"/> 99 OTHER (DESCRIBE IN ITEM D. BELOW)
D. IF (A.1) IS NOT MARKED, ENTER NAME OF SUBSTANCE STORED <u>SOLVENT</u>		C. A. S. #:

III. TANK CONSTRUCTION MARK ONE ITEM ONLY IN BOXES A, B, AND C, AND ALL THAT APPLIES IN BOX D AND E			
A. TYPE OF SYSTEM <input type="checkbox"/> 1 DOUBLE WALL <input checked="" type="checkbox"/> 2 SINGLE WALL	<input type="checkbox"/> 3 SINGLE WALL WITH EXTERIOR LINER <input type="checkbox"/> 4 SECONDARY CONTAINMENT (VAULTED TANK)	<input type="checkbox"/> 95 UNKNOWN <input type="checkbox"/> 99 OTHER	
B. TANK MATERIAL (Primary Tank) <input checked="" type="checkbox"/> 1 BARE STEEL <input type="checkbox"/> 5 CONCRETE <input type="checkbox"/> 9 BRONZE	<input type="checkbox"/> 2 STAINLESS STEEL <input type="checkbox"/> 6 POLYVINYL CHLORIDE <input type="checkbox"/> 10 GALVANIZED STEEL	<input type="checkbox"/> 3 FIBERGLASS <input type="checkbox"/> 7 ALUMINUM <input type="checkbox"/> 95 UNKNOWN	<input type="checkbox"/> 4 STEEL CLAD W/ FIBERGLASS REINFORCED PLASTIC <input type="checkbox"/> 8 100% METHANOL COMPATIBLE W/FRP <input type="checkbox"/> 99 OTHER
C. INTERIOR LINING <input type="checkbox"/> 1 RUBBER LINED <input type="checkbox"/> 5 GLASS LINING IS LINING MATERIAL COMPATIBLE WITH 100% METHANOL? YES ___ NO ___	<input type="checkbox"/> 2 ALKYD LINING <input type="checkbox"/> 6 UNLINED	<input type="checkbox"/> 3 EPOXY LINING <input checked="" type="checkbox"/> 95 UNKNOWN	<input type="checkbox"/> 4 PHENOLIC LINING <input type="checkbox"/> 99 OTHER
D. CORROSION PROTECTION <input type="checkbox"/> 1 POLYETHYLENE WRAP <input type="checkbox"/> 5 CATHODIC PROTECTION	<input type="checkbox"/> 2 COATING <input type="checkbox"/> 91 NONE	<input type="checkbox"/> 3 VINYL WRAP <input checked="" type="checkbox"/> 95 UNKNOWN	<input type="checkbox"/> 4 FIBERGLASS REINFORCED PLASTIC <input type="checkbox"/> 99 OTHER
E. SPILL AND OVERFILL SPILL CONTAINMENT INSTALLED (YEAR) _____		OVERFILL PREVENTION EQUIPMENT INSTALLED (YEAR) _____	

IV. PIPING INFORMATION CIRCLE A IF ABOVE GROUND OR U IF UNDERGROUND, BOTH IF APPLICABLE				
A. SYSTEM TYPE	A <input checked="" type="radio"/> 1 SUCTION	A U 2 PRESSURE	A U 3 GRAVITY	A U 99 OTHER
B. CONSTRUCTION	A <input checked="" type="radio"/> 1 SINGLE WALL	A U 2 DOUBLE WALL	A U 3 LINED TRENCH	A U 95 UNKNOWN A U 99 OTHER
C. MATERIAL AND CORROSION PROTECTION	A U 1 BARE STEEL	A U 2 STAINLESS STEEL	A U 3 POLYVINYL CHLORIDE (PVC)	A U 4 FIBERGLASS PIPE
	A U 5 ALUMINUM	A U 6 CONCRETE	A U 7 STEEL W/ COATING	A U 8 100% METHANOL COMPATIBLE W/FRP
	A U 9 GALVANIZED STEEL	A U 10 CATHODIC PROTECTION	A <input checked="" type="radio"/> 95 UNKNOWN	A U 99 OTHER
D. LEAK DETECTION	<input type="checkbox"/> 1 AUTOMATIC LINE LEAK DETECTOR	<input type="checkbox"/> 2 LINE TIGHTNESS TESTING	<input type="checkbox"/> 3 INTERSTITIAL MONITORING	<input checked="" type="checkbox"/> 99 OTHER <u>UNKNOWN</u>

V. TANK LEAK DETECTION				
<input type="checkbox"/> 1 VISUAL CHECK	<input type="checkbox"/> 2 INVENTORY RECONCILIATION	<input type="checkbox"/> 3 VADOZE MONITORING	<input type="checkbox"/> 4 AUTOMATIC TANK GAUGING	<input type="checkbox"/> 5 GROUND WATER MONITORING
<input type="checkbox"/> 6 TANK TESTING	<input type="checkbox"/> 7 INTERSTITIAL MONITORING	<input type="checkbox"/> 91 NONE	<input checked="" type="checkbox"/> 95 UNKNOWN	<input type="checkbox"/> 99 OTHER

VI. TANK CLOSURE INFORMATION		
1. ESTIMATED DATE LAST USED (MO/DAY/YR)	2. ESTIMATED QUANTITY OF SUBSTANCE REMAINING _____ GALLONS	3. WAS TANK FILLED WITH INERT MATERIAL? YES <input type="checkbox"/> NO <input type="checkbox"/>

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

APPLICANT'S NAME (PRINTED & SIGNATURE) <u>Shonda James Kiper</u>	DATE <u>4-29-97</u>
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LOCAL AGENCY USE ONLY THE STATE I.D. NUMBER IS COMPOSED OF THE FOUR NUMBERS BELOW				
STATE I.D.#	COUNTY #	JURISDICTION #	FACILITY #	TANK #
PERMIT NUMBER	PERMIT APPROVED BY/DATE	PERMIT EXPIRATION DATE		

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
UNDERGROUND STORAGE TANK PERMIT APPLICATION - FORM B



COMPLETE A SEPARATE FORM FOR EACH TANK SYSTEM.

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

DBA OR FACILITY NAME WHERE TANK IS INSTALLED: GLOVATORIUM - 3815 BROADWAY, OAKLAND

I. TANK DESCRIPTION COMPLETE ALL ITEMS - SPECIFY IF UNKNOWN	
A. OWNER'S TANK I.D. # <u>UNKNOWN</u>	B. MANUFACTURED BY: <u>UNKNOWN</u>
C. DATE INSTALLED (MO/DAY/YEAR) <u>UNKNOWN</u>	D. TANK CAPACITY IN GALLONS: <u>3500</u>

II. TANK CONTENTS IF A-1 IS MARKED, COMPLETE ITEM C.		
A. <input type="checkbox"/> 1 MOTOR VEHICLE FUEL <input checked="" type="checkbox"/> 2 PETROLEUM <input type="checkbox"/> 3 CHEMICAL PRODUCT	B. <input type="checkbox"/> 4 OIL <input type="checkbox"/> 80 EMPTY <input type="checkbox"/> 95 UNKNOWN <input checked="" type="checkbox"/> 1 PRODUCT <input type="checkbox"/> 2 WASTE	C. <input type="checkbox"/> 1a REGULAR UNLEADED <input type="checkbox"/> 1b PREMIUM UNLEADED <input type="checkbox"/> 1c MIDGRADE UNLEADED <input type="checkbox"/> 2 LEADED <input type="checkbox"/> 3 DIESEL <input type="checkbox"/> 4 GASAHOL <input type="checkbox"/> 5 JET FUEL <input type="checkbox"/> 99 OTHER (DESCRIBE IN ITEM D. BELOW)
D. IF (A.1) IS NOT MARKED, ENTER NAME OF SUBSTANCE STORED <u>Solvent</u>		C. A. S. #:

III. TANK CONSTRUCTION MARK ONE ITEM ONLY IN BOXES A, B, AND C, AND ALL THAT APPLIES IN BOX D AND E		
A. TYPE OF SYSTEM <input type="checkbox"/> 1 DOUBLE WALL <input checked="" type="checkbox"/> 2 SINGLE WALL	<input type="checkbox"/> 3 SINGLE WALL WITH EXTERIOR LINER <input type="checkbox"/> 4 SINGLE WALL IN A VAULT	<input type="checkbox"/> 5 INTERNAL BLADDER SYSTEM <input type="checkbox"/> 95 UNKNOWN <input type="checkbox"/> 99 OTHER
B. TANK MATERIAL (Primary Tank) <input checked="" type="checkbox"/> 1 BARE STEEL <input type="checkbox"/> 5 CONCRETE <input type="checkbox"/> 9 BRONZE	<input type="checkbox"/> 2 STAINLESS STEEL <input type="checkbox"/> 6 POLYVINYL CHLORIDE <input type="checkbox"/> 10 GALVANIZED STEEL	<input type="checkbox"/> 3 FIBERGLASS <input type="checkbox"/> 7 ALUMINUM <input type="checkbox"/> 95 UNKNOWN <input type="checkbox"/> 99 OTHER
C. INTERIOR LINING OR COATING <input type="checkbox"/> 1 RUBBER LINED <input type="checkbox"/> 5 GLASS LINING	<input type="checkbox"/> 2 ALKYD LINING <input type="checkbox"/> 6 UNLINED	<input type="checkbox"/> 3 EPOXY LINING <input checked="" type="checkbox"/> 95 UNKNOWN <input type="checkbox"/> 4 PHENOLIC LINING <input type="checkbox"/> 99 OTHER
IS LINING MATERIAL COMPATIBLE WITH 100% METHANOL? YES ___ NO ___		
D. EXTERIOR CORROSION PROTECTION <input type="checkbox"/> 1 POLYETHYLENE WRAP <input type="checkbox"/> 5 CATHODIC PROTECTION	<input type="checkbox"/> 2 COATING <input type="checkbox"/> 91 NONE	<input type="checkbox"/> 3 VINYL WRAP <input checked="" type="checkbox"/> 95 UNKNOWN <input type="checkbox"/> 4 FIBERGLASS REINFORCED PLASTIC <input type="checkbox"/> 99 OTHER
E. SPILL AND OVERFILL, etc. SPILL CONTAINMENT INSTALLED (YEAR) OVERFILL PREVENTION EQUIPMENT INSTALLED (YEAR) DROP TUBE YES ___ NO ___ STRIKER PLATE YES ___ NO ___ DISPENSER CONTAINMENT YES ___ NO ___		

IV. PIPING INFORMATION CIRCLE A IF ABOVE GROUND OR U IF UNDERGROUND, BOTH IF APPLICABLE												
A. SYSTEM TYPE	A <input checked="" type="radio"/> 1 SUCTION	A U <input type="radio"/> 2 PRESSURE	A U <input type="radio"/> 3 GRAVITY	A U <input type="radio"/> 4 FLEXIBLE PIPING	A U <input type="radio"/> 99 OTHER							
B. CONSTRUCTION	A <input checked="" type="radio"/> 1 SINGLE WALL	A U <input type="radio"/> 2 DOUBLE WALL	A U <input type="radio"/> 3 LINED TRENCH	A U <input type="radio"/> 95 UNKNOWN	A U <input type="radio"/> 99 OTHER							
C. MATERIAL AND CORROSION PROTECTION	A U <input type="radio"/> 1 BARE STEEL	A U <input type="radio"/> 2 STAINLESS STEEL	A U <input type="radio"/> 3 POLYVINYL CHLORIDE (PVC)	A U <input type="radio"/> 4 FIBERGLASS PIPE	A U <input type="radio"/> 5 ALUMINUM	A U <input type="radio"/> 6 CONCRETE	A U <input type="radio"/> 7 STEEL W/ COATING	A U <input type="radio"/> 8 100% METHANOL COMPATIBLE W/FRP	A U <input type="radio"/> 9 GALVANIZED STEEL	A U <input type="radio"/> 10 CATHODIC PROTECTION	A <input checked="" type="radio"/> 95 UNKNOWN	A U <input type="radio"/> 99 OTHER
D. LEAK DETECTION	<input type="checkbox"/> 1 MECHANICAL LINE LEAK DETECTOR	<input type="checkbox"/> 2 LINE TIGHTNESS TESTING	<input type="checkbox"/> 3 CONTINUOUS INTERSTITIAL MONITORING	<input type="checkbox"/> 4 ELECTRONIC LINE LEAK DETECTOR	<input type="checkbox"/> 5 AUTOMATIC PUMP SHUTDOWN	<input checked="" type="checkbox"/> 99 OTHER <u>UNKNOWN</u>						

V. TANK LEAK DETECTION					
<input type="checkbox"/> 1 VISUAL CHECK	<input type="checkbox"/> 2 MANUAL INVENTORY RECONCILIATION	<input type="checkbox"/> 3 VADOZE MONITORING	<input type="checkbox"/> 4 AUTOMATIC TANK GAUGING	<input type="checkbox"/> 5 GROUND WATER MONITORING	<input type="checkbox"/> 6 ANNUAL TANK TESTING
<input type="checkbox"/> 7 CONTINUOUS INTERSTITIAL MONITORING	<input type="checkbox"/> 8 SIR	<input type="checkbox"/> 9 WEEKLY MANUAL TANK GAUGING	<input type="checkbox"/> 10 MONTHLY TANK TESTING	<input checked="" type="checkbox"/> 95 UNKNOWN	<input type="checkbox"/> 99 OTHER

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

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

TANK OWNER'S NAME (PRINTED & SIGNATURE) <u>Granda James Kiper</u>	DATE <u>4-2-97</u>
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LOCAL AGENCY USE ONLY THE STATE I.D. NUMBER IS COMPOSED OF THE FOUR NUMBERS BELOW				
STATE I.D.#	COUNTY #	JURISDICTION #	FACILITY #	TANK #
PERMIT NUMBER	PERMIT APPROVED BY/DATE		PERMIT EXPIRATION DATE	

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
UNDERGROUND STORAGE TANK PERMIT APPLICATION - FORM B



COMPLETE A SEPARATE FORM FOR EACH TANK SYSTEM.

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

DBA OR FACILITY NAME WHERE TANK IS INSTALLED: Glovatorium, 3815 Broadway, Oakland

I. TANK DESCRIPTION COMPLETE ALL ITEMS - SPECIFY IF UNKNOWN

A. OWNER'S TANK I.D. # <u>UNKNOWN</u>	B. MANUFACTURED BY: <u>UNKNOWN</u>
C. DATE INSTALLED (MO/DAY/YEAR) <u>UNKNOWN</u>	D. TANK CAPACITY IN GALLONS: <u>4000</u>

II. TANK CONTENTS IF A-1 IS MARKED, COMPLETE ITEM C.

A. <input type="checkbox"/> 1 MOTOR VEHICLE FUEL	<input type="checkbox"/> 4 OIL	B. <input checked="" type="checkbox"/> 1 PRODUCT	C. <input type="checkbox"/> 1a REGULAR UNLEADED
<input checked="" type="checkbox"/> 2 PETROLEUM	<input type="checkbox"/> 80 EMPTY	<input type="checkbox"/> 2 WASTE	<input type="checkbox"/> 1b PREMIUM UNLEADED
<input type="checkbox"/> 3 CHEMICAL PRODUCT	<input type="checkbox"/> 95 UNKNOWN		<input type="checkbox"/> 1c MIDGRADE UNLEADED
			<input type="checkbox"/> 2 LEADED
			<input type="checkbox"/> 3 DIESEL
			<input type="checkbox"/> 4 GASAHOL
			<input type="checkbox"/> 5 JET FUEL
			<input type="checkbox"/> 6 AVIATION GAS
			<input type="checkbox"/> 7 METHANOL
			<input type="checkbox"/> 8 M85
			<input checked="" type="checkbox"/> 99 OTHER (DESCRIBE IN ITEM D. BELOW)

D. IF (A.1) IS NOT MARKED, ENTER NAME OF SUBSTANCE STORED Solvent C. A. S. #:

III. TANK CONSTRUCTION MARK ONE ITEM ONLY IN BOXES A, B, AND C, AND ALL THAT APPLIES IN BOX D AND E

A. TYPE OF SYSTEM	B. TANK MATERIAL (Primary Tank)	C. INTERIOR LINING OR COATING
<input type="checkbox"/> 1 DOUBLE WALL	<input checked="" type="checkbox"/> 1 BARE STEEL	<input type="checkbox"/> 1 RUBBER LINED
<input checked="" type="checkbox"/> 2 SINGLE WALL	<input type="checkbox"/> 2 STAINLESS STEEL	<input type="checkbox"/> 2 ALKYD LINING
<input type="checkbox"/> 3 SINGLE WALL WITH EXTERIOR LINER	<input type="checkbox"/> 3 FIBERGLASS	<input type="checkbox"/> 3 EPOXY LINING
<input type="checkbox"/> 4 SINGLE WALL IN A VAULT	<input type="checkbox"/> 4 STEEL CLAD W/ FIBERGLASS REINFORCED PLASTIC	<input type="checkbox"/> 4 PHENOLIC LINING
<input type="checkbox"/> 5 INTERNAL BLADDER SYSTEM	<input type="checkbox"/> 5 CONCRETE	<input type="checkbox"/> 5 GLASS LINING
<input type="checkbox"/> 95 UNKNOWN	<input type="checkbox"/> 6 POLYVINYL CHLORIDE	<input type="checkbox"/> 6 UNLINED
	<input type="checkbox"/> 7 ALUMINUM	<input checked="" type="checkbox"/> 95 UNKNOWN
	<input type="checkbox"/> 8 100% METHANOL COMPATIBLE W/FRP	<input type="checkbox"/> 99 OTHER
	<input type="checkbox"/> 9 BRONZE	
	<input type="checkbox"/> 10 GALVANIZED STEEL	
	<input type="checkbox"/> 95 UNKNOWN	
	<input type="checkbox"/> 99 OTHER	

D. EXTERIOR CORROSION PROTECTION

<input type="checkbox"/> 1 POLYETHYLENE WRAP	<input type="checkbox"/> 2 COATING	<input type="checkbox"/> 3 VINYL WRAP	<input type="checkbox"/> 4 FIBERGLASS REINFORCED PLASTIC
<input type="checkbox"/> 5 CATHODIC PROTECTION	<input type="checkbox"/> 91 NONE	<input checked="" type="checkbox"/> 95 UNKNOWN	<input type="checkbox"/> 99 OTHER

E. SPILL AND OVERFILL, etc. SPILL CONTAINMENT INSTALLED (YEAR) _____ OVERFILL PREVENTION EQUIPMENT INSTALLED (YEAR) _____
DROPTUBE YES _____ NO _____ STRIKER PLATE YES _____ NO _____ DISPENSER CONTAINMENT YES _____ NO _____

