

R. KINGSBURY LANE  
CORPORATION  
3657 GRAND AVENUE  
OAKLAND, CALIFORNIA 94610-2009  
(510) 465-1933

ROBERT K. LANE  
ATTORNEY AT LAW

April 30, 2003

Donna Drogos, Supervisor  
Alameda County Health Care Services  
1131 Harbor Bay Parkway, Suite 250  
Alameda, CA 94502-6577

Fax and Mail  
337.9335

Alameda County  
MAY 05 2003  
Environmental Health

RE: 2515 Blanding Ave., Alameda, California  
RO0002513

Dear Ms. Drogos:

As you know this office represents the Garfinkles with regard to the potential remediation of the above property. As the enclosed copies of correspondence will attest, I have repeatedly attempted to contact Mr. Amir K. Gholami, the case worker on this matter, without ANY success. If you would please intercede in this matter I would appreciate an immediate written response to my inquiries faxed to my office at 510.465.2003, as we are faced with your department's deadline of May 4, 2003.

Thank you for your cooperation.

Very truly yours,

  
Robert K. Lane

RKL:bl

ccc by fax

cc: Janet Koike: Fax 841.0941

cc: Meeling Tung, Director of Environmental Health Services

8:02pm

ROBERT K. LANE  
ATTORNEY AT LAW

R. KINGSBURY LANE  
CORPORATION  
3657 GRAND AVENUE  
OAKLAND, CALIFORNIA 94610-2009  
(510) 465-1933

Alameda County  
MAY 05 2003  
Environmental Health

April 8, 2003

Amir K. Gholami, REHS  
Alameda County Health Care Services  
1131 Harbor Bay Parkway, Suite 250  
Alameda, CA 94502-6577

Fax and Mail  
337.9335

RE: 2515 Blanding Ave., Alameda, California  
**NO WAIVER OF ATTORNEY CLIENT PRIVILEGE**

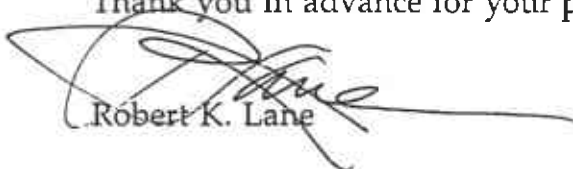
Dear Amir:

I am disappointed in your communication with this office, meaning there is not sufficient effort on your part to return my calls. As you know the owners of the above property are interested in a rapid closure of this property as it is in escrow and to be transferred shortly.

The item of current concern is reflected in the enclosed letter from my client to me dated April 7th. This letter is given to you without waiver of the attorney client privilege and without waiver of the attorney work product privilege. We have already made you aware of our concern that the tank at the adjacent property is impacting, if not fully responsible for the reading upon which the County is relying in demanding further investigation of our site. You must get further analysis of this situation before you demand what may be a useless act from us which act will cost a great deal of money. The letter encloses a map of where the above ground pump for their tank was located as well as copy of the permit from the fire department for that tank! This information cannot be ignored on the basis of someone's self-serving hearsay!

Please give this matter your immediate attention prior to my clients' incurring the cost of a consultant.

Thank you in advance for your prompt reply.

  
Robert K. Lane

RKL:bl

ccc by fax

cc: Janet Koike  
c/o Myra Mitzman: Fax 338.0202  
Dean Treadway by fax 834.9158  
cc: Donna Drogos, County Health Supervisor

8:58am

ROBERT K. LANE  
ATTORNEY AT LAW

R. KINGSBURY LANE  
CORPORATION  
3657 GRAND AVENUE  
OAKLAND, CALIFORNIA 94610-2009  
(510) 465-1933

April 11, 2003

Amir K. Gholami, REHS  
Alameda County Health Care Services  
1131 Harbor Bay Parkway, Suite 250  
Alameda, CA 94502-6577

Fax and Mail  
337.9335

RE: 2515 Blanding Ave., Alameda, California  
RO0002513

Dear Amir:

As you know this office represents the Garfinkles with regard to the potential remediation of the above property. On April 10th the fee title to the property transferred to Cal Vita Limited Liability Company, the manager and principal of which is Janet Koike. The Garfinkles will remain as the responsible parties for any remediation made necessary as a result of the tank removal. Please direct ALL correspondence with regard to this property to this office using both mail and fax at 510.465.2003. Also send copies to:

1. Janet Koike at fax number 510.841.0941
2. Ben Garfinkle at fax number 510.567.1830

Please also continue sending copies to the Alameda address of the Garfinkles.

