

R02661

SHERMAN & FELLER

A LAW CORPORATION

1970 BROADWAY, SUITE 940
OAKLAND, CALIFORNIA 94612-2263
TELEPHONE (510) 452-3222
FACSIMILE (510) 452-0295

February 12, 2008

Alameda County

Via Fax (510/337-9335) and Fedex Overnight Delivery

FEB 13 2008

Jerry Wickham
Hazardous Materials Specialist
Alameda County Health Care Services
Environmental Protection
1131 Harbor Bay Parkway, Suite 25C
Alameda, California 94502-6577

Environmental Health

Re: Our Client: Robert Nichols
SLIC Case R00002661 and Geotracker Global ID T06019788277; 4800
Coliseum Way; Oakland, CA 94601
Our File No. R848.01

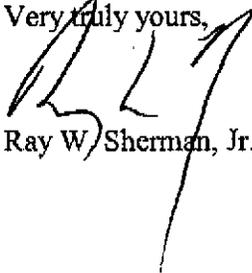
Dear Mr. Wickham:

Pursuant to the request set forth in your letter of January 9, 2008, enclosed is our client's check in the amount of \$6,000. We want to stress that my client only is sending this check because you have demanded that sum be paid before you will even meet with him regarding his concerns about the above-referenced matter and his forced involvement in it.

As you know, it is our position that the 4800 Coliseum Way property and our client are not responsible or liable for any environmental concerns discussed by you during your correspondence of the last several months. The fact my client is sending you \$6,000 therefore is not, and cannot be taken as, an admission of any kind by him regarding any possible such liability or responsibility. Nor may his payment or this letter be used in evidence against my client for any purpose whatsoever.

As Mr. Siegel wrote to you previously, we do want to meet with you regarding this matter as soon as possible. Please provide me with several dates and times that work for you and we will respond to that immediately.

Very truly yours,


Ray W. Sherman, Jr.

RWS/ldh
Enclosure
cf: David Siegel
Client
R848.01\L-Wickham-002.wpd

202601

ROBERT J. NICHOLS
PO BOX 616
OAKLAND, CA 94609-0716

2269

1-4269-1210-1848
201005955

2/1/68

Date

Pay to the order of *Alameda County Government Health Care Services*

\$ 6000.⁰⁰/₁₀₀

San Francisco, Calif.

Dollars



Wells Fargo Bank
California
wellsfargo.com

USDC Coliseum Way

[Signature]

⑆ 121042691 2010259554 ⑆ 02269

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

January 9, 2008

Mr. Robert Nichols
P.O. Box 6716
Oakland, CA 94603

Mr. John Miller
P.O. Box 61103
Palo Alto, CA 94306

Subject: SLIC Case RO0002661 and Geotracker Global ID T06019788277, Superior Plaster Castings, 4800 Coliseum Way, Oakland, CA 94601

Dear Mr. Nichols and Mr. Miller:

Alameda County Environmental Health (ACEH) staff received correspondence by electronic mail from ERAS Environmental dated December 20, 2007. The December 20, 2007 correspondence presents theories regarding the source of contamination in the area and requests that ACEH provide information regarding adjacent sites. Please note that effective January 31, 2006, the Alameda County Environmental Cleanup Oversight Programs (LOP and SLIC) require submission of all reports in electronic form to the county's ftp site. Hard copies of reports are no longer accepted. Therefore, please submit all future report to the ACEH ftp site. With regard to the request for additional information on adjacent sites, you may fax a list of the addresses that you are interested in to Roseanna Garcia-La Grille of ACEH at 510-337-9335 (fax number) to schedule an appointment to review the case files for adjacent sites.

The December 20, 2007 correspondence from ERAS Environmental asks why Mr. Nichols is being asked to pay \$6,000 for regulatory oversight. ACEH provides oversight for all SLIC cases on a cost recovery basis. An oversight account must be established in order for ACEH to provide regulatory oversight. We cannot make progress on this open SLIC case until funds for regulatory oversight are submitted.