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

A. SYSTEM TYPE	B. CONSTRUCTION	C. MATERIAL AND CORROSION PROTECTION	D. LEAK DETECTION
A <input checked="" type="radio"/> 1 SUCTION	A <input checked="" type="radio"/> 1 SINGLE WALL	A <input type="radio"/> 1 BARE STEEL	<input type="checkbox"/> 1 MECHANICAL LINE LEAK DETECTOR
A <input type="radio"/> 2 PRESSURE	A <input type="radio"/> 2 DOUBLE WALL	A <input type="radio"/> 2 STAINLESS STEEL	<input type="checkbox"/> 2 LINE TIGHTNESS TESTING
A <input type="radio"/> 3 GRAVITY	A <input type="radio"/> 3 LINED TRENCH	A <input type="radio"/> 3 POLYVINYL CHLORIDE (PVC)	<input type="checkbox"/> 3 CONTINUOUS INTERSTITIAL MONITORING
A <input type="radio"/> 4 FLEXIBLE PIPING	A <input type="radio"/> 95 UNKNOWN	A <input type="radio"/> 4 FIBERGLASS PIPE	<input type="checkbox"/> 4 ELECTRONIC LINE LEAK DETECTOR
A <input type="radio"/> 99 OTHER	A <input type="radio"/> 99 OTHER	A <input type="radio"/> 5 ALUMINUM	<input type="checkbox"/> 5 AUTOMATIC PUMP SHUTDOWN
		A <input type="radio"/> 6 CONCRETE	<input checked="" type="checkbox"/> 99 OTHER <u>UNKNOWN</u>
		A <input type="radio"/> 7 STEEL W/ COATING	
		A <input type="radio"/> 8 100% METHANOL COMPATIBLE W/FRP	
		A <input type="radio"/> 9 GALVANIZED STEEL	
		A <input type="radio"/> 10 CATHODIC PROTECTION	
		A <input checked="" type="radio"/> 95 UNKNOWN	
		A <input type="radio"/> 99 OTHER	

V. TANK LEAK DETECTION

<input type="checkbox"/> 1 VISUAL CHECK	<input type="checkbox"/> 2 MANUAL INVENTORY RECONCILIATION	<input type="checkbox"/> 3 VADOZE MONITORING	<input type="checkbox"/> 4 AUTOMATIC TANK GAUGING	<input type="checkbox"/> 5 GROUND WATER MONITORING	<input type="checkbox"/> 6 ANNUAL TANK TESTING
<input type="checkbox"/> 7 CONTINUOUS INTERSTITIAL MONITORING	<input type="checkbox"/> 8 SIR	<input type="checkbox"/> 9 WEEKLY MANUAL TANK GAUGING	<input type="checkbox"/> 10 MONTHLY TANK TESTING	<input checked="" type="checkbox"/> 95 UNKNOWN	<input type="checkbox"/> 99 OTHER

VI. TANK CLOSURE INFORMATION (PERMANENT CLOSURE IN-PLACE)

1. ESTIMATED DATE LAST USED (MO/DAY/YR)	2. ESTIMATED QUANTITY OF SUBSTANCE REMAINING _____ GALLONS	3. WAS TANK FILLED WITH INERT MATERIAL? YES <input type="checkbox"/> NO <input type="checkbox"/>
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THIS FORM HAS BEEN COMPLETED UNDER PENALTY OF PERJURY, AND TO THE BEST OF MY KNOWLEDGE, IS TRUE AND CORRECT

TANK OWNER'S NAME (PRINTED & SIGNATURE) Shonda James-Kipru DATE 4-29-97

LOCAL AGENCY USE ONLY THE STATE I.D. NUMBER IS COMPOSED OF THE FOUR NUMBERS BELOW

STATE I.D.#	COUNTY #	JURISDICTION #	FACILITY #	TANK #
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
PERMIT NUMBER	PERMIT APPROVED BY/DATE		PERMIT EXPIRATION DATE	

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
UNDERGROUND STORAGE TANK PERMIT APPLICATION - FORM B



COMPLETE A SEPARATE FORM FOR EACH TANK SYSTEM.

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

DBA OR FACILITY NAME WHERE TANK IS INSTALLED: Gloater Inc, 3815 Broadway, Oakland

I. TANK DESCRIPTION COMPLETE ALL ITEMS - SPECIFY IF UNKNOWN	
A. OWNER'S TANK I. D. # <u>UNKNOWN</u>	B. MANUFACTURED BY: <u>UNKNOWN</u>
C. DATE INSTALLED (MO/DAY/YEAR) <u>UNKNOWN</u>	D. TANK CAPACITY IN GALLONS: <u>1000</u>

II. TANK CONTENTS IF A-1 IS MARKED, COMPLETE ITEM C.		
A. <input type="checkbox"/> 1 MOTOR VEHICLE FUEL <input checked="" type="checkbox"/> 2 PETROLEUM <input type="checkbox"/> 3 CHEMICAL PRODUCT	B. <input type="checkbox"/> 4 OIL <input type="checkbox"/> 80 EMPTY <input type="checkbox"/> 95 UNKNOWN <input checked="" type="checkbox"/> 1 PRODUCT <input type="checkbox"/> 2 WASTE	C. <input type="checkbox"/> 1a REGULAR UNLEADED <input type="checkbox"/> 1b PREMIUM UNLEADED <input type="checkbox"/> 1c MIDGRADE UNLEADED <input type="checkbox"/> 2 LEADED <input type="checkbox"/> 3 DIESEL <input type="checkbox"/> 4 GASAHOL <input type="checkbox"/> 5 JET FUEL <input checked="" type="checkbox"/> 99 OTHER (DESCRIBE IN ITEM D. BELOW)
D. IF (A.1) IS NOT MARKED, ENTER NAME OF SUBSTANCE STORED <u>SOLVENT</u>		C. A. S. #:

III. TANK CONSTRUCTION MARK ONE ITEM ONLY IN BOXES A, B, AND C, AND ALL THAT APPLIES IN BOX D AND E		
A. TYPE OF SYSTEM <input type="checkbox"/> 1 DOUBLE WALL <input checked="" type="checkbox"/> 2 SINGLE WALL	<input type="checkbox"/> 3 SINGLE WALL WITH EXTERIOR LINER <input type="checkbox"/> 4 SINGLE WALL IN A VAULT	<input type="checkbox"/> 5 INTERNAL BLADDER SYSTEM <input type="checkbox"/> 95 UNKNOWN <input type="checkbox"/> 99 OTHER
B. TANK MATERIAL (Primary Tank) <input checked="" type="checkbox"/> 1 BARE STEEL <input type="checkbox"/> 5 CONCRETE <input type="checkbox"/> 9 BRONZE	<input type="checkbox"/> 2 STAINLESS STEEL <input type="checkbox"/> 6 POLYVINYL CHLORIDE <input type="checkbox"/> 10 GALVANIZED STEEL	<input type="checkbox"/> 3 FIBERGLASS <input type="checkbox"/> 7 ALUMINUM <input type="checkbox"/> 95 UNKNOWN <input type="checkbox"/> 99 OTHER
C. INTERIOR LINING OR COATING <input type="checkbox"/> 1 RUBBER LINED <input type="checkbox"/> 5 GLASS LINING	<input type="checkbox"/> 2 ALKYD LINING <input type="checkbox"/> 6 UNLINED	<input type="checkbox"/> 3 EPOXY LINING <input checked="" type="checkbox"/> 95 UNKNOWN <input type="checkbox"/> 4 PHENOLIC LINING <input type="checkbox"/> 99 OTHER
IS LINING MATERIAL COMPATIBLE WITH 100% METHANOL? YES ___ NO ___		
D. EXTERIOR CORROSION PROTECTION <input type="checkbox"/> 1 POLYETHYLENE WRAP <input type="checkbox"/> 5 CATHODIC PROTECTION	<input type="checkbox"/> 2 COATING <input type="checkbox"/> 91 NONE	<input type="checkbox"/> 3 VINYL WRAP <input checked="" type="checkbox"/> 95 UNKNOWN <input type="checkbox"/> 4 FIBERGLASS REINFORCED PLASTIC <input type="checkbox"/> 99 OTHER
E. SPILL AND OVERFILL, etc. SPILL CONTAINMENT INSTALLED (YEAR) _____ OVERFILL PREVENTION EQUIPMENT INSTALLED (YEAR) _____ DROP TUBE YES ___ NO ___ STRIKER PLATE YES ___ NO ___ DISPENSER CONTAINMENT YES ___ NO ___		

IV. PIPING INFORMATION CIRCLE A IF ABOVE GROUND OR U IF UNDERGROUND, BOTH IF APPLICABLE	
A. SYSTEM TYPE	A U 1 SUCTION A U 2 PRESSURE A U 3 GRAVITY A U 4 FLEXIBLE PIPING A U 99 OTHER
B. CONSTRUCTION	A U 1 SINGLE WALL A U 2 DOUBLE WALL A U 3 LINED TRENCH A U 95 UNKNOWN A U 99 OTHER
C. MATERIAL AND CORROSION PROTECTION	A U 1 BARE STEEL A U 2 STAINLESS STEEL A U 3 POLYVINYL CHLORIDE (PVC) A U 4 FIBERGLASS PIPE A U 5 ALUMINUM A U 6 CONCRETE A U 7 STEEL W/ COATING A U 8 100% METHANOL COMPATIBLE W/FRP A U 9 GALVANIZED STEEL A U 10 CATHODIC PROTECTION A U 95 UNKNOWN A U 99 OTHER
D. LEAK DETECTION	<input type="checkbox"/> 1 MECHANICAL LINE LEAK DETECTOR <input type="checkbox"/> 2 LINE TIGHTNESS TESTING <input type="checkbox"/> 3 CONTINUOUS INTERSTITIAL MONITORING <input type="checkbox"/> 4 ELECTRONIC LINE LEAK DETECTOR <input type="checkbox"/> 5 AUTOMATIC PUMP SHUTDOWN <input checked="" type="checkbox"/> 99 OTHER <u>UNKNOWN</u>

V. TANK LEAK DETECTION					
<input type="checkbox"/> 1 VISUAL CHECK <input type="checkbox"/> 7 CONTINUOUS INTERSTITIAL MONITORING	<input type="checkbox"/> 2 MANUAL INVENTORY RECONCILIATION <input type="checkbox"/> 8 SIR	<input type="checkbox"/> 3 VADOZE MONITORING <input type="checkbox"/> 9 WEEKLY MANUAL TANK GAUGING	<input type="checkbox"/> 4 AUTOMATIC TANK GAUGING <input type="checkbox"/> 10 MONTHLY TANK TESTING	<input type="checkbox"/> 5 GROUND WATER MONITORING <input checked="" type="checkbox"/> 95 UNKNOWN	<input type="checkbox"/> 6 ANNUAL TANK TESTING <input type="checkbox"/> 99 OTHER

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

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

TANK OWNER'S NAME (PRINTED & SIGNATURE) <u>Glenda Simpson</u>	DATE <u>4-2-97</u>
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LOCAL AGENCY USE ONLY THE STATE I.D. NUMBER IS COMPOSED OF THE FOUR NUMBERS BELOW			
STATE I.D.#	COUNTY #	JURISDICTION #	FACILITY #
PERMIT NUMBER	PERMIT APPROVED BY/DATE	PERMIT EXPIRATION DATE	

MEMORANDUM

DATE: April 1, 1997

TO: Stuart Depper Transmitted via Facsimile (415) 589-3679

FROM: Scott Seery

SUBJ: Requirements for gaining "reasonable" viewing access to
USTs to be closed in place in order to determine degree of
sludge/product removal and cleaning effectiveness

As we discussed today, I expect that a reasonable attempt to view the inside of the subject underground storage tanks (UST) be made to 1) determine success of product and sludge removal, and 2) to gauge effectiveness of tank cleaning efforts.

Typically, it is necessary to expose the top of and gain access to each UST. Should manways or other removable bulkheads be present atop each, such may be removed to gain access to the interior of the tank. Alternatively it is often necessary to cut a hole into a UST using nonsparking tools (i.e., "nibbler") to affect the same access to a tank's interior.

In your case I have agreed to allow your contractor to use a "down-hole" camera or camera-like device to view the interior of each tank to be closed in place. This will accomplish the same as opening a bulkhead or cutting a hole. The downside, of course, is that should the tank not be adequately cleaned or voided of product/sludge, you may have to proceed with breaking concrete, exposing tank tops, and gaining access in the ways noted previously.

Lastly, permission for allowing in place closure, although accommodated in the UST laws, is per the discretion of the Fire Marshall. You should call Mr. Leroy Griffin of Oakland Fire @ (510) 238-7759 to get clearance for all tanks to be proposed for in place closure.

c: Larry Blazer
Chuck Kiper, SEMCO
Frank Goldman, GeoSolv

COM No.	REMOTE STATION	START TIME	DURATION	PAGES	RESULT	USER ID	REMARKS
354	4166729734	04-01 17:29	00'52	01/01	OK		

SEMO

7499402046

ALAMEDA COUNTY HEALTH CARE SERVICES - ENVIRONMENTAL PROTECTION

MEMORANDUM

DATE: April 1, 1997

TO: Stuart Depper Transmitted via Facsimile (415) 589-3679

FROM: Scott Seery

SUBJ: Requirements for gaining "reasonable" viewing access to USTs to be closed in place in order to determine degree of sludge/product removal and cleaning effectiveness

As we discussed today, I expect that a reasonable attempt to view the inside of the subject underground storage tanks (UST) be made to 1) determine success of product and sludge removal, and 2) to gauge effectiveness of tank cleaning efforts.

Typically, it is necessary to expose the top of and gain access to each UST. Should manways or other removable bulkheads be present atop each, such may be removed to gain access to the interior of the tank. Alternatively it is often necessary to cut a hole into a UST using nonsparking tools (i.e., "nibbler") to affect the same access to a tank's interior.

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c: Larry Blazer
Chuck Vines SEMCO

COM No.	REMOTE STATION	START TIME	DURATION	PAGES	RESULT	USER ID	REMARKS
355	+	04-01 17:31	00'51	01/01	OK		

7499402045

ALAMEDA COUNTY HEALTH CARE SERVICES - ENVIRONMENTAL PROTECTION

MEMORANDUM

DATE: April 1, 1997

TO: Stuart Depper Transmitted via Facsimile (415) 589-3679

FROM: Scott Seery

SUBJ: Requirements for gaining "reasonable" viewing access to USTs to be closed in place in order to determine degree of sludge/product removal and cleaning effectiveness

As we discussed today, I expect that a reasonable attempt to view the inside of the subject underground storage tanks (UST) be made to 1) determine success of product and sludge removal, and 2) to gauge effectiveness of tank cleaning efforts.

Typically, it is necessary to expose the top of and gain access to each UST. Should manways or other removable bulkheads be present atop each, such may be removed to gain access to the interior of the tank. Alternatively it is often necessary to cut a hole into a UST using nonsparking tools (i.e., "nibbler") to affect the same access to a tank's interior.

In your case I have agreed to allow your contractor to use a "down-hole" camera or camera-like device to view the interior of each tank to be closed in place. This will accomplish the same as opening a bulkhead or cutting a hole. The downside, of course, is that should the tank not be adequately cleaned or voided of product/sludge, you may have to proceed with breaking concrete, exposing tank tops, and gaining access in the ways noted previously.

Lastly, permission for allowing in place closure, although accommodated in the UST laws, is per the discretion of the Fire Marshall. You should call Mr. Leroy Griffin of Oakland Fire @ (510) 238-7759 to get clearance for all tanks to be proposed for in place closure.

c: Larry Blazer
Chuck Kiner SEMCO

COM No.	REMOTE STATION	START TIME	DURATION	PAGES	RESULT	USER ID	REMARKS
356	17079967882	04-01 17:32	00'52	01/01	OK		

7499402046

ALAMEDA COUNTY HEALTH CARE SERVICES - ENVIRONMENTAL PROTECTION

MEMORANDUM

DATE: April 1, 1997

TO: Stuart Depper Transmitted via Facsimile (415) 589-3679

FROM: Scott Seery

SUBJ: Requirements for gaining "reasonable" viewing access to USTs to be closed in place in order to determine degree of sludge/product removal and cleaning effectiveness

As we discussed today, I expect that a reasonable attempt to view the inside of the subject underground storage tanks (UST) be made to 1) determine success of product and sludge removal, and 2) to gauge effectiveness of tank cleaning efforts.

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c: Larry Blazer
Chuck Kiper SEMCO

*To Blogger
from Key*

HK2, Inc. / SEMCO
Environmental Contractors & General Engineering
License # 719103 A, B, C57, C-61/D40, ASB
Hazardous Substances Certification

1751 Leslie Street, San Mateo, California 94402
Email - HK2Inc@aol.com
(800) 831-2344 / (415) 572-8033
(415) 572-9734 FAX

CONTRACT

DATE: March 28, 1997	NO: 97-0163
SUBMITTED TO: Stuart Depper 338 North Canal Street, # 26 So. San Francisco, CA 94080	LOCATION: 3815 Broadway Oakland, California
ATTN:	JOB DESCRIPTION:
PHONE: (415) 589-3677 FAX: (415) 589-3679	Closure of UST

We hereby submit specifications and estimates for the following:

- Secure required permits from Alameda County Environmental Health Department and Oakland Fire Department.
- Pump residual product and water from underground storage tanks (USTs) in preparation to perform a high pressure hot water detergent wash.
- Perform high pressure hot water detergent wash through accessible openings per customer's request.
- Disposal of 500 gallons rinsate and residual product is included in contract price by a licensed hazardous waste hauler to an appropriate disposal facility.
- Verify LEL or oxygen content of UST interiors utilizing a Gastech 1314.
- Fill interior of USTs with approved inert material. Tank sizes are one (1) 5000 gallon, one 3500 gallon, one 4000 gallon, two 1000 gallon and one 800 gallon.
- Remove existing fill boxes and appurtenances in sidewalk area and resurface to match existing.
- Report of activities by a registered professional.
- Clean jobsite and dispose of construction debris.
- For legal manifesting and disposal of regulated waste associated with your project, please obtain a temporary ID Number from the Environmental Protection Agency by calling (800) 618-6942.
- In the event of contamination, caving conditions, high watertable, underground obstacles, shoring or utilities, an estimate will be developed for the additional costs.

March 28, 1997

Page 2

Contract # 97-0163

Stuart Depper

- During this project, we recommend that the Owner or representative be on site or available by telephone.