Very truly yours,



Robert K. Lane

RKL:bl

ccc by fax

cc: Janet Koike: Fax 841.0941  
Myra Mitzman: Fax 338.0202

11:04am

ROBERT K. LANE  
ATTORNEY AT LAW

R. KINGSBURY LANE  
CORPORATION  
3657 GRAND AVENUE  
OAKLAND, CALIFORNIA 94610-2009  
(510) 465-1933

April 9, 2003

Amir K. Gholami, REHS  
Alameda County Health Care Services  
1131 Harbor Bay Parkway, Suite 250  
Alameda, CA 94502-6577

Fax and Mail  
337.9335

RE: 2515 Blanding Ave., Alameda, California  
RO0002513

Dear Amir:

Redoubling my concern that your offices have not given ample consideration of the possible alternatives to demanding that my clients incur the cost of a consultant, I am now in receipt of your letter of April 7, 2003, calling for a work plan (enclosed). Yesterday I sent you information concerning the tank on the adjacent property. My client's analysis of our tank having been dormant for over 50 years and thus what is the likelihood of the high reading unless impacted by that adjacent tank appears to be lost on your office. So much so that you apparently wish to ignore the issue altogether. It is not in the public interest nor does it reflect due process to ignore what well may be the PRIMARY source of this contamination.

Please take the time to review this matter and communicate. Per your request I also enclose a copy of the January 10, 2003 Golden Gate Report.

Very truly yours,

  
Robert K. Lane

RKL:bl

ccc by fax

cc: Janet Koike  
c/o Myra Mitzman: Fax 338.0202  
Dean Treadway by fax 834.9158  
cc: Donna Drogos, County Health Supervisor



April 7, 2003

Mr. Robert Lane  
3657 Grand Ave.  
Oakland, CA 94610

Dear Robert,

In a voice mail received last Friday, Rob Weston, of Alameda County Health Services, informed me that he met with the production manager from Allied Engineering. They occupy the property adjacent to our property at 2515 Blanding Ave., Alameda. Mr. Weston was told that the manager had been with Allied since the mid-50's and to his knowledge, there has never been a gas tank on the property. Rob went on to say that he saw no evidence of where a tank may have been.

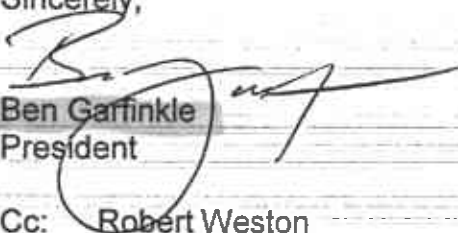
We beg to disagree with the manager's assertions. I personally witnessed the gas pump. I spoke with my father about this as well. He was involved in the transaction to purchase the property in 1952 and worked there until his retirement in 1996. He concurs with my recollection and stated that the pump was in place when Clamp-Swing moved its operation to 2515 Blanding in 1957. We believe the pump was removed in the 1970's but can't be sure of the date. As for not seeing any evidence, about 10-15 years ago Allied had the entire yard repaved with asphalt. No wonder he couldn't see where it was.

Enclosed is a copy of the fire department's permit and a site map showing the approximate location of the pump.

I'm concerned that the County is operating without all of the information as they move forward with the next phase for the tank on our property. Everyone needs to know that the small tank (200-300 gallons) that was removed from Blanding had been inactive for over 50 years. When the property was acquired, my father says there was no pump servicing this tank. If it had been leaking, surely it would have spilled its contents decades ago. If Mother Nature was going to cleanse the site, wouldn't it have happened by now? This makes me ask the question, what's the point of monitoring for a year if it didn't clean itself up in 50 years? All of this make me suspicious that a 2000-gallon tank, located no more than 50 feet from ours, installed around 1954 and in-service into the '70's, may be contributing to the problem. Leaking an ounce an hour it would take 30 years to empty it!