In correspondence dated September 26, 2007, Alameda County Environmental Health (ACEH) requested that you submit a Work Plan to evaluate the extent and potential human health risks posed by soil and groundwater contamination beneath your property. The schedule for submittal of a Work Plan was extended to December 30, 2007 in ACEH correspondence dated November 30, 2007. To date, we have not received the requested Work Plan. In addition, we requested that you provide funds for regulatory oversight, most recently in correspondence dated November 9, 2007. To date, we have not received funds for regulatory oversight.

The December 20, 2007 correspondence from ERAS Environmental requested a meeting with ACEH. We have no objection to meeting with you; however, we cannot schedule a meeting until funds for regulatory oversight are provided. Please submit the requested regulatory oversight funds and your request for a meeting date no later than February 13, 2008. If we do not receive these two items by February 13, 2008, a Notice of Violation will be issued. Further delays in investigation, late reports, or enforcement actions may result in referral of your case to the Water Board or other appropriate agency for possible enforcement actions.

Mr. Robert Nichols
Mr. John Miller
RO0002661
January 9, 2008
Page 2

TECHNICAL REPORT REQUEST

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

- **February 13, 2008** – Funds for Regulatory Oversight and Request for Meeting or Work Plan

ELECTRONIC SUBMITTAL OF REPORTS

The Alameda County Environmental Cleanup Oversight Programs (LOP and SLIC) require submission of all reports in electronic form to the county's ftp site. Paper copies of reports will no longer be accepted. The electronic copy replaces the paper copy and will be used for all public information requests, regulatory review, and compliance/enforcement activities. Instructions for submission of electronic documents to the Alameda County Environmental Cleanup Oversight Program ftp site are provided on the attached "Electronic Report Upload (ftp) Instructions." Please do not submit reports as attachments to electronic mail.

Submission of reports to the Alameda County ftp site is an addition to existing requirements for electronic submittal of information to the State Water Resources Control Board (SWRCB) Geotracker website. Submission of reports to the Geotracker website does not fulfill the requirement to submit documents to the Alameda County ftp site. In September 2004, the SWRCB adopted regulations that require electronic submittal of information for groundwater cleanup programs. For several years, responsible parties for cleanup of leaks from underground storage tanks (USTs) have been required to submit groundwater analytical data, surveyed locations of monitor wells, and other data to the Geotracker database over the Internet. Beginning July 1, 2005, electronic submittal of a complete copy of all necessary reports was required in Geotracker (in PDF format). Please visit the SWRCB website for more information on these requirements (http://www.swrcb.ca.gov/ust/cleanup/electronic_reporting).

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 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 case meet this requirement.

Mr. Robert Nichols
Mr. John Miller
RO0002661
January 9, 2008
Page 3

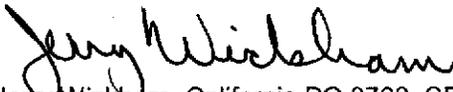
and statement of professional certification. Please ensure all that all technical reports submitted for this case meet this requirement.

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 or send me an electronic mail message at jerry.wickham@acgov.org.

Sincerely,



Jerry Wickham, California PG 3766, CEG 1177, and CHG 297
Hazardous Materials Specialist

Attachment: Correspondence from ERAS Environmental, Inc. dated December 20, 2007

Enclosure: ACEH Electronic Report Upload (ftp) Instructions

cc: Mr. Robert Saur, PG&E, 3400 Crow Canyon Road, San Ramon, CA 94583

Mr. Jack Krause, Alta Properties, LLC, P.O. Box 2399, Oakland, CA 94614

Ms. Marcella Harrison, GVA Kidder Mathews, 505 Sansome Street, Suite 300, San Francisco, CA 94111

Mr. Robert Schultz, Geomatrix, 2101 Webster Street #12, Oakland, CA 94612

Mr. Tom Chandler, LFR, 3150 Bristol Street, Suite 250, Costa Mesa, CA 92626-7324

Mr. David Siegel, ERAS Environmental, Inc., 1533 B Street, Hayward, CA 94541

Donna Drogos, ACEH
Jerry Wickham, ACEH
File

Wickham, Jerry, Env. Health

From: Cleet Carlton [CCarlton@waterboards.ca.gov]
Sent: Monday, January 07, 2008 9:46 AM
To: dave@eras.biz
Cc: Wickham, Jerry, Env. Health
Subject: Re:

Hi David,

I don't mind being cc'ed on this if you think it's appropriate. But please keep in mind that this is an active Alameda County lead case, and as long as it is, resolutions should be carried through Jerry Wickham.