We hereby propose to furnish labor and materials in accordance with the above specifications, for the sum of \$ 16,100.00, with payment to be made as follows: 15% UPON ACCEPTANCE OF CONTRACT, 70% UPON UST CLOSURES, 15% UPON COMPLETION.

Note: This contract allows for one hour of truck time with a vacuum truck and up to 500 gallons of waste product. Any excess will be billed at \$ 85.00 per hour for trucking and \$ 1.25 per gallon for liquid.

Should sampling be required, other than recent Tracer tests provide by owner, a separate quote will be issued.

*WORK PLAN WILL BE SUBMITTED TO ALAMEDA CITY
ENV. BY END OF WORKDAY 4-2-97 (CAK)*

Authorized
Signature

Chuck Kiper

Chuck Kiper CES, CEI
President

Note: This contract may be withdrawn by us if not accepted within 30 days.

Acceptance of Contract: The above specifications, conditions, and prices are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above. The customer agrees to pay all charges within 30 days of invoicing and pay interest at the rate of 1 1/2% per month on any unpaid balance, unless otherwise stated above. The prevailing party in any legal action arising out of this contract shall be reimbursed for it's reasonable attorney's fees and costs incurred in such action.

Date:

4/10/97

Authorized
Signature:

Stu Depper

ALAMEDA COUNTY HEALTH CARE SERVICES AGENCY
DEPARTMENT OF ENVIRONMENTAL HEALTH
ENVIRONMENTAL PROTECTION DIVISION
1131 HARBOR BAY PARKWAY, RM 250
ALAMEDA, CA 94502-6577
PHONE # 510/567-6700
FAX # 510/337-9335

To: Blazer
Frank Kern

Project Specialist

Tank Closure plan
Permits made

Closure in Place

*** Complete according to attached instructions ***

1. Name of Business GLOYATORIUM / The Leather Cleaner
Business Owner or Contact Person (PRINT) STUART DePPER
 2. Site Address 3815 BROADWAY
City OAKLAND Zip _____ Phone _____
 3. Mailing Address 338 No. CANAL STREET, #26
City So. SAN FRANCISCO Zip 94080 Phone 415-589-3677
 4. Property Owner STUART DePPER
Business Name (if applicable) _____
Address 338 No. CANAL STREET, #26
City, state So. SAN FRANCISCO, CA Zip 94080
 5. Generator name under which tank will be manifested
8 NIA
- EPA ID# under which tank will be manifested CA C001243712

6. Contractor HK2, INC/SEMCO
Address 1751 LESUE ST
City SAN MATEO, CA 94402 Phone 415-572-8033
License Type 719103 ID# A, B, C, D, HAZ

*Effective January 1, 1992, Business and Professional Code Section 7058.7 requires prime contractors to also hold Hazardous Waste Certification issued by the State Contractors License Board.

7. Consultant (if applicable) N/A
Address _____
City, State _____ Phone _____

8. Main Contact Person for Investigation (if applicable)
Name Chuck Kiper Title President
Company HK2, INC/SEMCO
Phone 415-572-8033

9. Number of underground tanks being closed with this plan 6
Length of piping being removed under this plan N/A
Total number of underground tanks at this facility (**confirmed with owner or operator) 6

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

** Underground storage tanks must be handled as hazardous waste **

a) Product/Residual Sludge/Rinsate Transporter
Name EVERGREEN ENVIRONMENTAL EPA I.D. No. CAD980695761
Hauler License No. 0242 License Exp. Date 7/98
Address 6880 Smith Avenue
City Newark State CA zip 94560

b) Product/Residual Sludge/Rinsate Disposal Site
Name EVERGREEN ENVIRONMENTAL EPA ID# CAD980695761
Address 6880 Smith Avenue
City Newark State CA zip 94560

c) Tank and Piping Transporter

Name N/A EPA I.D. No. _____

Hauler License No. _____ License Exp. Date _____

Address _____

City _____ State _____ Zip _____

d) Tank and Piping Disposal Site

Name N/A EPA I.D. No. _____

Address _____

City _____ State _____ Zip _____

11. Sample Collector (IF APPLICABLE)

Name MARK DYSERT, Denis Milano

Company HK2, INC / SEMCO

Address 1751 LESLIE ST.

city SAN MATEO state CA zip 94402 Phone 415-572-8033

12. Laboratory (IF APPLICABLE)

Name NORTH STATE ENVIRONMENTAL

Address 90 S. SPRUCE ST.

city SO. SAN FRANCISCO state CA zip 94080

State Certification No. 1753

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

If yes, describe. _____

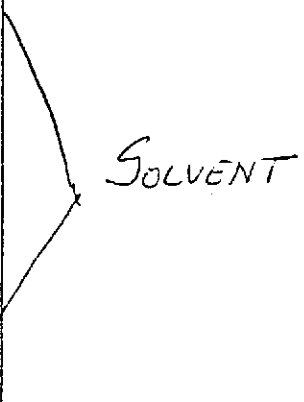
14. Describe methods to be used for rendering tank(s) inert:

High Pressure Hot Water Detergent Wash
20 lbs dry ice per 1000 gallons
Purge with Air

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

The Bay Area Air Quality Management District, 415/771-6000, along with local Fire and Building Departments, must also be contacted for tank removal permits. Fire departments typically require the use of a combustible gas indicator to verify tank inertness. It is the contractor's responsibility to bring a working combustible gas indicator on-site to verify that the tank is inert.

15. Tank History and Sampling Information *** (see instructions) ***

Tank		Material to be sampled (tank contents, soil, groundwater)	Location and Depth of Samples
Capacity	Use History include date last used (estimated)		
800	 SOLVENT	Refer to Owner	Refer to Owner
(2) 1000		Has Contracted other	→
4000		Form	
3500			
5000			

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

Excavated/Stockpiled Soil

Stockpiled Soil Volume (estimated)

N/A

Sampling Plan

*Refer to owner
Has Contracted other Firm*

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

Will the excavated soil be returned to the excavation immediately after tank removal? [] yes [] no [] unknown

If yes, explain reasoning _____

If unknown at this point in time, please be aware that excavated soil may not be returned to the excavation without prior approval from Alameda County. This means that the contractor, consultant, or responsible party must communicate with the Specialist IN ADVANCE of backfilling operations.

16. Chemical methods and associated detection limits to be used for analyzing samples:
The Tri-Regional Board recommended minimum verification analyses and practical quantitation reporting limits should be followed. See attached Table 2.

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

Contaminant Sought	EPA or Other Sample Preparation Method Number	EPA or Other Analysis Method Number	Method Detection Limit

18. Submit Worker's Compensation Certificate copy

Name of Insurer _____

19. Submit Plot Plan ***** (See Instructions) *****

20. Enclose Deposit (See Instructions)

21. Report any leaks or contamination to this office within 5 days of discovery.

The written report shall be made on an Underground Storage Tank Unauthorized Leak/Contamination Site Report (ULR) form.

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

23. Submit State (Underground Storage Tank Permit Application) Forms A and B (one B form for each UST to be removed) (mark box 8 for "tank removed" in the upper right hand corner)

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

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

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

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

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

CONTRACTOR INFORMATION

Name of Business HK2, INC / SEMCO

Name of Individual Shanda James-Kusew

Signature Shanda James-Kusew Date 4-2-97

PROPERTY OWNER OR MOST RECENT TANK OPERATOR (Circle one)

Name of Business The Leathie Clean

Name of Individual Stu Depper

Signature Stu Depper Date 4/1/97

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

II, III

Site ID # 439 Site Name Glovatorium Today's Date 3/27/97

Site Address 3815 Broadway

City Oakland Zip 94611 Phone _____

____ 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:

John Van Dyne has knowledge re: past releases @ site
BAAQMD has deposition

(415) 589-3677 off Stuart Depper
" 985-3762 pgr

Larry Seto and I met Bob, Stuart and Mrs. Depper,
and Frank Goldman at the site today to locate 1) the
USTs, and 2) any other possible "target areas." We
located two (2) USTs below the sidewalk on 38th which
Deppers' claimed were theirs, and were shown the reported
access "tubes" to four (4) additional UST located
within the Glovatorium facility. Manifold/valve system
appearing to direct flow from these tanks was located on wall in "dry cleaning"
Two (2) large, self-contained "perc" dry cleaning machines were
noted in portion of facility served by Manilla St. entrance.

Contact _____

Title _____

Signature _____

Inspector S. Depper

Signature _____

II, III



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

ENVIRONMENTAL
PROTECTION
97 APR 10 PM12:54

April 8, 1997

Kevin D Taguchi
Attorney at Law
Gatehouse Plaza
1209 B Street, Suite 218
Hayward, CA 94541

Re: Depper Order

Dear Mr. Taguchi:

Enclosed is the order we discussed with Judge Goodman yesterday afternoon.

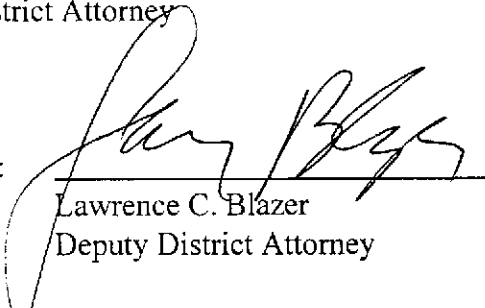
Please sign and return it within the next 7 days.

As we discussed, if there are any technical questions, I have no objections to anyone dealing directly with Scott Seery, who can be reached at 567-6783.

Very truly yours,

THOMAS J. ORLOFF
District Attorney

By:


Lawrence C. Blazer
Deputy District Attorney

TJO:LCB:dm

Enclosure

cc: Scott Seery

ALAMEDA COUNTY HEALTH CARE SERVICES AGENCY
 DEPARTMENT OF ENVIRONMENTAL HEALTH
 ENVIRONMENTAL PROTECTION DIVISION
 1131 HARBOR BAY PARKWAY, RM 250
 ALAMEDA, CA 94502-6577

Scott Seery
 Project Specialist

SPS
 4/18/97
 ACCEPTED

Underground Storage Tank Closure Permit Application
 Alameda County Division of Hazardous Materials
 1131 Harbor Bay Parkway, RM 250
 Alameda, CA 94502-6577

These disbursement plans have been reviewed and found to be acceptable and responsible meet the requirements of State and Local Health Codes. Changes to your disbursement plans indicated by this department are to ensure compliance with State and Local LRS. This project presented herein is now released for issuance of any required building permits by contractor/dispatcher.
 One copy of the accepted plans must be on the job site available to an authorized and credentialed individual for removal.

Any changes or alterations of these plans and specifications must be submitted to this Department and to the State and Building Inspection Department for their review. Changes need the requirements of State and local laws. Notify this Department at least 72 hours prior to the work required inspections.

PHONE 510/567-6700
 FAX 510/337-9335

Closure
 _____ Remedial Tank(s) and Piping
 _____ Sampling
 _____ Final Inspection

Issuance of a permit to operate, by permittee, the closure, is dependent on compliance with accepted plans and all applicable laws and regulations.

CONTACT SPECIALIST
 "THERE IS A FINANCIAL PENALTY FOR NOT OBTAINING THESE INSPECTIONS"

SEE CHANGES

UST
 CLOSURE IN PLACE
~~UNDERGROUND STORAGE TANK CLOSURE~~

*** Complete according to attached instructions ***

- Name of Business GLOYATORIUM / The Leather Cleaner
 Business Owner or Contact Person (PRINT) STUART Depper
- Site Address 3815 BROADWAY
 City OAKLAND Zip 94612 Phone _____
- Mailing Address 338 No. CANAL STREET, #26
 City So. SAN FRANCISCO Zip 94080 Phone 415-589-3077
- Property Owner STUART Depper
 Business Name (if applicable) _____
 Address 338 No. CANAL STREET, #26
 City, state So. SAN FRANCISCO, CA Zip 94080
- Generator name under which tank will be manifested
8 N/A

EPA ID# under which tank will be manifested CA C001243712

6. Contractor HK2, Inc/SEMCO
Address 1751 LESUE ST
City SAN MATEO, CA 94402 Phone 415-572-8033
License Type* 719103 ID# A, B, C, 61 / D40, HAZ

*Effective January 1, 1992, Business and Professional Code Section 7058.7 requires prime contractors to also hold Hazardous Waste Certification issued by the State Contractors License Board.

7. Consultant (if applicable) N/A

Address _____

City, State _____ Phone _____

8. Main Contact Person for Investigation (if applicable)

Name Chuck Kiper Title President

Company HK2, Inc/SEMCO

Phone 415-572-8033

9. Number of underground tanks being closed with this plan 6

Length of piping being removed under this plan N/A

Total number of underground tanks at this facility (**confirmed with owner or operator) 6

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

** Underground storage tanks must be handled as hazardous waste **

a) Product/Residual Sludge/Rinsate Transporter

Name EVERGREEN ENVIRONMENTAL EPA I.D. No. CAD 980695761

Hauler License No. 0242 License Exp. Date 7/98

Address 6880 Smith Avenue

City Newark State CA Zip 94560

b) Product/Residual Sludge/Rinsate Disposal Site

Name EVERGREEN ENVIRONMENTAL EPA ID# CAD 980695761

Address 6880 Smith Avenue

City Newark State CA Zip 94560

c) Tank and Piping Transporter

Name N/A EPA I.D. No. _____

Hauler License No. _____ License Exp. Date _____

Address _____

City _____ State _____ Zip _____

d) Tank and Piping Disposal Site

Name N/A EPA I.D. No. _____

Address _____

City _____ State _____ Zip _____

11. Sample Collector (if Applicable)

Name MARK DYSERT, Denis Milano

Company HK2, INC / Senco

Address 1751 LESLIE ST.

city SAN Mateo state CA zip 94402 Phone 415-572-8033

12. Laboratory (if Applicable)

Name NORTH STATE ENVIRONMENTAL

Address 90 S. SPRUCE ST.

city So. SAN FRANCISCO state CA zip 94080

State Certification No. 1753

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

If yes, describe. _____

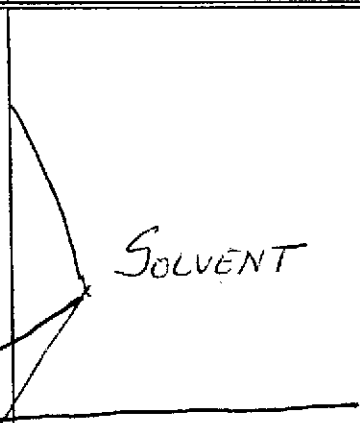
14. Describe methods to be used for rendering tank(s) inert:

HIGH PRESSURE HOT WATER DETERGENT WASH
20 lbs DRY ICE PER 1000 GALLONS
PURGE WITH AIR TANK CLEANSING SUCCESS TO BE VERIFIED [SEE: 4/1/97 MEMO]

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

The Bay Area Air Quality Management District, 415/771-6000, along with local Fire and Building Departments, must also be contacted for tank removal permits. Fire departments typically require the use of a combustible gas indicator to verify tank inertness. It is the contractor's responsibility to bring a working combustible gas indicator on-site to verify that the tank is inert.

15. Tank History and Sampling Information *** (see instructions) ***

Tank		Material to be sampled (tank contents, soil, groundwater)	Location and Depth of Samples
Capacity	Use History include date last used (estimated)		
800 (2) 1000 4000 3500	 SOLVENT	Refer to Owner Has Contracted other Firm →	Refer to Owner
5000			

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

Excavated/Stockpiled Soil

<p>Stockpiled Soil Volume (estimated)</p> <p align="center"><i>N/A</i></p>	<p>Sampling Plan</p> <p align="center"><i>Refer to owner has Contracted other Firm</i></p>
--	--

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

Will the excavated soil be returned to the excavation immediately after tank removal? [] yes [] no [] unknown *N/A*

If yes, explain reasoning _____

If unknown at this point in time, please be aware that excavated soil may not be returned to the excavation without prior approval from Alameda County. This means that the contractor, consultant, or responsible party must communicate with the Specialist IN ADVANCE of backfilling operations.

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

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

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

Contaminant Sought	EPA or Other Sample Preparation Method Number	EPA or Other Analysis Method Number	Method Detection Limit
<i>SEE: Geo Solu work plan</i>			

18. Submit Worker's Compensation Certificate copy

Name of Insurer CALIFORNIA COMP

19. Submit Plot Plan ***** (See Instructions) *****

20. Enclose Deposit (See Instructions)

21. Report any leaks or contamination to this office within 5 days of discovery.

The written report shall be made on an Underground Storage Tank Unauthorized Leak/Contamination Site Report (ULR) form.

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

23. Submit State (Underground Storage Tank Permit Application) Forms A and B (one B form for each UST to be removed) (mark box 8 for "tank removed" in the upper right hand corner)

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

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

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

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

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

CONTRACTOR INFORMATION

Name of Business HK2 INC/SEMG0

Name of Individual Brenda James-Kipsey

Signature Brenda James-Kipsey Date 4-2-97

PROPERTY OWNER OR MOST RECENT TANK OPERATOR (Circle one)

Name of Business The Leather Cleaner

Name of Individual Stu Depper

Signature Stu Depper Date 4/1/97



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

February 28, 1997

Stuart Depper
3130 Diablo View Road
Lafayette, CA 94549

Re: People v. Stuart Depper
Docket No. 116653B
Probation Violation Hearing

Dear Mr. Depper:

As you no doubt are aware, your case is scheduled for a probation violation hearing on April 3, 1997, at 9:00 a.m. in Department 7. Because it is my understanding that you are currently not represented by counsel, I am writing this letter to you rather than an attorney.

The Court's order that a tank closure and site investigation workplan, acceptable to the County, be submitted to the County, has not been complied with, in spite of the fact that the underlying legal obligation has been conveyed to you and your co-defendant repeatedly over a period of several years. So that there will be no misunderstanding, this letter is to inform you that, if such a workplan (not a bid package) is not submitted to Mr. Seery prior to the hearing date, it will be the position of this Office that you are in violation of your probation and should be immediately remanded back into custody.

It is also the purpose of this letter to inform you, that, should you desire to be represented by counsel, you should make those arrangements promptly, because I will object to any continuance of this matter based on a contention that the new lawyer must familiarize him or herself with the case. Given your earlier representation that you are now employed (made to convince the court that you should be allowed into a private work furlough facility), you are apparently not again eligible to be represented by the Public Defender's Office.