I hope this helps establish the historical record and relevance of these two tanks.

Sincerely,



Ben Garfinkle  
President

Cc: Robert Weston

enclosures

AUTO  
BODY  
SHOP

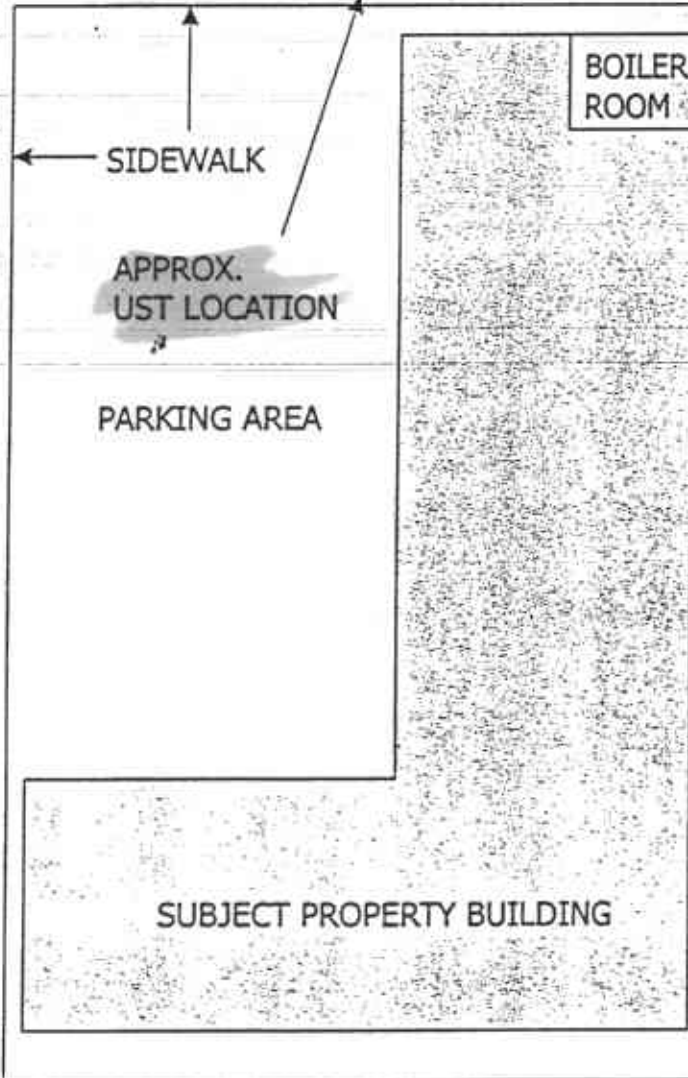
PARKING LOT FOR AUTO BODY SHOP

ALLIED  
ENGINEERING

☒ PUMP  
LOCATION

EVERETT STREET TANK

RESIDENTIAL

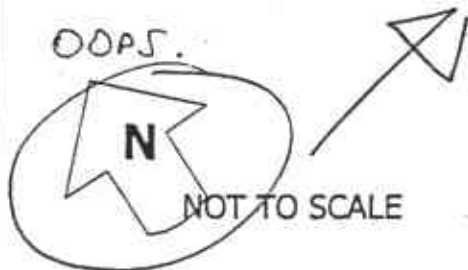


STORAGE  
YARD

US  
FLAGS

MARKINSKI  
AUTO

STONE BOAT YARD



AEI CONSULTANTS  
3210 OLD TUNNEL ROAD, SUITE B, LAFAYETTE, CA

SITE PLAN

2515 BLANDING AVENUE  
ALAMEDA, CA

FIGURE 2  
PROJECT No. 5457





[401] No items present.