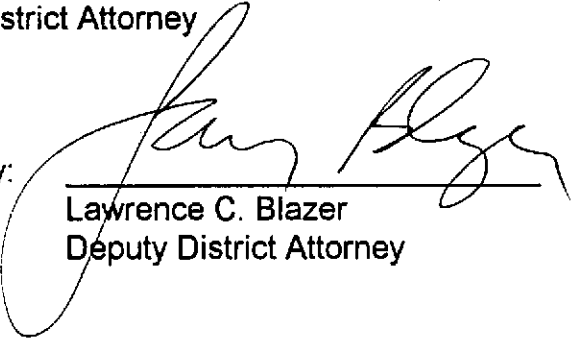
Stuart Depper
February 28, 1997
Page 2

I will be happy to discuss the matter with whomever you retain between now and the hearing. Because of my complete lack of trust in our motives and credibility, I would prefer not to speak to you directly.

Very truly yours,

THOMAS J. ORLOFF
District Attorney

By:



Lawrence C. Blazer
Deputy District Attorney

cc: Honorable Larry Goodman
William Linehan
Scott Seery

MEMORANDUM

DATE: October 31, 1996

TO: Robert Depper, John Murphy

FROM: Scott Seery

SUBJ: Requirements of Robert Depper to comply with conditions of probation (PFN: AWD 305)

-
- 1) Hire a qualified, CA-registered / licensed environmental professional / contractor to assist in complying with current outstanding UST issues and subsequent tasks
- ✓ ○ Identify locations and orientations of all USTs and associated piping systems
 - 2 ✓ ○ Submit UST closure application for approval by ACDEH and Oakland Fire Department
 - Perform UST closures under ACDEH and FD oversight
 - 4 ✓ ○ Submit work plan for performing a soil and water investigation (SWI)
 - Perform SWI and submit SWI report documenting results
 - Determine occurrence and affect timely removal of any free-product encountered in wells or other structures - appropriate method to be determined by ACDEH
 - 7 ✓ ○ Submit *Underground Storage Tank Unauthorized Release (Leak)/Contamination Site Report (ULR)*
 - Submit technical reports every 3 months until advised otherwise which document sampling of wells, laboratory analyses, plume isoconcentration and flow gradient maps, etc.
- 2) Develop an appropriate corrective action plan (CAP) based on evaluation of "risk" following ASTM E 1739-95 guidance
- 3) Address lingering hazardous waste issues (i.e., hazardous waste disposal manifests), as appropriate

attachments

c: Larry Seto
Larry Blazer



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

September 27, 1996

Mei-Ling Pastor
Deputy Probation Officer
Alameda County Probation Department
Oic: 22801

Re: Robert Depper (PFN: AWD 305)
Superior Court No. 116653A
Conditions of Probation

ENVIRONMENTAL
PROTECTION
96 OCT - 1 AM 9: 29

Dear Ms. Pastor:

Pursuant to our conversation this morning, this letter is to set forth and explain the special conditions of probation imposed on Robert Depper when he was sentenced by Judge Lambden on September 20, 1996.

Mr. Depper was given three years of formal probation with the suspension of one year in jail. The conditions of probation included the requirement that he submit a work plan for a subsurface investigation for the site formerly known as "The Glovatorium" (at 38th and Broadway in Oakland) to determine the extent of the environmental contamination at that location. This workplan requirements include:

- 1) It must be acceptable to the Alameda County Department of Environmental Health Services, Environmental Protection Division.
- 2) It must be prepared by a licensed environmental engineer or geologist.
- 3) It will include underground storage tank closure applications.
- 4) It will include a plan to identify the location of underground tanks at the facility.
- 5) It will include soil and groundwater sampling and analysis.

The workplan must be submitted by December 1, 1996.

Once the workplan is submitted and approved, its implementation must begin within a reasonable time; once the extent of the contamination is determined, a corrective action plan and ultimate remediation will be required.

The Environmental Health contact person is Scott Seery, a Hazardous Materials Specialist, who will oversee this process. He can be reached at 567-6783 (Tie line: 36783).

The defendant was further ordered to cooperate with his probation officer regarding the unfinished investigation of his assets. He must comply with any further requests for further reasonable requests for information of that sort, (including the turnover of tax returns, bank account locations and records, stock holdings, loan applications, etc.).

The conditions of probation include a search clause allowing warrantless entry of environmental regulators and law enforcement officials onto business premises owned, operated or controlled by the defendant.

The defendant was ordered to pay:

- 1) \$37,527 (as restitution for personnel costs) to the Alameda County Department of Health Care Services, Environmental Protection Division.
- 2) \$11,977 (as restitution for lab fees) to the Alameda County Hazardous Material Program Training and Response Trust Account.
- 3) A restitution fine of \$200
- 4) A criminal fine pursuant to Health & Safety Code § 25189.5(e) or \$5,000.00. This fine is to be apportioned, pursuant of Health & Safety Code §25192, as follows:

- (a) 50% to the California Hazardous Substance Account:

Accounting Unit
Department of Toxic Substances Control
California Environmental Protection Agency
P.O. Box 806
Sacramento, CA 95812

- (b) 25% to the Alameda District Attorney's Office.
- (c) 15% to the Alameda County Department of Environmental Health.
- (d) 10% to the Oakland Police Department.

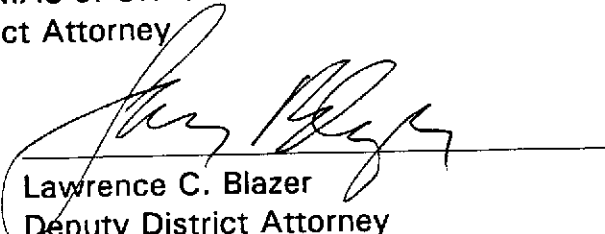
A progress report is scheduled for April 28, 1997 at 8:31 AM in Department 7.

As I indicated when we spoke over the phone, it may be useful for you to sit down with me (and perhaps Mr. Seery) and discuss these requirements. If you have any questions at all, feel free to contact me or Mr. Seery.

Very truly yours,

THOMAS J. ORLOFF
District Attorney

By:


Lawrence C. Blazer
Deputy District Attorney

TJO:LCB:dm

cc: William Linehan
Scott Seery
Court file

ADD:

TP
LS
GC
MLT



Cal/EPA

**State Water
Resources
Control Board**

**Division of
Clean Water
Programs**

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

2014 T Street,
Suite 150
Sacramento, CA
95814
(916) 227-4325
FAX (916) 227-4349

JUL 24 1996

ENVIRONMENTAL
PROTECTION

96 JUL 26 PM 3:35



Pete Wilson
Governor

Stewart Depper
Glovatorium
31 Muth Drive
Orinda, CA 94563

Dear Mr. Depper:

UNDERGROUND STORAGE TANK (UST) LOCAL OVERSIGHT PROGRAM, SITE NO. 439, 3815 BROADWAY, OAKLAND, ALAMEDA COUNTY

In response to our recent telephone conversation, I have enclosed a detailed accounting of site-specific charges incurred by the County from March 20, 1995 to April 4, 1996. To date you have only been billed for costs incurred through December 31, 1995. I believe your specific concern relates to charges made against activity code 206 which is an enforcement code.

According to Scott Seery of the County, litigation you are currently involved with covers several issues. Mr. Seery's time was associated with the underground storage tank issue and appropriately charged to you because it relates to enforcing state regulations regarding corrective action. Another issue related to hazardous waste and was handled by Larry Seto of the County.

If you have any questions concerning the enclosed information, please telephone Mr. Seery at (510) 567-6783. For questions concerning the invoices, please telephone me at (916) 227-4325.

Sincerely,

Lori Casias
Local Oversight Program

Enclosure

cc: **Scott Seery**
Alameda County
Hazardous Materials Division
1131 Harbor Bay Parkway, 2nd Floor
Alameda, CA 94502



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

ALAMEDA COUNTY HAZARDOUS MATERIALS DIVISION

06/21/96

UNDERGROUND STORAGE TANK CLEANUP SITE

AGENCY#: 10000 SOURCE OF FUNDS: F-FEDERAL INSPECTOR: SO
StID: 439 SUBSTANCE: 8052413 -Stoddard Solvent
SITE NAME: Glovatorium DATE REPORTED : 10/15/90
ADDRESS : 3815 Broadway DATE CONFIRMED: 10/15/90
CITY/ZIP : Oakland, CA 94611 MULTIPLE RP's : N

CASE TYPE: G CONTRACT STATUS: 4 PRIOR:1B3 EMERGENCY RESPONSE:

RP SEARCH	: S	DATE END:	03/21/95
PRELIM ASSESSMENT	:	DATE BEGIN:	DATE END:
REMEDIAL INVESTIG	:	DATE BEGIN:	DATE END:
REMEDIAL ACTION	:	DATE BEGIN:	DATE END:
POST REMED MONITOR:	DATE BEGIN:	DATE END:	

TYPE ENFORCEMENT ACTION TAKEN: 1 DATE OF ENFORC. ACTION: 03/22/95

UNDERGROUND STORAGE TANK CLEANUP SITE - SCREEN #2

LUFT FIELD MANUAL CONSIDERATION: 3 CASE CLOSED: on:

DT EXC START: REMEDIAL ACTIONS TAKEN: NT

RP #1: CONTACT: Robert Depper RP COST:
RP COMPANY NAME: Glovatorium Ph:
ADDRESS: 31 Muth Dr.
CITY/STATE: Orinda, C A 94563

Listing of all activities since 1991 for StID # 439
as of 06/21/96

Act91_4
Act92_1
Act92_2
Act92_3
Act92_4
Act92_5
Act93_1
Act93_2
Act93_3
Act93_4
Act94_1
Act94_2
Act94_3
Act94_4
Act95_1

Post-It™ brand fax transmittal memo 7671		# of pages > 2	
To	Lori Casias	From	Scott Seery
Co.	SWRCB	Co.	ALDEH
Dept.		Phone#	(510) 567-6783
Fax#	(916) 227-4349	Fax#	

STID 439

RE: Gloratorium
3815 Broadway
Oakland

ActivDat	Insp	ACT	Activ	stid	ActCostF	aComment
03/20/95	SOS	206	2.2	439	\$117.28	meeting @ DA's office re: UST and CAP issues
03/21/95	SOS	200	0.8	439	\$42.65	RP search; database input
03/21/95	TP	206	0.6	439	\$37.44	w/SOS, Larry Blazer
03/21/95	SOS	215	2.6	439	\$138.60	begin case review
03/22/95	SOS	200	0.4	439	\$21.32	enter data into SWRCB database; issue NORR
03/22/95	SOS	206	3.5	439	\$186.58	discuss case w/ DA's office (Larry Blazer); draft enforcement/compliance document for same
03/22/95	SOS	215	2.5	439	\$133.27	continue case review
03/23/95	SOS	206	2.3	439	\$122.61	complete enforcement document for DA; meeting @ DA's office
Act95_2						
05/08/95	SOS	204	0.2	439	\$10.66	discuss case w/ Larry Blazer (DA)
05/12/95	SOS	204	0.1	439	\$5.33	call to SWRCB re: SB2004 eligibility
05/12/95	SOS	206	0.3	439	\$15.99	call to Larry Balzer (DA) re: defendant's SB2004 application
05/12/95	SOS	215	0.3	439	\$15.99	case review
05/16/95	SOS	204	0.3	439	\$15.99	calls to SWRCB re: SB2004 acceptance
05/17/95	SOS	204	0.4	439	\$21.32	calls to SWRCB re: SB2004 issues
05/17/95	SOS	206	0.2	439	\$10.66	call to Larry Blazer (DA's office)
06/13/95	SH	212	0.5	439	\$26.65	talked to Sal Germanas (McClaren Hart) re: status & site search, clean up fund reimbursement
06/29/95	TP	215	0.1	439	\$6.24	supv. case review
Act95_3						
08/10/95	SOS	206	0.4	439	\$21.32	calls w/ Larry Blazer (DA's office) re: enf case
08/15/95	SOS	204	0.2	439	\$10.66	calls w/ Larry Blazer (DA's office) re: facts of case
08/15/95	SOS	215	0.9	439	\$47.98	case file review;
08/29/95	SOS	204	0.2	439	\$10.66	call w/ Larry Blazer (DA's office)
08/30/95	SOS	206	0.2	439	\$10.66	discuss enf case w/ larry Balzer (DA's office) and upcoming 9/5 meeting

09/06/95	SOS	206	3.3	439	\$180.07	meeting at DA's office re: sentencing hearing issues; prep for meeting; prepare declaration for court record
Act95_4						
10/04/95	SOS	206	0.1	439	\$5.57	call w/ Larry Blazer (DA's office) re: rescheduled court date
12/05/95	SOS	206	0.3	439	\$16.70	call w/ Larry Blazer (DA's office) re: Dec. 8th court appearance
12/05/95	SOS	215	2.4	439	\$133.64	begin review of case file in prep for 12/8 court appearance
12/07/95	SOS	215	1.5	439	\$83.52	continue case review in prep for 12/8 court appearance
12/08/95	SOS	206	3.3	439	\$183.75	sentencing hearing for S. Depper, Alameda Co Superior Court, Dept. 5 - postponed; prep for testimony; discuss case issues w/ Larry Blazer (DA's office)
01/17/96	SOS	206	0.1	439	\$0.00	call w/ Larry Blazer (DA's office) re: 1/19 court date
01/18/96	SOS	206	1.3	439	\$0.00	begin prep for 1/19 court date for sentencing of S. Depper
01/19/96	SOS	206	3.5	439	\$4.68	attend hearing for sentencing of S Depper - rescheduled for 3/1/96
01/22/96	SOS	206	0.5	439	\$0.00	discuss enf case w/ Larry Blazer (DA's office)
01/24/96	SOS	215	1.5	439	\$0.00	research Stoddard toxicity for UST release investigation
01/25/96	SOS	215	1.5	439	\$0.00	research dry cleaning industry/ solvent usage
02/28/96	SOS	204	0.9	439	\$0.00	calls w/ Larry Blazer (DA's office) re: upcoming sentencing hearing and other issues related to Stoddard solvent; call to K. Graves (RWQCB)
02/28/96	SOS	212	0.3	439	\$0.00	call to Peter Brennan (Depper atty)
02/28/96	SOS	215	0.8	439	\$0.00	case review; review of Staoddard solvent toxicity literature
03/26/96	SOS	204	0.1	439	\$0.00	discuss case w/ Larry Balzer (DA's office)
04/04/96	SOS	206	4.2	439	\$0.00	sentencing hearing for S Depper; prep; travel

complete

pg. 1

INVOICE FOR OVERSIGHT COSTS

fin510a

Send Payment to: State Water Resources Control Board
Underground Storage Tank Local Oversight Program
PO Box 944212
Sacramento, CA 94244-2120

Bill Date:
04/26/96

Local Agency: COUNTY OF ALAMEDA

Site Location:

SITE # 439

GLOVATORIUM
ROBERT DEPPER
31 MUTH DR
ORINDA, CA 94563

GLOVATORIUM
3815 BROADWAY
OAKLAND, CA
94611

Total previously billed: \$ 2,171.10
Payment(s) received as of / / \$ 0.00
**New Charges - Billing Period: 07/01/95 through 12/31/95 \$ 1,056.80

Total amount due: \$ 3,227.90

FUND: F

State Health and Safety Code Sections 25297.1 and 25360 and Title 42 of the United States Code Section 6991b(h)(6) require recovery of costs associated with the local oversight program. When your site was put in the local oversight program, you received a letter explaining that the State Water Resources Control Board (State Board) would bill you for public costs of cleanup oversight.

This bill includes site specific and program management charges. Site specific charges directly relate to your site. Examples are sampling for soil and ground water contamination, site inspections, and reviewing reports and workplans. A description of activity codes follows the itemized charges. Program management includes other costs associated with program operation. Such costs may include: space rental, office services and supplies, purchase of sampling equipment, training and the salary and benefits of support personnel (i.e., clerical staff, accountant, program supervisor). Program management charges are calculated at not more than 50 percent of site specific charges. The exact rate is shown on the last page of your bill.

If you received an invoice for a previous billing period, those charges are shown as "Total Previously Billed". Any payments you made on the previous billing are shown as "Payment Received". The total of any unpaid previous balance plus new charges is shown as "Total Amount Due".

** See itemized list of new charges on next page(s).

FOR INFORMATION CALL: LORI CASIAS

(916) 227-4325

PAYMENT IS DUE IN 30 DAYS

-----cut on this line-----
Return this part with your check made payable to SWRCB. Use the enclosed envelope and send to the address above.

Local Agency: COUNTY OF ALAMEDA

Site #: 439
Site Location:

GLOVATORIUM
ROBERT DEPPER
31 MUTH DR

GLOVATORIUM
3815 BROADWAY
OAKLAND, CA
94611

Post-it* Fax Note	7671	Date	6-21	# of pages	2
To	Scott S.	From	Lori		
Co./Dept.		Co.			
Phone #		Phone #			
Fax #	12	Fax #			

Total amount due: \$ 3,227.90

Enter amount paid: \$ _____

ffn510b
pg. 2

Local agency: COUNTY OF ALAMEDA
Site number: 439
Billing date: 04/26/96

ITEMIZED NEW CHARGES

Site specific charges for billing period: 07/01/95 - 12/31/95

DATE	NAME	*ACT	HOURS		RATE		IND	TRAVEL	TOTAL
			ST	OT	ST	OT			
08/10/95	Scott SEERY	206	0.40	0.0	46.29	0.00	0.1516	0.00	21.32
08/15/95	Scott SEERY	215	0.90	0.0	46.29	0.00	0.1516	0.00	47.98
08/15/95	Scott SEERY	204	0.20	0.0	46.29	0.00	0.1516	0.00	10.66
08/29/95	Scott SEERY	204	0.20	0.0	46.29	0.00	0.1516	0.00	10.66
08/30/95	Scott SEERY	206	0.20	0.0	46.29	0.00	0.1516	0.00	10.66
09/06/95	Scott SEERY	206	3.30	0.0	46.29	0.00	0.1516	4.16	180.07
10/04/95	Scott SEERY	206	0.10	0.0	48.36	0.00	0.1514	0.00	5.57
12/05/95	Scott SEERY	206	0.30	0.0	48.36	0.00	0.1514	0.00	16.70
12/05/95	Scott SEERY	215	2.40	0.0	48.36	0.00	0.1514	0.00	133.64
12/07/95	Scott SEERY	215	1.50	0.0	48.36	0.00	0.1514	0.00	83.52
12/08/95	Scott SEERY	206	3.30	0.0	48.36	0.00	0.1514	0.00	183.75
SITE SPECIFIC TOTALS:			12.8	0.0				\$	704.53
PROGRAM MANAGEMENT CHARGE (calculated at 50% of site specific charges):								\$	352.27
TOTAL NEW CHARGES								\$	1056.80

* ACTIVITY CODES AND DESCRIPTIONS: (ACT)

- 300 (200) Responsible Party identification and notification
- 304 (204) Meeting with Regional Board or other affected agencies regarding a specific site
- 305 (205) Development of enforcement actions against a Responsible Party
- 307 (207) Issuance of a closure document
- 310 (210) Site visits
- 311 (211) Sampling activities
- 312 (212) Meetings with responsible parties or responsible party consultants
- 315 (215) Review of reports, workplans, preliminary assessments, remedial action plans, or post-remedial monitoring

*Phil Seoane
Metoye
DPO*

202-750 (8/95)

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA

Dept. 3

Date: **May 22, 1996**

Hon. JAMES R. LAMBDEN, Judge

Phil Seoane, Dep. Clk.
Connie Parchman, Reporter

THE PEOPLE OF THE STATE OF CALIFORNIA
Plaintiff

Counsel appearing
for Plaintiff

Lawrence Blazer, Deputy
District Attorney

**ENDORSED
FILED
ALAMEDA COUNTY**

vs.
STUART DEPPER

Counsel appearing
for Defendant

Peter Brennan,
Deputy Public Defender

MAY 22 1996

Probation Officer
appearing

Coline Metoye
Deputy

**RONALD G. OVERHOLT, Exec. Off./Clerk
By Phil Seoane**

NATURE OF PROCEEDINGS: **MINUTE ORDER RE: PROBATION**

No. 116653b
(AWD419 3146471)

This action comes on regularly this day for report of the Probation Officer and sentence.
By agreement of counsel the previous plea on August 4, 1995 of nolo contendere to count five is VACATED and

The defendant now enters a new and different plea of NOLO CONTENDERE, to a violation of Section 25189.5(b) of the Health and Safety Code of California, as charged in count one of the First Amended Informaton. On motion of the District Attorney and in the furtherance of justice, the Court ordered the second through sixteenth counts dismissed.

The Court having read and considered the report of the Probation Officer: Imposition of sentence is suspended for a period of **THREE (3) YEARS** during which time the defendant is placed under the care, custody and control of the Probation Officer of Alameda County, subject to the following terms and conditions, to-wit: Defendant shall:

- Serve the first **ONE (1) YEAR** of said probationary period in the Alameda County Jail with credit for time served: 1 Total days (actual days + GT/WT days; including GT/WT); and upon release therefrom;
- Report forthwith to the Probation Officer and thereafter as directed and follow all directives of the Probation Officer.
- Obey all laws of the community and be of good conduct.
- Seek and maintain regular employment and/or schooling; if change place of employment or residence notify Probation Officer of any change within 7 days.
- If arrested give true name, correct address and accurate birthdate to arresting officer and report in writing to the Probation Officer within 7 days of said arrest.
- Obey all the requirements of Hazardous Waste Generator under the Hazardous Waste control Act.
- Submit to search of business premises by any Environmental Regulator, Law Enforcement Officer or Probation Officer.
- Submit to the Alameda County Department of Environment Health, Hazards Material Division for implementation of work plan. Said plan to include soil sampling and ground water monitoring.
- Pay lab fee of \$4,128.00 for the October 1990 search warrant samples paid by the Alameda County Hazardous Materials Program Training and Response Trust Account.
- Pay lab fee of \$7,849.00 for the October 1992 search warrant samples paid by the alameda County Hazardous Materials Program Training and Response Trust Account.
- Restitution of \$33,702.00 of time spent on case by Environmental Health personnel (authorized by County Ordinance) is reserved.
- Fine of \$5,000.00 is stayed until clean up of the premises is done and then said sum is applied for the clean up.
Any order for restitution is enforceable as a Civil Judgment.
Defendant's request for Electronic Monotoring is denied.

Matter is continued to JULY 25, 1996 at 9:05 a.m. in Dept. #5 for execution of sentence.
Defendant ordered to return.



ALAMEDA COUNTY
 DISTRICT ATTORNEY'S
 OFFICE

CONSUMER & ENVIRONMENTAL
 PROTECTION DIVISION

FACSIMILE TRANSMITTAL

TO: 337-9335
 Fax Phone Number

DATE: 7 Dec 15

NAME: Scott Seem (Hi! ☺)

AGENCY: Harmat

FROM: (510) 569-0505
 Fax Phone Number

SENDER: Jalwa for Larry Blazer

SPECIAL INSTRUCTIONS/COMMENTS: Please look over
Glorotomin position. Larry will talk to you this
afternoon/evening. Thanks.

NUMBER OF PAGES: _____

IF PROBLEMS, PLEASE CALL: (510) 569-9281

THELEN, MARRIN, JOHNSON & BRIDGES

ATTORNEYS AT LAW

SEVENTEENTH FLOOR

333 WEST SAN CARLOS STREET

SAN JOSE, CALIFORNIA 95110-2701

(408) 292-5800

FAX (408) 297-8040

SAN FRANCISCO
LOS ANGELES

NEW YORK
SAN JOSE

GREGORY P. O'HARA

November 20, 1995

Diane Talsky
Deputy Probation Officer
400 Broadway
Oakland, CA 94607

Re: Stuart Depper

Dear Ms. Talsky:

This letter is to follow up on our recent telephone conversations about Stuart Depper and the business he was once associated with, the Glovatorium. I have represented Mr. Depper for the last two years with regard to environmental compliance matters and I have assisted his father, Robert Depper, in a few limited instances regarding similar issues. Over the course of my representation of Stuart Depper, I have gained a fairly good understanding of the problem encountered at the Glovatorium. At your request, I provide you with this brief history and synopsis of the environmental problems encountered by the Glovatorium.

Robert Depper has been in the dry cleaning business virtually all of his life. He purchased the Glovatorium in the late 1960's as a wholesale dry cleaning plant to run as the family business which he would eventually pass along to his sons. Over the course of time, Robert Depper also established or acquired several other dry cleaning stores, which were more of a retail nature rather than a wholesale nature like the Glovatorium.

In the dry cleaning industry, there are two different kinds of dry cleaning plants: there are stoddard solvent plants and perchlorethelene (PCE) plants. Stoddard solvent and PCE are both solvents, but they are very different chemicals. While both of them can be used to clean clothes without the use of water

Diane Talsky

November 20, 1995

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(dry cleaning), stoddard solvent is derived from petroleum, but PCE is not. In the 1960s, stoddard solvent plants were the most common type of dry cleaning plant. With the invention of PCE, the popularity of PCE as a dry cleaning solvent grew dramatically in the 70's and 80's.

While the introduction of PCE to the dry cleaning industry caused a dramatic shift in the chemical of choice for most dry cleaning plants, there still remained for many years to come dry cleaning plants which used stoddard solvent. Robert Depper's plant, the Glovatorium, had been established as a stoddard solvent plant, and he kept it as such until the business was closed in the early 1990s. Converting the plant to PCE use would have been, after all, an extremely expensive process and would have resulted in no appreciable benefit to the Depper family or the business enterprise.

It is helpful in understanding the environmental status of the Glovatorium property to appreciate the difference in impact that stoddard solvent and PCE may have on the environment. Stoddard solvent, a petroleum distillate, is lighter than water. Therefore, if it is released from an underground storage tank or pipe and seeps into soil, it tends to float on top of any groundwater that it encounters. PCE, on the other hand, is heavier than water. If PCE is released from a tank or a pipe, it tends to penetrate soils quickly and when it reaches groundwater, it drops down to the bottom of the aquifer where it may migrate along the bottom of the aquifer until it finds a pathway to migrate to a lower aquifer. For this and other reasons, solvents such as PCE (and TCE and TCA used in the electronics industry) are of much greater concern to the regulatory authorities when they are released to the subsurface than are petroleum products. By way of example, it is fairly standard policy for the San Francisco Bay Regional Water Quality Control Board to defer oversight and cleanup of petroleum releases from underground storage tanks to local agencies such as the city, county, or a local water district. However, if there is a release of PCE or a similar chlorinated solvent, the Regional Water Quality Control Board or the state Department of Toxic Substances Control will

Diane Talsky
November 20, 1995
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usually assert jurisdiction over the site and compel immediate action.

There is also a significant difference in the health effects of stoddard solvent and PCE. PCE is a "listed" chemical under both the federal Resource Conservation Recovery Act and the State Hazardous Waste Control Law and it is considered a hazardous substance under the Federal Comprehensive Environmental Response, Compensation and Liability Act ("Superfund"). Stoddard solvent, on the other hand, is not a listed waste under RCRA or California's Hazardous Waste Control Law and, as a petroleum product, it is specifically excluded from the jurisdiction of Superfund.

The regulatory treatment of petroleum releases is evident in the passage of California's Underground Storage Tank Law. Under that law, a fund has been established through taxes on petroleum. That fund is managed by the State Water Resources Control Board, the parent agency to the San Francisco Bay Regional Water Quality Control Board. The fund is available to pay for the investigation and cleanup of releases of petroleum from underground storage tanks. In fact, once the owner/operator of the leaking tank pays the first \$5,000 for cleanup, the fund will pay for the next \$1 million of expenses incurred. The policy behind the statute establishing the fund is that the vast majority of petroleum underground storage tanks were installed and used by our society at a time when our society as a whole did not fully appreciate the impact to the environment if the tanks leaked. The legislature deemed it unfair to impose exorbitant cleanup costs on small business people for leaking underground storage tanks when our entire society was guilty of ignorance of the environmental impact that the releases may have.

Over the course of time, our ignorance as a society gave way to a better understanding of all chemical uses in business and how those chemicals affect not only human health, but the environment as well. With the occurrence of the Love Canal incident in the late 1970s, there was a movement to understand the effects of chemicals on our ecology and to regulate those chemicals in such a fashion as to balance the

Diane Talsky

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beneficial uses of the chemicals in our every day life against the potential harm that may result if the chemicals escape their containers. The 1980s saw a proliferation of environmental laws as we, as a society, struggled (as we still do) to understand the impact of chemicals on our environment. Of course, it would have been an easy solution to simply outlaw all chemical use. But that, as you might imagine, would have brought our economy to an immediate halt. The other extreme was to allow business as usual with virtually no protection of the environment, but that option was equally unacceptable. The struggle to balance the protection of the environment against the legitimate use of chemicals has been the battle line for industry, health agencies, environmental groups, government, and the populous.

In particular, the struggle over the past ten years with environmental regulation has stratified society about the extent of environmental regulation which is appropriate. As a case in point, you may note that it is very popular these days for politicians to speak against further environmental regulation and instead promote a dismantling of the current regulatory quagmire. Ten years ago, any politician who proffered such suggestions would be accused of blasphemy. The study of environmental health and regulation has now evolved to a point where, like the study of economics, if you ask ten professionals about appropriate regulation, you will get ten vastly different answers.

Within our brief and tumultuous history of developing environmental regulation, people like Robert Depper and Stuart Depper, who grew up in a very different society, tried to adapt. Adapting was not always easy, especially when several regulatory agencies assert jurisdiction over a single property and may make conflicting demands or have conflicting views about what the appropriate action, if any, is to be taken for the site. What is worse is that within a single agency different staff people may have different opinions about whether a site needs to be further investigated or cleaned up or whether no action should be taken.

To compound matters, regulatory agencies are renowned for having high turnover rates as their young professionals leave the

Diane Talsky

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staff level positions to join industry for greater pay and opportunity. It has not been uncommon for a single business to get conflicting viewpoints among regulatory agencies and even within a single regulatory agency about what action need or need not be taken as staff workers come and go. To further compound the whole process, the laws and regulations change on an annual, if not a monthly, basis. Adding to the confusion is the fact that regulatory agencies also issue "guidance documents" by which they interpret the various laws and regulations which are rapidly changing. To expect any business, much less a small business, to stay abreast of changes in the law, regulations, interpretation by agencies of the regulations, and the particular opinions of staff members at the agencies, is impractical. For this very reason, Governor Wilson has attempted in vain to consolidate regulatory agencies, streamline the regulatory process, and simplify environmental regulation so that businesses will not continue to flee the state in search of a simpler regulatory system in neighboring states.

The problems encountered by Robert Depper and Stuart Depper at the Glovatorium is the product of several factors. First, there was the onslaught of environmental regulation. Then, there was the constant change in environmental regulation and the interpretation and application of those laws. Third, there was a failure by the Glovatorium to satisfy its regulators as the laws were adopted, changed or were interpreted. As a small businessman, Stuart Depper did not have the financial wherewithal or the necessary sophistication to hire a professional whose job it was to ensure environmental compliance. Like most small business people, Stuart Depper relied upon the regulators to inform him if something needed to be done or changed. While Mr. Depper might take action to correct violations, the agency inspectors would find new violations on a subsequent visit. As a result, Stuart Depper became increasingly frustrated with the entire process and the regulators became hostile towards Mr. Depper when his frustration was expressed. Perhaps Stuart Depper's greatest failing in this entire situation was his lack of understanding of the regulatory process in which he had become involved and his inability to cope with the increased regulation and heightened scrutiny. While ignorance of

Diane Talsky

November 20, 1995

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the law and failing to understand the system may not be a defense to responsibility, it would be a travesty to incarcerate Mr. Depper as a result of his inopportune involvement in the evolution of environmental regulation. As a direct result of his growing frustration with the regulatory process and his inability to ensure compliance, Stuart Depper has now abandoned the dry cleaning business which his father established and passed along to him. He has done so with a great degree of regret and sense of loss for not having been able to continue the family business.

As for the current state of the Glovatorium property, it is suspected that there are petroleum products in the soil beneath the site. The source of those petroleum products is not entirely clear. Analytical samples of some soil has shown that there is diesel and/or gasoline in the subsurface but not stoddard solvent. That finding is unexplainable. Also, through our investigation of the history of the Glovatorium plant, we took the deposition about a year ago of a gentleman who used to sell soaps and detergents to Robert Depper's predecessor at the Glovatorium. This fellow related to us a story in which the previous owner of the Glovatorium had improperly plumbed his underground storage tanks to his dry cleaning machines resulting in the discharge of many gallons of stoddard solvent to the subsurface. What was done in response to the release is unknown. The fact remains, though, that the Glovatorium property poses no immediate threat to human health and its impact on the environment is minimal. That conclusion is manifest in the fact that no regulatory agency has seen fit to undertake any remedial action at the property.

Stuart Depper has submitted to the State Water Resources Control Board an application to the California Underground Storage Tank Fund. If and when those funds are made available, they will be used to investigate and remediate any impact of stoddard solvent at the site which is deemed to be unacceptable.

Of course, as time goes on, what is "unacceptable" changes. In fact, the State Water Resources Control Board is currently considering the adoption of Resolution 92-49 which

Diane Talsky

November 20, 1995

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would allow property owners to leave petroleum contamination on their sites if they can establish there is no significant impact to the environment. This, of course, is a dramatic change from past regulatory policy, and it illustrates poignantly how regulatory agencies significantly change the requirements of compliance with the simple adoption of policy documents which interpret the law. If Resolution 92-49 is adopted, thousands of property owners in this state, and perhaps the Glovatorium, will be allowed to leave petroleum contamination in the subsurface rather than paying millions of dollars to clean it up. The change in policy is due to the fact that regulatory agencies now recognize that petroleum products biodegrade naturally in the subsurface and do not pose significant health threats if they are not likely to reach a source of drinking water. Resolution 92-49 simply reflects our growing sophistication as a society to a point where we now accept some contamination in the subsurface from past practices because we know that it will self-remediate and pose no threat to our environment or our persons.

In summary, Stuart Depper's greatest wrongdoing has been an ignorance of the current regulatory network governing his business and his inability to change the historical events which had caused contamination of the property. As an unfortunate result, Stuart Depper has given up his business in the Glovatorium and suffered the humiliation of a failed business and the defense of civil and criminal charges against him. While it is true that all businesses must comply with the law no matter how complex or volatile they may be, it would seem an unfair punishment to incarcerate Stuart Depper as a small business man who got caught up in the crow's nest of environmental regulation. Especially in light of Stuart Depper's commitment to pursue funding to conduct whatever remedial investigation is necessary at the Glovatorium property, it would also seem contrary to the interests of the regulatory agencies and society as a whole to incarcerate Stuart Depper and preclude him from pursuing the investigation and remediation of the site.

THELEN, MARRIN, JOHNSON & BRIDGE'S

Diane Talsky
November 20, 1995
Page 8

If I can be of any further assistance, please do not
hesitate to call.

Very truly yours,



Gregory P. O'Hara

GPO/bl
23345

Alameda County Judge sentences cleaner to jail for "cynical assault on the earth"

Alameda County Superior Court Judge James Lambden recently sentenced the former general manager of the *Glovatorium*, an Oakland dry cleaning facility specializing in leather goods, to one year in jail. The defendant, Stuart Depper of Lafayette, has been convicted earlier of felony disposal of hazardous waste pursuant to a plea agreement which provided for the dismissal of several other felonies.

Depper's crimes were characterized by Judge Lambden as "nothing less than a murderous assault on the earth... undertaken in a cynical fashion."

The charges filed by the Alameda County DA's Office describe a long pattern of environmental violations which included the following:

- (1) Regularly dumping toxic perchloroethylene waste into the facility's dumpsters from which it ended up in local landfills (where it could leach into groundwater);
- (2) Illegally dumping (stoddard) solvent waste into the sanitary sewer system which adversely affected East Bay Municipal Utility District's (EBMUD) biological treatment system (potentially contaminating EBMUD's own discharges into the San Francisco Bay);
- (3) Illegally continuing to use leaking underground storage tanks containing dry cleaning solvent for years, while knowing of the constant leakage (and the tanks were in contact with subsurface groundwater);
- (4) Illegally dumping solvent-contaminated soil on the property of co-defendant Robert Depper (father of defendant Stuart) in Orinda; and
- (5) Illegally using dry cleaning machinery and storing waste solvents in ways which violated a variety of Bay Area Air Quality Management District (BAAQMD) regulations, after repeated warnings.

Depper's request that he be allowed to serve the jail time by way of electronic surveillance was turned down by Judge Lambden, noting the seriousness of the crimes committed and the length of time over which they occurred.

Deputy District Attorney Larry Blazer who prosecuted the case pointed out that this was one of the worst environmental cases he had seen in the past six years. He added that the defendant's

many lies to environmental regulators over the years were an appropriate basis for severe punishment above and beyond the crimes committed.

The sentence included the additional requirement that Depper assist in an investigation to determine the extent of contamination at the sites - the dry cleaning facility and the Orinda property - and the ultimate cleanup that will be necessary.