ALAMEDA COUNTY  
HEALTH CARE SERVICES



AGENCY  
DAVID J. KEARS, Agency Director

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

April 4, 2003

RO0002513

Mr. Wilfred Garfinkle  
2938 Northwood Dr  
Alameda, CA 94501

Re: Fuel Leak Investigation, Site No. RO0002513, Clamp Swing, 2515 Blanding Ave.,  
Alameda, CA 94501

Dear Mr. Garfinkle:

Alameda County Environmental Health (ACEH) staff reported a release from your former gasoline underground storage tank (UST) system removed from your property on September 12, 2002. This office subsequently listed the subject site on our database of fuel leak sites. Our office acts as the lead agency to oversee the investigation and cleanup of petroleum hydrocarbon releases. We have recently reviewed the information in our file and determined that up to 1,450 ppm TPHG, 105 ppm TPHD were left in place in soil, up to 8,910 ppb TPHG and 22,000 ppb TPHD were detected in groundwater, petroleum odors were noted from the tank excavation, and that a soil and groundwater investigation is necessary at this site to progress toward case closure.

Please define the extent of soil and groundwater at your site. This type of investigation usually involves drilling one or more soil borings and collecting soil samples for chemical analyses. Groundwater monitoring wells may be needed and groundwater sampled to properly characterize groundwater contamination. Other options for additional investigation may be appropriate to define contamination at your site.

Please submit a work plan detailing your proposal to define the extent of soil and groundwater contamination by May 4, 2003. This report is being requested pursuant to the Regional Water Quality Control Board's (Regional Board) authority under Section 13267 of the California Water Code.

#### REQUEST FOR INFORMATION

ACEH's files for the subject site contains one report documenting UST removal activities, dated September 27, 2002, prepared by Golden Gate Tank Removal, Inc. It appears that additional work was performed at this site however; report(s) documenting this work have not been submitted to us. We request that you submit copies of any other reports you have documenting additional investigation activities or other work related to this UST system/site by May 4, 2003.

**AB 681 (MACHADO) CHAPTER 255, STATUTES OF 1998**

AB 681 (Machado) Chapter 255, Statutes of 1998, has made legislative changes to Chapters 6.7 and 6.75 of the Health and Safety Code adding new requirements to landowner notification and participation requirements for fuel leak investigations. These legislative changes require the active or primary responsible party for a fuel leak case to ensure that all current property owners of the site are informed of cleanup actions or requests for closure and to forward to ACEH a complete mailing list of all record fee title holders to the site so that we can ensure that they are listed as responsible parties and kept informed about cleanup and closure decisions.

Additionally, the primary or active responsible party must certify in writing that the notification requirement of Health and Safety Code, Section 25297.15, has been met and provide a mailing list of all record fee title owners to the local agency. This certification shall be included with a perjury statement in the cover letter transmitting reports, work plans, and requests for closure.

**UST CLEANUP FUND**

Please be advised that you might be eligible for reimbursement of the costs of investigation from the California UST Cleanup Fund (Fund). In some cases, a deductible amount may apply. Enclosed is a fact sheet concerning the Fund. If you believe you meet the eligibility requirements, I strongly encourage you to call the Fund for an application.

**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 follow up. Enforcement follow up may include administrative action or monetary penalties of up to \$10,000 per day for each day of violation of the California Health and Safety Code, Division 20, Chapter 6.75.

Should you have any questions, please do not hesitate to call me at (510) 567-6876.

Sincerely,

*Amir K. Gholami*

Amir K. Gholami, REHS  
Hazardous Materials Specialist

Enclosure: USTCF Fact Sheet

C: Law Office of Robert Lane 3657 Grand Ave, Oakland, 94610

D. Drogos, A. Gholami

# Transmittal

To: Ben Garfinkle  
Clamp Swing Pricing Co.

From: Tracy Wallace

Date: 01/10/2003

Re: 2515 Blanding



Dear Mr. Garfinkle:

Please find attached the analytical results for the last excavation and groundwater sampling. I have forward this information to Mr. Robert Weston of ACHCSA, (510) 567-6781.