(Notes: Judge Lambden has been appointed to the First District Court of Appeal, but periodically returns to an Alameda County courtroom to wrap up matters he was handling before his elevation. Robert Depper, the father, was scheduled to be sentenced sometime in June, but no information has been forwarded to CII. For further information regarding this case, contact Larry Blazer at 510/ 569-9281.) **C**

Haz Matazz ...

From p. 2

Erratum. And speaking of directory, the published roster of officers in the June issue contained the wrong contact numbers for our president, Jim Frank. Talk to our fearless leader at (916) 386-6162 or send him a fax at (916) 386-7011. Sorry for the confusion. We at the newsletter strive to give you accurate information at all times. We also take extra effort to ensure that the newsletter has a minimum of errors in spelling, grammar, typos, etc. So, let us know when you find any. I believe in the (now dead) Russian writer who said, "Forgive no error you recognize," for it will propagate itself. No one is perfect, and all that. But we should be willing to accept and rectify errors.

Let us know. We shall also be interested, however, in your opinion of the newsletter. If you like it, give us a pat on the back. If you don't, tell us why and we shall try and please you. We were told that the newsletter is too "dark," Gray and full of text. Is it too much information? Is it too difficult to read? Let me explain. We are a newsletter that tries to look like a newspaper, instead of a magazine. We are maximizing space use so our type is smaller and we do not have empty, open spaces. If we did our lay-out under an assumption that we can add as much pages as we can, we will end up being a magazine. And I am not creative enough, or computer-literate enough to do a magazine. Besides, I do not think you will want to pay for composing and printing one. As it is now, a 16-page newsletter like the last one and this, with pictures, cost around \$3.00 to produce and distribute, given the 350 or so members we have. If you have anything at all to say about the newsletter, good or bad, say it. After all, this is your newsletter. We need you to contribute to it.

Haz Matazz ... p. 6

STATE WATER RESOURCES CONTROL BOARD

DIVISION OF CLEAN WATER PROGRAMS
2014 T Street, Suite 130
P.O. BOX 944212
SACRAMENTO, CALIFORNIA 94244-2120



FAX TRANSMITTAL

DATE: 3-22-95

TO: Scott Leary

FAX# 510-337-9335

FROM: _____

DIVISION OF CLEAN WATER PROGRAMS
FAX (916) 227-4349 - Main fax
FAX (916) 227-4595 - Cleanup Fund
FAX (916) 227-4530 - Facilities Planning

(If you did not receive all your FAX, please call (916) 227-_____)
ask for _____)

No. of Pages 3 (including this transmittal sheet)

- For your information
- Per your request
- For your review and comments
- Original will be coming in the mail

Remarks: _____

David Reeves # 1125



Tracer Research Corporation

3855 North Business Center Drive Tucson, Arizona 85705 (602) 888-9400

CERTIFICATE OF TRAINING TRACER RESEARCH CORPORATION TRACER TIGHT® LEAK DETECTION METHOD

To Whom It May Concern:

Tracer Research Corporation provides the following certification to Dave Reeves with respect to the completion of sufficient training in the performance of the Tracer Research Corporation Tracer Tight® Leak Detection Method and the Tracer Research Corporation Monthly Monitoring Method.

This certificate authorizes Dave Reeves of Horizon Engineering to perform the Tracer Research Corporation Tracer Tight® Leak Detection Method.

Having completed the necessary requirements and training the aforementioned employee has demonstrated certifiable knowledge of the Tracer Research Corporation Leak Detection methodology and concept.

TRACER RESEARCH CORPORATION

Certified by:

Jim Cook
Affiliate Operations

Certification Valid: 01/31/93 thru 01/31/94

******CERTIFICATION******

This is to certify that

DAVID W. REEVES

(HORIZON ENGINEERING & TESTING, INC.)

CERTIFICATION NUMBER: HT/LT 063

*has completed a course
in fundamentals of line testing methods
incorporating use of the
Hasstech ACURITE™ Pipeline Tester
according to NFPA 329-87.*

Date: 10/22/92

HASSTECH, INC.

EXPIRATION DATE:
10/22/94

BY:

Mike Treat

Mike Treat
TRAINING MANAGER

MEMORANDUM

DATE: March 22, 1995

TO: Larry Blazer, Alameda County District Attorney's Office

FROM: Scott Seery, ACDEH

SUBJ: GLOVATORIUM, 3815 Broadway, Oakland, CA 94611 STID 439

Requirements for ensuring compliance with UST laws, regulations, and other applicable standards and policy

The following steps are necessary to ensure compliance with all local, state and federal UST law, regulations, and other standards and policy:

- 1) **The exact number and locations of all underground storage tanks (UST) and product conveyance, return or other piping and appurtenances must be determined.** Such can be accomplished through submittal of "as-built" engineering drawings or, if such drawings are not available, through the use of remote sensing techniques (e.g., ground penetrating radar, etc.).

- 2) **USTs no longer in use must be permanently closed in accordance with the provisions of Article 7, 23CCR:**

Section 2670 - At least 30 calendar days prior to UST closure an application for such must be submitted to ACDEH for review and approval before commencing closure activities

Section 2672(b) - Owners/operators of USTs subject to permanent closure through removal must comply with applicable provisions of Chapter 6.5, Division 20, California Health and Safety Code (HSC) and the following:

- o all residual liquid, solids, or sludges shall be removed and handled as hazardous waste or recyclable materials in accordance with Chapter 6.5 HSC

- o the UST shall be inerted to levels which preclude explosion or to lower levels required by the local agencies

- o removed USTs shall be transported and handled as hazardous waste

Section 2672(c) - Owners/operators of USTs where in-place closure *has been approved* shall comply with the applicable provisions of Chapters 6.5 and 6.7 of Division 20, HSC, and the following:

- o all residual liquid, solids, or sludges shall be removed and handled as hazardous waste or recyclable materials in accordance with Chapters 6.5 and 6.7 HSC
 - o the UST shall be inerted to levels which preclude explosion or to lower levels required by the local agencies
 - o all piping associated with USTs shall be removed and disposed unless removal might damage structures or other pipes that are being used and which are contained in a common trench, in which case the closed piping shall be emptied of all contents and capped
 - o the UST shall be completely filled with an inert solid
- 3) **The sampling plan associated with the UST closures must be in the form of a Soil and Water Investigation (SWI), an element of the Corrective Action Regulations (Article 11, 23CCR). All post-closure sampling and other corrective action activities must be in conformance with:**
- a) SWRCB Leaking Underground Fuel Tank Field Manual (LUFT), October 1989;
 - b) Tri-Regional Board Staff Recommendations for Preliminary Evaluation and Investigation of Underground Tank Sites, 10 August 1990; and,
 - c) all provisions of Article 5, *Release Reporting and Initial Abatement Requirements*, and Article 11, *Corrective Action Requirements*, 23CCR
- 4) **The requirements for the initiation of the SWI and subsequent corrective action elements, including the development of a Corrective Action Plan (CAP), include, among others, the following:**
- o All corrective action elements, and report and work plan submittals, must be directly supervised by a California-registered geologist or civil engineer whose name and California registration stamp appear on each submitted document
 - o detailed work plans describing the specific scope of work for each phase of corrective action are to be submitted to ACDEH for review and approval before implementation

Further, all corrective action shall be in compliance with Section 2721(b), Article 11, 23CCR), as follows:

- all applicable waste discharge requirements (WDR) or other order issued pursuant to Division 7, commencing with section 13000 of the Porter-Cologne Water Quality Control Act (Water Code)
 - all applicable state policies for water quality control adapted pursuant to Article 3 (commencing with Section 13140) of Chapter 3 of Division 7 of the Water Code
 - all applicable water quality control plans adopted pursuant to Article 3 (commencing with Section 13240) of Chapter 4 of Division 7 of the Water Code
 - all applicable requirements of Chapter 6.7 (commencing with Section 25280) and the regulations (Chapter 16, Title 23 CCR) promulgated thereto
 - all applicable requirements of Article 4 of Chapter 6.75 HSC, applicable provisions of this Chapter, and the Federal Act
- 5) **Free product (FP) must be removed from ground water and soil to the maximum extent practical, as determined by ACDEH.** FP removal shall result in proper treatment, discharge or disposal of recovered product in full compliance with applicable local, state and federal regulations. (Section 2655, Article 5, 23CCR)
- 6) **Until investigation and cleanup are complete, as determined by ACDEH, technical reports are to be submitted to ACDEH every quarter**, or more frequently if otherwise specified. (Section 2652(d), Article 5, 23CCR)
- 7) **Submit a completed and signed Underground Storage Tank Unauthorized Release (Leak) / Contamination Site Report to ACDEH.** (Section 2652(c), Article 5, 23CCR)

MEMORANDUM

DATE: September 29, 1994

TO: Files

FROM: Larry Seto

SUBJ: The Leather Cleaners, 3815 Broadway, Oakland

Today I had a meeting in our office with representatives of The Leather Cleaners. Persons present during the meeting:

Stuart Depper, Owner of the former The Leather Cleaners
Gregory O'Hara, Attorney at Law representing Stuart Depper
Paul Smith, Sr. Haz. Mat. Sepc.
Larry Seto, Sr. Haz. Mat. Spec.

In my letter dated September 23, 1994 to Depper, I stated no attorneys were to be present. I elected to still have the meeting after O'Hara said he only wanted to explain Stuart Depper's position and relationship with the site. O'Hara said that Robert Depper, Stuart's father is the property owner, and the owner of the underground tanks. Stuart is helping his father manage the property at 3815 Broadway. O'Hara said he will contact Robert Depper concerning the underground tanks. Presently O'Hara has not been retained by Robert Depper. The Leather Cleaners went out of business on May 20, 1994. (Note: This is contrary to what Depper told me on 9-21-94. During a phone conversation, he said The Leather Cleaners was out of business effective that day. I told him his accountant, John Yep informed us The Leather Cleaners will go out of business on Sept. 26th. Depper then said that he just signed the papers, and that John does know about it yet. A section of the former Leather Cleaner facility is presently being leased to Swanson's Cleaner (Agency Shop) out of Sacramento, and another section to Professional Industrial Services (dry cleaning operation) owned and operated by Eric Depper. O'Hara and Stuart Depper said that Professional Industrial Services (PSI) has been operating on the site a few years concurrently with The Leather Cleaners. They claim that they do not know how to contact Eric Depper. They also claim that Eric has not spoke to Stuart or Robert Depper in years. They are also not sure if Eric still receives mail at the above address. Stuart Depper is the only officer for Leather Cleaners. He claims that the drums Paul and I saw on the site last week is not his, but possibly what was generated by PSI. I told him I wanted to see copies of his manifests for the disposal of the hazardous waste that he disposed of since 10/92. He and his attorney said he will make me copies. Depper also said that John Yep has not leased a space at the above address from him yet.

Robert Depper started the Glovatorium Inc., then changed it to the Glovatorium. In 1992 Stuart started The Leather Cleaners. Robert Depper's address is 31 Muth Drive, Orinda, CA 94563.

O'Hara said that they want to store rainwater from the roof in the middle of the facility in the underground tanks because the rainwater is getting into the EBMUD sewer system, and EBMUD suspect the rainwater is detrimental to their system. Depper said he was going to use the rainwater for cooling his equipment at the site. (If he is out of business at the site, what equipment is he going to cool?) **O'hara and Depper said there no intention to store hazardous substances in the underground tanks in the next 12 months.** I told them if there is no intention of storing hazardous substances within the next 12 consecutive months in the underground tanks, the tanks must be permanently closed per section 2670, Title 23. I also informed them that when a tank is permanently closed, sampling of the soil midpoint beneath the tank, and groundwater if present must be tested to verify that a release from the tank has not occurred per section 2672(d) Title 23. In addition, they were informed that if an underground tank is closed in place, it shall be completely filled with an inert solid, unless the owner intends to use the underground storage tank for the storage of a nonhazardous substance which is compatible with the previous use and construction of the underground storage tank per section 2672(c) (4), Title 23. O'Hara said the tanks are empty, and that rainwater is compatible with previous use of the tank. Depper said the rainwater can have chemicals added to it from prevent it from corroding the underground tank. We went back and forth concerning this issue. I told them I would contact the State Water Resources Control Board and the Regional Board to get an interpretation of the Title 23 regulations concerning permanent closure. I gave O'Hara a copy of the closure regulations, Article 7, Title 23, 1994. O'Hara said he would like to talk, or meet with the State to present his argument.

At the conclusion of our meeting, O'Hara said he would contact Robert Depper concerning the underground tanks, and inform him of our position. I told Depper and O'Hara that I would contact the State to get their interpretation of their closure requirements. I did not push the issue of identifying the generator of the hazardous waste drums on-site last week (9-21-94) since the District Attorney's representative was not present. I felt this issue could be discussed later with the assistance from the district attorney's office.

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



RAFAT A. SHAHID, Assistant Agency Director

September 23, 1994

ALAMEDA COUNTY CC 430-4510
DEPT. OF ENVIRONMENTAL HEALTH
ENVIRONMENTAL PROTECTION DIVISION
1131 HARBOR BAY PKWY., RM.250
ALAMEDA, CAL. 94502-6577

Mr. Stuart Depper
3815 Broadway Street
Oakland, CA 94611

RE: The Leather Cleaner, 3815 Broadway, Oakland, CA

Dear Mr. Depper:

On September 21, 1994, I performed a routine hazardous materials/waste inspection with Paul Smith from my office at the above site. We were given consent to perform our inspection from your Accountant, John Yep. Prior to our inspection, Mr. Yep informed us that The Leather Cleaner will be going out of business effective September 26, 1994. During our inspection, we observed the following violations of the Hazardous Waste Control Law:

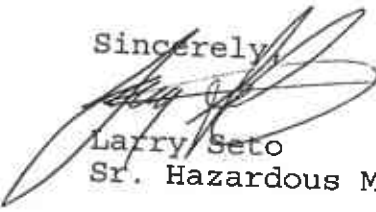
1. There are a minimum of fifty (50), 55 gallon drums located throughout the facility. Most of the drums are not labelled, or are improperly labelled without an accumulation start date.
2. A number of the labelled drums on-site have an accumulation start date which exceeds the 90 day accumulation time.
3. Numerous uncovered containers containing hazardous materials/waste are stored throughout the site.
4. In a number of locations, there is inadequate aisle space to allow the movement of equipment and personnel in the event of an emergency.
5. There are six underground tanks on-site that are not registered and permitted. **These tanks must be permanently closed if the storage of hazardous substances has ceased and the tanks will not be used, or are not intended for use, for the storage of hazardous substances within the next 12 consecutive months.** (Section 2670(c), Article 7, California Code of Regulations, Title 23)

In addition, we did not see any of 55 gallon drums that we numbered during our last site visit on October 16, 1992. Please submit within 30 days copies of all manifests for the disposal of hazardous waste from the above site since October 16, 1992.

We were approximately thirty (30) minutes into the inspection when you called the facility. After scheduling a meeting with me to complete my inspection next Thursday, September 29, 1994 at 1:00pm with yourself, and the new business owner, you asked us to leave. (We agreed no attorneys will be present during this meeting). Mr. Smith and I left the premises immediately after I completed my phone conversation with you.

Please be prepared to address the violations noted in this letter next Thursday.

Sincerely,



Larry Seto
Sr. Hazardous Materials Specialist

cc: John Yep, Accountant, The Leather Cleaner
Ed Howell, Chief, Environmental Protection
Files

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



RAFAT A. SHAHID, Assistant Agency Director

Certified Mailer# P 386 338 346

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

May 1, 1994

Mr. Stuart Depper
The Leather Cleaner/Glovatorium
3815 Broadway
Oakland, CA 94611

RE: Five Year Permits for Underground Tanks at
3815 Broadway, Oakland, CA

Dear Mr. Depper:

I have reviewed the information your consultant, Certified Environmental Corporation, submitted in response to my letter dated January 13, 1994. Listed below are comments for each item as numbered in my January letter.

- #1 & #2 Forms A & B are unacceptable. All copies of the **original A & B forms using the most current forms must be submitted to this office.** (Enclosed are the most current forms)
- #4 The underground tank monitoring plan is unacceptable. Your plan must be in accordance to Article 4, Chapter 16, Title 23, California Code of Regulations. (See enclosed example)
- #5 & #6 The partially complete report for your tank and pipeline precision test is unacceptable. **A complete report with a signature from the precision testing company is required.**
- #7 The plot plan is unacceptable. All drains and doors in the facility must be identified. An overall scaled plot plan with respect to landmarks and property lines must also be submitted. (See enclosed example)
- #8 The spill response plan is acceptable.
- #9 This item pertains to underground tanks that are not currently in use. Please see Sections 2670 and 2671, Chapter 16, Title 23, California Code of Regulations.

Our records indicate that your position is the underground tanks at the above site has not been in use a number of years. In addition to registering these tanks, closure of these tanks in accordance to Article 7, Chapter 16, Title 23, California Code of Regulations may be required. See also Uniform Fire Code, Section 79.166(e).

If you have any questions, please contact me at (510) 271-4320.

Sincerely,



Larry Seto
Sr. Hazardous Materials Specialist

cc: Ed Howell, Chief, Hazardous Materials Division
Barry Gallagher, Attorney
Gary Rogers, Ph.D., Certified Environmental Corporation
Larry Blazer, Alameda County District Attorney's Office
Oakland Fire Department

ALCO
HAZMAT
94 MAR -3 PM 3:46



**CERTIFIED
ENVIRONMENTAL
CORPORATION**

February 16, 1994

Larry Seto
Alameda County Health Services
80 Swan Way, Rm. 200
Oakland, CA 94621
(510) 271-4320

Re: Permits for UST's located at 3815 Broadway, Oakland, CA

Dear Mr. Seto:

I have enclosed a copy of the information requested in your letter dated Jan. 13, 1994 regarding underground storage tank permits for The Glovetorium (The Leather Cleaner), 3815 Broadway, Oakland, California.

Information has been provided to address items #1, #2, #4, #5, #6, #7, and #8. I am not clear on what is needed for Item #9 (a letter stating how the tanks are to be maintained during one year closure). I would appreciate receiving additional information on this requirement.

If you have questions, please call me at 415-341-7630. Thank you for your help in this regard.