In reviewing the data, unfortunately, I am sure that the ACHCSA will require that the groundwater be monitoring for a period of up to one year prior to giving the case closure status. This work is eligible for reimbursement from the State Water Resources LUFT Fund.

Please call me as soon as possible to discuss at (415) 559-1175

Tracy Wallace  
Golden Gate Tank Removal, Inc.

Jan 09 03 01:33p

p.3



North State Labs

CA ELAP # 1753

90 South Spruce Avenue, Suite V • South San Francisco, CA 94080 • (650) 266-4563 • FAX (650) 266-4560

## C E R T I F I C A T E O F A N A L Y S I S

Lab Number: 03-0021  
 Client: Golden Gate Tank  
 Project: 8259/2515 BLANDING ALAMEDA

Date Reported: 01/09/2003

Diesel Range Hydrocarbons by Method CATHF  
 Gasoline, BTEX and MTBE by Methods SW8020F

Analyte	Method	Result	Unit	Date Sampled	Date Analyzed
Sample: 03-0021-01 Client ID: 8259-E-6FT 01/03/2003 SO					
Benzene	SW8020F	ND<5	UG/KG		01/08/2003
Ethylbenzene	SW8020F	9	UG/KG		01/08/2003
Gasoline Range Organics	SW8020F	**9160	UG/KG		01/08/2003
Methyl-tert-butyl ether	SW8020F	ND<5	UG/KG		01/08/2003
Toluene	SW8020F	19	UG/KG		01/08/2003
Xylenes	SW8020F	43	UG/KG		01/08/2003
Diesel Fuel #2	CATHF	*105	MG/KG		01/08/2003
Sample: 03-0021-02 Client ID: 8259-N-10FT 01/03/2003 SO					
Benzene	SW8020F	ND<5	UG/KG		01/08/2003
Ethylbenzene	SW8020F	ND<5	UG/KG		01/08/2003
Gasoline Range Organics	SW8020F	ND<500	UG/KG		01/08/2003
Methyl-tert-butyl ether	SW8020F	ND<5	UG/KG		01/08/2003
Toluene	SW8020F	ND<5	UG/KG		01/08/2003
Xylenes	SW8020F	ND<10	UG/KG		01/08/2003
Diesel Fuel #2	CATHF	ND<1	MG/KG		01/08/2003
Sample: 03-0021-03 Client ID: 8259-W 01/03/2003 W					
Benzene	SW8020F	ND<2.5	UG/L		01/09/2003
Ethylbenzene	SW8020F	24.6	UG/L		01/09/2003
Gasoline Range Organics	SW8020F	8910	UG/L		01/09/2003
Methyl-tert-butyl ether	SW8020F	ND<2.5	UG/L		01/09/2003
Toluene	SW8020F	42.5	UG/L		01/09/2003

Does not match: \*-diesel, \*\*-gasoline.

Page 1

over 1000 ppm

Jan 09 03 01:33p

P.4



North State Labs

CA ELAP # 1753

90 South Spruce Avenue, Suite V • South San Francisco, CA 94080 • (650) 266-4553 • FAX (650) 266-4560

## C E R T I F I C A T E O F A N A L Y S I S

Lab Number: 03-0021  
 Client: Golden Gate Tank  
 Project: 8259/2515 BLANDING ALAMEDA

Date Reported: 01/09/2003

Diesel Range Hydrocarbons by Method CATHF  
 Gasoline, BTEX and MTBE by Methods SW8020F

Analyte	Method	Result	Unit	Date Sampled	Date Analyzed
Sample: 03-0021-03	Client ID: 8259-W			01/03/2003	W
Xylenes	SW8020F	74	UG/L		01/09/2003
Diesel Fuel #2	CATHF	*22.2	MG/L		01/08/2003

Does not match: \*-diesel, \*\*-gasoline.