Sincerely,

Gary Rogers, Ph.D.
District Manager

RETURN RECEIPT
SERVICES AGENCY
J. KEARS, Agency Director

PERMIT TO OPERATE, Permit Agency Director

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

Certified Mailer # P 029 244 585

January 13, 1994

Mr. Stuart Depper
Leather Cleaner/Glovatorium
3815 Broadway
Oakland, CA 94611

Re: **FIVE-YEAR PERMITS FOR OPERATION OF SIX UNDERGROUND STORAGE TANKS (UST's) AT 3815 Broadway, Oakland, CA**

Dear Mr. Depper:

I have received your attorney's letter dated January 5, 1994. According to our records the Leather Cleaner/Glovatorium has not received a five-year permit to operate underground storage tanks (UST's). Please complete the following items marked below and return them to me within 30 days. The example plans enclosed should be used only as guidelines, and may not meet all your requirements under Title 23.

- ✓ 1. Complete UST PERMIT FORM A - one per facility. (enclosed)
- ✓ 2. Complete UST PERMIT FORM B - one per tank. (enclosed)
- 3. Complete UST PERMIT FORM C - one per tank if information is available. (enclosed)
- ✓ 4. A written tank monitoring plan. (enclosed)
- ✓ 5. Results of precision tank test(s) (initial and annual).
- ✓ 6. Results of precision pipeline leak detector tests (initial and annual).
- ✓ 7. An accurate and complete plot plan. (enclosed)
- ✓ 8. A written spill response plan. (enclosed)
- 9. Letter stating how the tanks are to be maintained during one year closure.

Title 23 of the California Code of Regulation prohibits the operation of ANY UST without a permit. In addition, Title 23 states that permanent closure shall apply to those UGTs in which the storage of hazardous substances has ceased and the tanks will not be used or are not intended for use, for storage of hazardous substances within the next 12 consecutive months. Please feel

LAW OFFICES OF BARRY M. GALLAGHER
A PROFESSIONAL CORPORATION

BARRY M. GALLAGHER
RICHARD J. TAGGI
ROBERT P. RICH

ONE KAISER PLAZA, SUITE 2450
OAKLAND, CALIFORNIA 94612-3685
TELEPHONE 510-836-1266
FACSIMILE 510-836-1559

January 5, 1994

Department of Environmental Health
80 Swan Way, Suite 200
Oakland, CA 94621

Attn: Larry Seto

Re: Leather Cleaner/Glovatorium Property at
3815 Broadway, Oakland, California
Subject: Updating Tank permits

Dear Mr. Seto:

The owner of the property where the Leather Cleaner/Glovatorium business is conducted at 3815 Broadway, Oakland, California, has asked me to write this letter requesting assistance and attention by the Department of Environmental Health to the request by the owner to update tank permits, as required by law, on the six tanks at the property, all of which have been tested and which test results show the absence of leakage. Copies of those test results are available through this office or directly from Certified Environmental Consulting, Inc., attention Gary Rogers, at 32 West 25th Avenue, Suite 102, San Mateo, California 94403 (415-341-7630).

Efforts to date by the owner to obtain the Department of Environmental Health's cooperation in obtaining update tank permits has been to no avail, and your assistance and cooperation is both necessary and appreciated. If there are reasons why the Department of Environmental Health will not or can not comply with this request, I ask that you advise me promptly.

Sincerely,


Barry M. Gallagher

BMG/mcc

NED ROBINSON

ATTORNEY AT LAW
5730 MT. DIABLO BLVD., SUITE 330
P.O. BOX 1757
LAFAYETTE, CALIFORNIA 94549-7057
(415) 284-3304

91 JAN 24 AM 11:28

January 22, 1991

Alameda County Health Care Services Agency
Department of Environmental Health
Hazardous Materials Program
80 Swan Way, Room 200
Oakland, CA 94621

Attn: Gilbert M. Wistar

RE: Robert Depper - The Glovatorium

Dear Mr. Wistar:


As the attorney for Robert Depper and The Glovatorium, I am in receipt of a copy of your letter of January 8, 1991. No mention is made of the result of the tests of the soil samples taken at 31 Muth Drive in Orinda.

I would appreciate it if you would provide me with a copy of the results of the testing of the soils at 31 Muth Drive and the recommendations for clean-up, if any, of that property.

By a copy of this letter, I am making the same request to the Contra Costa County Health Services, who are copied on your letter.

Thanking you in advance for your cooperation,

Very truly yours,



Ned Robinson
Attorney at Law

nr:lo

cc: Robert Depper
The Glovatorium
3815 Broadway
Oakland, CA 94611

Jim Haltum
Contra Costa County Health Services
4333 Pacheco Boulevard
Martinez, CA 94553

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY
DAVID J. KEARS, Agency Director



Certified Mailer # P 061 127 751

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

January 8, 1991

Mr. Robert Depper
The Glovatorium
3815 Broadway
Oakland, CA 94611

RE: Analytical results of samples collected from the Glovatorium in October 1990; interim measures that the Glovatorium must implement in response

Dear Mr. Depper:

As you may recall, on October 15, 1990, environmental samples were collected from the Glovatorium and from 31 Muth Dr., Orinda, under a search warrant obtained by the Oakland Police Dept. Agencies present during this sampling included the U.S. Environmental Protection Agency, the California Dept. of Fish and Game, our office, the Contra Costa County Health Services Dept., the Alameda County District Attorney's Office, the Oakland Police Dept., and the Berkeley Environmental Health Dept. Seven soil samples were taken from the back yard of the Orinda residence, and the samples indicated below were collected from the Glovatorium facility.

Glovatorium Sample Locations and Lab Results

- A. Liquid samples from the well installed into the underground storage tank area, and from the 55-gallon drum into which this well is pumped. All of these samples were dual-phase, that is, they contained a substantial amount of floating solvent on top of water. The top portion of these samples tested at up to 100% Stoddard solvent, and the bottom (water) portion of these samples contained as much as 3,300 parts per million (ppm) of dissolved Stoddard solvent.
- B. Liquid and sludge samples from six floor drains/sumps that discharge into the EBMUD sanitary sewer system; during the sampling, connections from each drain to the sanitary sewer outlet on Manila Ave. were confirmed with a flouricine dye tracer test. Nearly all of these samples were found to contain Stoddard solvent, at concentrations of up to 110,000 ppm.
- C. Liquid samples from the Manila Ave. sanitary sewer manhole, collected on October 12, 1990 using a timed automatic sampler.

Three of these samples were found to contain Stoddard solvent and diesel, at levels of up to 120 ppm and 52 ppm, respectively.

- D. Liquid samples from the caustic tank adjacent to the well installed in the underground tank storage area, and from the floor drain that this tank empties into. These samples contained minor amounts of heavy metals and a nearly neutral pH of 7.4.
- E. Standing liquid from the floors of the dry-cleaning room and the dryer room. These samples contained up to 59 ppm Stoddard solvent. After sampling, what appeared to be pure hydrocarbon liquid oozed through the floor of the dryer room (based on its obvious phase separation from water that came with it).
- F. Soil from under the concrete floor in the dry-cleaning room. This soil, which smelled strongly of hydrocarbons, tested out at 91,000 ppm Stoddard solvent.
- G. Solid samples from each of fifteen 55-gallon drums containing soil and concrete debris; about half of these drums were located behind the sandblaster, and the other half in the heated drying room. Of the 15 drums, 13 were shown to contain Stoddard solvent, at levels of up to 32,000 ppm. The samples were collected from the top 6-8 inches of these drums, where evaporation and natural drainage may result in samples with unrepresentative (low) levels of hydrocarbons; therefore, the average levels of solvents in these drums is likely to be higher than the reported results. In addition, the two drums with "non-detect" levels of solvents from the top 6-8 inches may have significant contamination towards their bottoms.
- H. Solid samples from a dumpster within the building that smelled strongly of dry cleaning solvent, as a result of which we quarantined the dumpster. These samples contained up to 320,000 ppm, or 32%, perchloroethylene.

Interim Action Requirements

Based on these results, the Glovatorium must take the the following steps:

1. There are clearly leaks or holes (or both) in the underground tank cluster under the floor of the building. The ongoing releases from the tank system are a source of gross pollution to the groundwater, which may be a flowing underground stream in this area. Therefore, all of the underground tanks currently in use must be pumped out completely, and their use halted indefinitely. An alternative storage method for Stoddard solvent

- must be implemented, subject to approval from the Oakland Fire Dept., the Bay Area Air Quality Management District, and us.
2. Soil borings and groundwater monitoring wells must be installed around the underground storage tanks, and downgradient of these tanks. Borings and wells must also be installed beneath the dry-cleaning room and dryer room, where there is evidence of significant subsurface contamination that may have already, and could continue to, migrate off-site. Following a full definition of the types, concentrations, and areal extent of hydrocarbon contamination, a comprehensive cleanup plan will need to be developed and implemented. Additionally, leakage/spillage from the dry-cleaning machines and dryers must be contained and prevented from reaching subsurface soils.
 3. Contaminated sludge and water from the sanitary sewer drains and sumps must be removed and handled as hazardous waste. The Glovatorium must desist immediately from disposing of hydrocarbon-contaminated water or pure hydrocarbons to the sanitary sewer, either directly or indirectly, to the extent that such discharges exceed EBMUD influent limits.
 4. Soils and debris in the 55-gallon drums are likely to qualify as hazardous waste, based on flammability or toxicity criteria. Therefore, this material must be removed from the site and be treated/disposed of as hazardous waste (unless the Glovatorium can demonstrate this waste to be nonhazardous, according to Sec. 66305, Div. 4, Title 22, California Code of Regulations). However, if all or part of this waste is proved to be nonhazardous, there still may be disposal restrictions that will require coordination with this office.
 5. As mentioned in person to Stuart Depper on November 20, 1990, perchloroethylene-contaminated waste in the quarantined dumpster needs to be segregated from rubbish, with the solvent-laden waste handled as hazardous. The Glovatorium must send this office a letter that indicates how this waste will be segregated and treated or disposed of, and how the Glovatorium will handle such waste in the future (it is not appropriate to mix it with simple rubbish). If the letter is acceptable, a representative from this office will be available to remove the quarantine and witness the separation of hazardous waste from other trash.
 6. Cleanup of contaminated soil at 31 Muth Drive in Orinda must be coordinated through the Contra Costa County Health Services Dept., Hazardous Materials Section. They can be reached at:

4333 Pacheco Blvd.
Martinez, CA 94553-2295

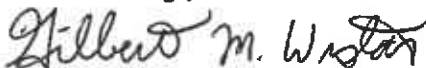
ph. (415) 646-2286

Mr. Robert Depper
January 8, 1991
Page 4 of 4

Please submit a work plan to this office that takes into account all of the above considerations. The work plan must be prepared and signed by a California-Registered Geologist or Professional Engineer; it must be thorough in scope and include a schedule for implementation of specific tasks. The work plan is due in 60 days, that is, no later than March 8, 1991.

If you have any questions concerning the contents of this letter, please contact the undersigned at 271-4320.

Sincerely,



Gil Wistar

Hazardous Materials Specialist

c: Ned Robinson, Attorney-at-Law (3730 Mt. Diablo Blvd., Suite 330,
P.O. Box 1757, Lafayette, CA 94549)
Jim Haltum, Contra Costa County Health Services Dept. (4333
Pacheco Blvd., Martinez, CA 94553-2295)
Alan Whitman, Oakland Police Dept.
Mark Thomson, Alameda County District Attorney's Office, Consumer
and Environmental Protection Division
Rafat A. Shahid, Asst. Agency Director, Environmental Health
files



GW

August 20, 1990

Glovatorium
3815 Broadway
Oakland, CA 94611

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

RE: 3815 Broadway

FINAL NOTICE OF VIOLATION

Dear owner/operator:

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

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

1. Submit a tank closure plan to this Department as required by Article 7, 2670, forms available from this office, or
2. Apply for a permit as required by Article 10, 2710. Permit applications Part A and B are available from this office.

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

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

Sincerely,

Thomas F. Peacock, Senior HMS
Hazardous Materials Division

TFP:tfp

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

Alameda County Health Care Services

-Page 2-

4. Sec. 67105 - Our facility now has a complete record of all MSDS training records on file, and all new employees are involved in the MSDS program. These employees have read all MSDS sheets, bulletins and booklets that we have received. Personnel who work anywhere near any chemicals or who handle any potentially hazardous materials are fully knowledgeable and have been made aware of any possible health risks to them.

5. Sec. 67140 - A contingency plan has been prepared and was posted at the required locations throughout the facility and will remain in those places.

6. Sec. 67141 - We have a posted list of persons qualified to act as emergency coordinators in the event of a waste material release.

7. Sec. 67241 - Reference to "some drums rusted..." The drums in question contained water which was being used during the last drought.

8. Sec. 67243 - The open half-drum containing stoddard waste has been eliminated.

Title 19:

9. Sec. 25504a - Regarding inventory information on chemicals handled in large quantities, we have submitted a list of these items to your office. If you have not received them, please let me know and I'll furnish you with another copy. The only items of this type that we handle in large quantities are the Chevron solvent #325, or stoddard solvent, and perchlorethylene.

Title 23:

10. Sec. 25292 - We have contacted expert consultants with regards to the six underground tanks at our facility. When they have completed their study and made recommendations as to the best course of action, we will advise you of our plans.

I hope that these remedial actions we have taken meet with the approval of your agency. If you have further questions, do not hesitate to contact me directly. Five copies of this letter are enclosed for distribution to those who received copies of your letter to me. We do not have mailing addresses for them.

Yours sincerely,

Stuart Depper
THE GLOVATORIUM

Alameda County Health Care Services

-Page 3-

Copies enclosed for:

Doug Krause, DOHS
Alan Whitman, Oakland Police Department
Gil Jensen, Alameda County District Attorney, Consumer
Environmental Protection Division
Rafat A. Shahid, Asst. Agency Director, Environmental
Health

THE
GLOVATORIUM
Dry Cleaning Specialists

August 17, 1990

Alameda County Health Care Services
Dept. of Environmental Health
80 Swan Way - Rm. 200
Oakland, CA 94621

Attn: Thomas Peacock

Dear Mr. Peacock:

In response to your letter dated August 20, 1990, regarding underground tanks at our facility at 3815 Broadway, Oakland, we would like to call your attention to the fact that we have already submitted Form "A" to your office. A copy of that form is enclosed with this letter.

As for form "B", we are informed by the Water Resources Board, that it is unnecessary to file this form due to the fact that there has been no change as regards these tanks.

Yours sincerely,



Stuart Depper
THE GLOVATORIUM

encl: copy of Form "A"

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



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

M E M O R A N D U M

TO: File

FROM: Gil Wistar *GW*

DATE: May 2, 1990

SUBJECT: Information gained from April 24, 1990 inspection at the
Glovatorium, 3815 Broadway, Oakland

I conducted a follow-up inspection at the Glovatorium to check on this facility's actions to comply with the generator, business plan, and underground tank violations for which it was cited in a Final Notice of Violation from this office dated January 22, 1990.

The following are the specific hazardous material/waste violations I noted during the inspection (Title 22).

Sec. 66508

- Although most containers of hazardous materials and wastes are now labeled properly, several stray drums had no labels: a 55-gallon aqueous ammonia drum and a 5-gallon pail of waste oil.
- I perused the disposal record carefully. Receipts on-site for perchloroethylene ("perc.," a chlorinated solvent) waste date back to 1/19/88; there is a 4-month gap between 1/19/88 and 5/20/88 that may indicate storage greater than 90 days. Also, receipts/manifests for the full three years prior to the inspection date were not produced because the owner, Stu Depper, claims that the Glovatorium only began to generate perc. waste immediately prior to the initial 1/19/88 pickup date. (Curiously, Alan Whitman of Oakland PD has found evidence that Safety-Kleen picked up some perc. waste from the facility prior to 1988.)
- For stoddard (petroleum-based) solvent, Mr. Depper produced receipts for disposal of "still-bottom" waste dating back to 1/8/88. There is a gap of 6 months between 3/17/88 and 9/26/88 (Depper claims that this was the result of the stoddard distillation unit being out of commission during the summer of 1988, meaning that no purification of stoddard occurred over this period and therefore no waste was generated.) In addition, there is a gap of more than 90 days between 12/13/88 and 4/3/89. Mr. Depper says that he took stoddard waste to the

former Chevron station at 3701 Broadway prior to 1/88, and received no receipts for this disposal.

Sec. 66492

- The on-site records for disposal of both perc. and stoddard solvent are incomplete, since they don't go back the full three years required under this section, and contain some gaps that might indicate storage of hazardous waste for over 90 days.

Sec. 67124

- The aqueous ammonia drum referred to earlier was inaccessible, hidden behind several pieces of equipment and two-wheeled laundry carts. In my judgment, this violates the aisle-space provision of Title 22; Mr. Depper argued this point because he felt that the drum should be inaccessible to employees.

Business Plan (Health and Safety Code)

Sec. 25504(a), 25504(b)(3), and 25509(a)

- The Glovatorium still has not sent a hazardous material/waste inventory to our office. Mr. Depper stated that he has submitted a chemical inventory to the Bay Area Air Quality Management District, and implied that he thought this satisfied the "agencies'" chemical inventory requirement.
- Whereas the Glovatorium has submitted certain elements of the required emergency response and contingency plan, as well as an employee training plan, it has not submitted a suitable evacuation plan complete with a floor plan of the facility showing hazardous material storage areas.

Underground Tanks (Title 23)

Sec. 2641

- This section specifies the requirements for underground tank monitoring alternatives.
- Here is the situation at the facility: there are six tanks, five of which are installed in a row, vertically, beneath part of the building. This cluster of five tanks has one observation well, supposedly downgradient of the tanks, which range in size from 1,000-gallon to 3,000-gallon. The sixth tank, the 3,000-gallon "fill tank," is located under the sidewalk outside the building, and has no monitoring associated with it. All six tanks contain stoddard solvent, some being clean and some being relatively dirty, but none is considered a waste material.

- The only monitoring that the facility uses is the annual checking of the one observation well (I saw no reports showing that even this has been done).
- Minimum monitoring requirements that Alternative #2 of this section specifies:
 - a. four monitoring wells around the cluster of five tanks, to be sampled twice a year;
 - b. two monitoring wells around the single outside tank; and
 - c. an indeterminate number of vadose (dry soil vapor) wells around both tank areas.

Mr. Depper stated that he has solicited bids from four consultants to handle his underground tank problems, but this office has received nothing from the Glovatorium or any of these consultants.

Interestingly, on April 10, Mr. Lito Ding from the federal Small Business Administration in Mountain View, CA called me to check out an application that the Glovatorium had filed to obtain an SBA loan or grant for underground tank repair. Apparently, Mr. Depper indicated on the application that the October 1989 earthquake "caused his tanks to leak." During the April 24 inspection, I asked him if he knew whether his tanks were in fact leaking, making no reference to the SBA application; he emphatically denied that they were leaking, because the insides had been coated with some sort of leak-proof material within the past several years.

Other Information

The Deppers own the building and the tanks. Technichem in Emeryville (the current perc. waste hauler) supplies recycled perc. to the facility. East Bay Oil in Richmond supplies the standard (Chevron 325) solvent, a total of 4,000 to 5,000 gallons of which was used in 1989 at the Glovatorium. Recycletron Oil Co. (AKA Refineries Service) of Patterson, CA picks up the waste standard. Business at the facility is heaviest during the winter (November to February).

white -env.health
 yellow -facility
 pink -files

ALAMEDA COUNTY, DEPARTMENT OF ENVIRONMENTAL HEALTH

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

Hazardous Materials Division Inspection Form

Site ID# 439 Site Name The Gloratorium Today's Date 4/24/90

Site Address 3815 Broadway EPA ID# CAX000203042

City Oakland Zip 94611 Phone 658-8660

MAX Amt. Stored > 500lbs/55g/200cr? Y N
 Hazardous Waste generated per month? _____

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

The marked items represent violations of the Calif. Administration Code (CAC) or the Health & Safety Code (HS&C)

I.A. GENERATOR (Title 22)

	<input type="checkbox"/> 1. Waste ID	* 66471
	<input type="checkbox"/> 2. EPA ID	66472
	<input checked="" type="checkbox"/> 3. > 90 days	66508
	<input checked="" type="checkbox"/> 4. Label dates	66508
	<input type="checkbox"/> 5. Biennial	66493
Manifest	<input checked="" type="checkbox"/> 6. Records	66492
	<input type="checkbox"/> 7. Correct	66484
	<input type="checkbox"/> 8. Copy sent	66492
	<input type="checkbox"/> 9. Exception	66484
	<input type="checkbox"/> 10. Copies Rec'd	66492
Misc.	<input type="checkbox"/> 11. Treatment	66371
	<input type="checkbox"/> 12. On-site Disp. (H.S.&C.)	26189.5
	<input type="checkbox"/> 13. Ex Haz. Waste	66570
Prevention	<input checked="" type="checkbox"/> 14. Communications	67121
	<input type="checkbox"/> 15. Aisle Space	67124
	<input type="checkbox"/> 16. Local Authority	67126
	<input type="checkbox"/> 17. Maintenance	67120
	<input type="checkbox"/> 18. Training	67105
Contn. gency	<input type="checkbox"/> 19. Prepared	67140
	<input type="checkbox"/> 20. Name List	67141
	<input type="checkbox"/> 21. Copies	67141
	<input type="checkbox"/> 22. Emg. Coord. Trng.	67144
Containers, Tanks	<input type="checkbox"/> 23. Condition	67241
	<input type="checkbox"/> 24. Compatibility	67242
	<input type="checkbox"/> 25. Maintenance	67243
	<input type="checkbox"/> 26. Inspection	67244
	<input type="checkbox"/> 27. Buffer Zone	67246
	<input type="checkbox"/> 28. Tank Inspection	67259
	<input type="checkbox"/> 29. Containment	67245
	<input type="checkbox"/> 30. Safe Storage	67261
	<input type="checkbox"/> 31. Freeboard	67257

Comments:

Follow-up inspection. Receipts for Stoddard solvent "still waste" disposal available from 1/8/88 to present (gap of 6 months - Mar. - Sept. 1988). Perc. waste manifests begin 1/19/88 to present, with a gap of 4 months (Jan. - May 1988). * Stu Depper states that one still was not operational over the summer of 1988.

Needs:

- ① Manifest receipts to be kept for 3 full years;
- ② Waste must be disposed of at least every 90 days, with manifests/receipts showing this and start accumulation dates from on labels.
- ③ Several stray drums are not labeled, such as the aqua ammonia drum and a five-gallon bucket of oil. All containers to be clearly marked.
- ④ Aqua ammonia drum has insufficient side space - it needs to be brought into an accessible area.
- ⑤ Underground tanks are not permitted because no monitoring alternatives is specified (forms "A" and "B" left with Stu Depper). Tanks must be permitted or closed per state regulations, form "A" filled out 11/89.
- ⑥ Business plan has not been submitted to our office; no complete chemical inventory or floor plan submitted. (Blank business plan form left with Stu Depper.)

I.B. TRANSPORTER (Title 22)

	<input type="checkbox"/> 32. Applic./Insurance	66428
	<input type="checkbox"/> 33. Comp. Cert./CHP Insp.	66448
	<input type="checkbox"/> 34. Containers	66465
Manifest	<input type="checkbox"/> 35. Vehicles	66465
	<input type="checkbox"/> 36. EPA ID #s	66531
	<input type="checkbox"/> 37. Correct	66541
	<input type="checkbox"/> 38. HW Delivery	66543
	<input type="checkbox"/> 39. Records	66544
Cont'n's	<input type="checkbox"/> 40. Name/ Covers	66545
	<input type="checkbox"/> 41. Recyclables	66500

Rev 6/88

Contact: _____
 Title: _____
 Signature: Stu Depper

Inspector: _____
 Signature: Gilbert M. Winters

(Floor plan that has been developed for CAC/SHA in accordance to Hazardous Materials Division)

THE
GLOVATORIUM
Dry Cleaning Specialists

90 FEB 26 PM 1:00

February 9, 1990

4/24 3:30 p.m.

Alameda County Health Care Services
Dept. of Environmental Health
80 Swan Way, Suite 200
Oakland, CA 94621

Re: Second response to your letter dated 7/5/89.

Attn: Gil Wistar

Dear Mr. Wistar:

In reply to your letter, my responses are referenced in the same order (Title & Section) as listed in your communication.

Title 22:

1. Sec. 66509 - In this facility all hazardous waste containers are labeled at present, and have been for some time. Thank you for making us aware of the accumulation date.

2. Sec. 66492 - As we mentioned in our previous letter, we have not been generating perchlorethylene waste for three years. When we did begin to generate such waste, those copies were produced. You have already contacted our hazardous waste hauler, Technichem, Inc., and they have provided you with copies of all records relating to waste pickup which show that we have performed according to the law.

3. Sec. 67124 - We have made additional aisle space available so there is now no lack of space around any hazardous waste drums. These drums may contain a variety of materials, not all of which are hazardous. We feel that if we wish to store drums containing water, it is our option to do so. In any case, we have now removed all of these drums except those currently in use from our facility.

-Continued-

ALAMEDA COUNTY

HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



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

Certified Mailer # P 833 981 480

July 10, 1989

Mr. Stuart Depper
The Glovatorium
3815 Broadway
Oakland, CA 94611

NOTICE OF VIOLATION

Dear Mr. Depper:

On July 5, 1989 Gil Wistar of the Alameda County Department of Environmental Health, Hazardous Materials Division inspected the premises at 3815 Broadway in Oakland. The following violations of the California Code of Regulations were noted at this facility.

Title 22:

1. Sec. 66508 - Some hazardous waste and hazardous material containers are not labeled for composition/physical state, type of hazards posed, and name/address of waste generator. In addition, no beginning accumulation date was identified on any waste container on the premises.
2. Sec. 66492 - The facility could not readily produce copies of hazardous waste disposal receipts dating back three years. Such receipts must be maintained in an accessible file and should document that proper disposal of wastes is occurring at least every 90 days.
3. Sec. 67124 - In several areas around the facility, there is insufficient aisle space and access for the proper storage of hazardous materials. In all areas, hazardous materials and wastes should be stored to allow unobstructed movement of personnel and equipment in the event of fire or spill. This also means that drums should not have any debris stored on or around them, and that empty drums should either be stored together in a secure area or removed from the facility.

4. Sec. 67105 - The facility has incomplete records of employee training. An MSDS training program has been implemented, but more site-specific training and documentation are needed to ensure employees' familiarity with proper handling and emergency procedures for hazardous materials.
5. Sec. 67140 - A contingency plan for the facility has not been prepared.
6. Sec. 67141 - There is no listing of persons qualified to act as emergency coordinators in the event of a waste material release.
7. Sec. 67241 - One of the stoddard waste drums and at least one product drum are rusted, badly dented, or both. These and any other such containers in deteriorated condition must be replaced with undamaged containers.
8. Sec. 67243 - One half-full drum in the back, containing stoddard waste, was found to be open. Drums should always be kept closed except when adding or withdrawing waste from them.

Title 19:

9. Sec. 25504a - The facility business plan requires annual inventory information on all chemicals handled in quantities above 500 pounds (solids), 55 gallons (liquids), or 200 cubic feet (gases). Although you mentioned that you had submitted this list, our office has not received it.

Title 23:

10. Sec. 25292 - The six underground storage tanks on the facility have incomplete monitoring provisions for the detection of unauthorized releases of hazardous materials. (See discussion below.)

According to Sec. 2641 of Title 23, Chapter 3, Subchapter 16 (enclosed for your information), there are eight monitoring alternatives for existing underground tanks (those installed before 1/1/84). You stated that it was not possible to conduct precision tests on the tanks because of limitations in the amount of stoddard

Mr. Stuart Depper
July 10, 1989
Page 3 of 3

that could be transported to your site at any one time. Therefore, you are limited to monitoring alternative 2. This is because alternatives 1, 3, 5, 7, and 8 all require precision testing; alternative 4 cannot be used in the Bay Area because of potential beneficial uses of water in and around San Francisco Bay; and alternative 6 is limited to motor vehicle fuel storage tanks.

For your specific situation, alternative 2 requires three downgradient monitoring wells, as well as vadose (unsaturated) zone monitoring; your tank farm has only one monitoring well currently. In order to keep operating these six tanks, then, you would need to take actions to comply with Title 23; otherwise, you must close the tanks by filing a closure permit with this office.

In accordance with Sec. 66328, a Plan of Correction must be submitted to this office within 30 days, or by August 9, 1989. The plan should specify the actions you will take to address the above violations and the expected dates of completion. A closure plan for your underground tanks must also be submitted within 30 days.

Your attention is directed to Sections 25184, 25189, and 25191 of the California Health and Safety Code, which provide for civil and criminal penalties of up to \$25,000 per day for each violation of these regulations. In addition, in accordance with Sec. 25294 of the Health and Safety Code, any owner or operator of an underground tank who operates or improperly closes the tank without Alameda County's approval is liable for fines of up to \$50,000 per day on each count.

If you have any questions concerning this letter, please contact Gil Wistar, Hazardous Materials Specialist, at 271-4320.

Sincerely,

Rafat A. Shahid

Rafat A. Shahid, Chief
Hazardous Materials Division

RAS:GW:gw

enclosure

cc: Doug Krause, DOHS
Gil Jensen, Alameda County District ~~Attorney~~, Consumer and
Environmental Protection Division

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 pink -files

ALAMEDA COUNTY, DEPARTMENT OF ENVIRONMENTAL HEALTH

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

Hazardous Materials Division Inspection Form

PAGE 1 of 2

Site ID# 439 Site Name Laboratory Today's Date 7/5/89
 Site Address 3815 Broadway EPA ID# _____
 City Oakland, CA Zip 94611 Phone 658-8660

MAX Amt. Stored > 500lbs/55g/200cf? Y N
 Hazardous Waste generated per month? _____

Inspection Categories:

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

The marked items represent violations of the Calif. Administration Code (CAC) or the Health & Safety Code (HS&C)

I.A GENERATOR (Title 22)

- | | | |
|-------------------------------------|-----------------------------|---------|
| ___ | 1. Waste ID | * 66471 |
| ___ | 2. EPA ID | 66472 |
| ___ | 3. > 90 days | 66508 |
| <input checked="" type="checkbox"/> | 4. Label dates | 66508 |
| ___ | 5. Biennial | 66493 |
| <input checked="" type="checkbox"/> | 6. Records | 66492 |
| ___ | 7. Correct | 66484 |
| ___ | 8. Copy sent | 66492 |
| ___ | 9. Exception | 66484 |
| ___ | 10. Copies Rec'd | 66492 |
| ___ | 11. Treatment | 66371 |
| ___ | 12. On-site Disp. (H.S.&C.) | 26189.5 |
| ___ | 13. Ex Haz. Waste | 66570 |
| ___ | 14. Communications | 67121 |
| <input checked="" type="checkbox"/> | 15. Aisle Space | 67124 |
| ___ | 16. Local Authority | 67126 |
| ___ | 17. Maintenance | 67120 |
| <input checked="" type="checkbox"/> | 18. Training | 67105 |
| ___ | 19. Prepared | 67140 |
| ___ | 20. Name List | 67141 |
| ___ | 21. Copies | 67141 |
| ___ | 22. Emg. Coord. Trng. | 67144 |
| <input checked="" type="checkbox"/> | 23. Condition | 67241 |
| ___ | 24. Compatibility | 67242 |
| <input checked="" type="checkbox"/> | 25. Maintenance | 67243 |
| ___ | 26. Inspection | 67244 |
| ___ | 27. Buffer Zone | 67246 |
| ___ | 28. Tank Inspection | 67259 |
| ___ | 29. Containment | 67245 |
| ___ | 30. Safe Storage | 67261 |
| ___ | 31. Freeboard | 67257 |

Comments:

Large-volume dry cleaner that specializes in gloves, leather, and suede. Two processes using PERC and Stoddard solvents. 6 underground tanks, all of which contain Stoddard. 10-15 employees depending on season (summer is slow season).
 7-8 drums of still waste from Stoddard process, kept in back of facility.
 2-3 drum of perc, still waste, kept in separate area. Recycletron Oil picks up Stoddard waste, and Techchem picks up perc waste.
 Generalized training manual that focuses on MSDS information. Employees have signed MSDS training sheets, but no evidence that they have broader training in safety and spill response procedures.

I.B TRANSPORTER (Title 22)

- | | | |
|-----|---------------------------|-------|
| ___ | 32. Applic./Insurance | 66428 |
| ___ | 33. Comp. Cert./CHP Insp. | 66448 |
| ___ | 34. Containers | 66465 |
| ___ | 35. Vehicles | 66465 |
| ___ | 36. EPA ID #s | 66531 |
| ___ | 37. Correct | 66541 |
| ___ | 38. HW Delivery | 66543 |
| ___ | 39. Records | 66544 |
| ___ | 40. Name/ Covers | 66545 |
| ___ | 41. Recyclables | 66800 |

NEEDS:

① Training needs to be expanded to include all employees who could come into contact with hazardous materials/wastes. Also, documentation of full chemical safety and spill response procedures should be provided.

Rev 6/88

Contact: Stu Deppa

Title: _____

Signature: Stu Deppa

Inspector: _____

Signature: Gilbert M. Wright

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 yellow -facility
 pink -files

ALAMEDA COUNTY, DEPARTMENT OF ENVIRONMENTAL HEALTH

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

Hazardous Materials Division Inspection Form

PAGE 2 of 2

Site ID# _____ Site Name Glovatorium Today's Date 7/5/89
 Site Address 3815 Broadway EPA ID# _____
 City _____ Zip 94 Phone _____

MAX Amt. Stored > 500lbs/55g/200cf? Y N
 Hazardous Waste generated per month? _____

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

The marked items represent violations of the Calif. Administration Code (CAC) or the Health & Safety Code (HS&C)

I.A GENERATOR (Title 22)		
	<input type="checkbox"/> 1. Waste ID	66471
	<input type="checkbox"/> 2. EPA ID	66472
	<input type="checkbox"/> 3. > 90 days	66508
	<input checked="" type="checkbox"/> 4. Label dates	66508
	<input type="checkbox"/> 5. Biennial	66493
Manifest	<input checked="" type="checkbox"/> 6. Records	66492
	<input type="checkbox"/> 7. Correct	66484
	<input type="checkbox"/> 8. Copy sent	66492
	<input type="checkbox"/> 9. Exception	66484
	<input type="checkbox"/> 10. Copies Rec'd	66492
Misc.	<input type="checkbox"/> 11. Treatment	66371
	<input type="checkbox"/> 12. On-site Disp. (H.S.&C.)	26189.5
	<input type="checkbox"/> 13. Ex Haz. Waste	66570
Prevention	<input type="checkbox"/> 14. Communications	67121
	<input checked="" type="checkbox"/> 15. Aisle Space	67124
	<input type="checkbox"/> 16. Local Authority	67126
	<input type="checkbox"/> 17. Maintenance	67120
	<input checked="" type="checkbox"/> 18. Training	67105
Contn. Agency	<input type="checkbox"/> 19. Prepared	67140
	<input type="checkbox"/> 20. Name List	67141
	<input type="checkbox"/> 21. Copies	67141
	<input type="checkbox"/> 22. Eng. Coord. Trng.	67144
Containers, Tanks	<input checked="" type="checkbox"/> 23. Condition	67241
	<input type="checkbox"/> 24. Compatibility	67242
	<input checked="" type="checkbox"/> 25. Maintenance	67243
	<input type="checkbox"/> 26. Inspection	67244
	<input type="checkbox"/> 27. Buffer Zone	67246
	<input type="checkbox"/> 28. Tank Inspection	67259
	<input type="checkbox"/> 29. Containment	67245
	<input type="checkbox"/> 30. Safe Storage	67261
	<input type="checkbox"/> 31. Freeboard	67257
	I.B TRANSPORTER (Title 22)	
	<input type="checkbox"/> 32. Applic./Insurance	66428
	<input type="checkbox"/> 33. Comp. Cert./CHP Insp.	66448
	<input type="checkbox"/> 34. Containers	66465
Manifest	<input type="checkbox"/> 35. Vehicles	66465
	<input type="checkbox"/> 36. EPA ID #s	66531
	<input type="checkbox"/> 37. Correct	66541
	<input type="checkbox"/> 38. HW Delivery	66543
	<input type="checkbox"/> 39. Records	66544
Cont'n's	<input type="checkbox"/> 40. Name/ Covers	66545
	<input type="checkbox"/> 41. Recyclables	66800

Comments:

② All receipts for waste disposal, going back 3 years, should be kept in an accessible file on-site.

③ Underground Tanks ^{may} not operating under a proper permit - they should either be brought into compliance or closed.

④ All waste drums should be labeled as hazardous waste, and indicate contents and last accumulation date.

⑤ There is inadequate aisle space around several product / waste drums, which are very difficult to access and therefore stored unsafely.

⑥ Also, many ~~are~~ empty drums throughout the facility should be disposed of if no use for them is foreseen.

⑥ All waste containers should be kept closed unless material is being added or taken from them.

⑦ Several drums are dented, rusted or both - these drums should be replaced with drums in better condition.

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Contact: Stu Depper
 Title: _____
 Signature: Stu Depper

Inspector: _____
 Signature: Gilbert M. Winter