Jan 08 03 01:34p

P.5



North State Labs

CA ELAP # 1753

90 South Spruce Avenue, Suite V • South San Francisco, CA 94080 • (650) 266-4563 • FAX (650) 266-4560

# CERTIFICATE OF ANALYSIS

## Quality Control/Quality Assurance

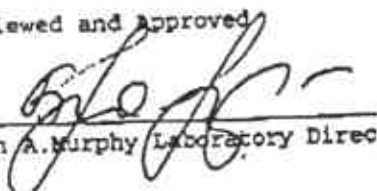
Lab Number: 03-0021  
 Client: Golden Gate Tank  
 Project: 8259/2515 BLANDING ALAMEDA

Date Reported: 01/09/2003  
 Diesel Range Hydrocarbons by Method CATHF  
 Gasoline, BTEX and MTBE by Methods SW8020F

Analyte	Method	Reporting Limit	Unit	Blank	Avg MS/MSD Recovery	RPD
Gasoline Range	SW8020F	500	UG/KG	ND	95/94	1
Benzene	SW8020F	5	UG/KG	ND	93/93	0
Toluene	SW8020F	5	UG/KG	ND	95/95	0
Ethylbenzene	SW8020F	5	UG/KG	ND	96/95	1
Xylenes	SW8020F	10	UG/KG	ND	97/97	0
Methyl-tert-butyl	SW8020F	5	UG/KG	ND	88/91	3
Gasoline Range	SW8020F	50	UG/L	ND	95/93	2
Benzene	SW8020F	0.5	UG/L	ND	93/89	4
Toluene	SW8020F	0.5	UG/L	ND	95/91	4
Ethylbenzene	SW8020F	0.5	UG/L	ND	96/92	4
Xylenes	SW8020F	1.0	UG/L	ND	97/94	3
Methyl-tert-butyl	SW8020F	0.5	UG/L	ND	88/86	2
Diesel Fuel #2	CATFH	1	MG/KG	ND	82/80	2
Diesel Fuel #2	CATFH	0.05	MG/L	ND	94/96	2

ELAP Certificate NO:1753

Reviewed and Approved


  
John A. Murphy Laboratory Director

Page 3 of 3

Jan 09 03 01:34p

P.6

### Case Narrative

North State Environmental, South San Francisco, CA

Report Date: 01/09/2003	Project: 8259/2515 BLANDING
Report Number: 03-0021	Order #: 03-0021
Two soil and one water samples were analyzed for diesel and gasoline by method 8015M, BTEX and MTBE by method 8021B. No errors occurred during analysis.	

Approved by: \_\_\_\_\_



Date: \_\_\_\_\_

01/09/03



North State Labs

80 South Spruce Avenue, Suite W, South San Francisco, CA 94080

Phone: (650) 266-4563 Fax: (650) 266-4580

02-0021

Chain of Custody / Request for Analysis

Lab Job No.: \_\_\_\_\_ Page 1 of 1

Client: GGTR	Report to: SALVADOR	Phone: 415 512 1555	Turnaround Time
Mailing Address: 255 SHIPLEY ST SF CA 94107	Billing to: GGTR	Fax: 415 512 0964	Date: 1/3/03
		email: Danna@GGTR.com	Sampler: Tim Halten
		PO#: 8259	

Project / Site Address / Global ID: 8259 / 2515 BEANING (ALAMEDA)				Analysis Requested				EDF <input type="checkbox"/>	Field Point ID
Sample ID	Sample Type	Container No./Type	Pres.	Sampling Date/Time	TPH-D	TPH-G	STRENGTH	8020	
8259-E-6FT	SOIL	1 BRASS		1/3/03 10:20	x	x	x	x	
8259-N-10FT	SOIL	1 BRASS		1/3/03	x	x	x	x	
8259-W	WATER	1 AT 2 TUBS		1/3/03	x	x	x	x	

Relinquished by: Tim Halten	Date: 1/8/03	Time: 9:45	Received by: [Signature]	Lab Comments/ Hazards
Relinquished by:	Date:	Time:	Received by:	
Relinquished by:	Date:	Time:	Received by:	

12/15/2002 23:22 4155120964  
 Jan 09 03 01:33P  
 GOLDEN GATE TANK REM  
 PAGE 05  
 P-2