Thanks,
Cleet

Cleet Carlton, P.G.
Engineering Geologist
San Francisco Bay Regional Water Quality Control Board
1515 Clay Street, Suite 1400
Oakland, California 94612
(510) 622-2374

>>> "David Siegel" <dave@eras.biz> 12/20/2007 5:14 PM >>>

Hi Cleet, this is just a heads up that I am going to send you a letter regarding 4800 Coliseum Way that is implicated along with three other sites.

I, the owner and his attorney really want you to at least know what is going on. It is only FYI because I think there may be some funny non-standard forces involved here.

David Siegel

ERAS Environmental, Inc.

1533 B Street

Hayward, CA 94541

510.247.9885 X304

510.886.5399

<mailto:dave@eras.biz> dave@eras.biz

Wickham, Jerry, Env. Health

From: Kasey Cordoza [kasey@eras.biz]
Sent: Friday, December 21, 2007 11:21 AM
To: Wickham, Jerry, Env. Health
Cc: sales@exotichardwoods.com; SherfelRWS@aol.com; 'John E. Miller'; ccarlton@waterboards.ca.gov
Subject: 4800 Coliseum



Kasey Cordoza.vcf
(690 B)



4800 Coliseum -
additional inf...

Dave asked me to send this to you.

Kasey Cordoza
ERAS Environmental, Inc.
1533 B Street
510.247.9885 X301 - Office
510.886.5399 - fax

ERAS

Environmental, Inc.

1533 B Street

Hayward, CA 94541

R02661
be email
12/21/07

(510) 247-9885 Facsimile: (510) 886-5399

info@eras.biz

December 20, 2007

Mr. Jerry Wickham
Alameda County Health Care Services Agency
1131 Harbor Bay Parkway, Suite 250
Alameda, CA 94502-6577
By e-mail to: jerry.wickham@acgov.org

**Re: Request for Additional Information Regarding
4800 Coliseum Way, Oakland, California**

Dear Mr. Wickham:

ERAS client, Mr. Bob Nichols, has asked that we prepare this letter to request additional information regarding the contamination investigation that includes his property (hereinafter the "Property"). This is the result of large gaps of data that have been generated on the adjacent sites that have been named as part of this investigation.

First of all, ERAS has been attempting since 2000 to have first the Regional Water Quality Control Board and then the Alameda County Health Care Services Agency (ACHCSA) consider data and information pertaining to the source of the contamination on the Property. This data has been ignored and our client has been provided only speculative conclusions in subsequent correspondence including the assertion that the oil and tar was deposited on the rail spur for weed control. Common sense dictates that pools of oozing tar and oil would not be required for "weed control".

The weed control theory does not explain why 1) tar was oozing from under the fence of the AAA property in 2000, 2) tar was identified in soil borings at the up-gradient Property line at 2-3 feet below ground surface (bgs) by other consultants but was not present at the surface and 3) several pipelines used to convey petroleum products and chlorobenzene were discovered leading from huge underground tanks at the AAA site right to the Property line. ERAS has identified a clear up-gradient off-site source for the petroleum and solvent contamination while none exists on the Property and no data produced recently by the other names property owners indicated otherwise. In fact, data provided confirms a source of these contaminants on two of the nearby properties.

The data that was shown on maps provided to Mr. Nichols indicated a large number of gaps of data which further lead to the speculative conclusions provided by the other owner's representatives regarding the source of contamination. It appears that the other parties responsible, while being superficially cooperative, have not provided sufficient data. I contrast this to the efforts of Mr. Bob Nichols and Mr. John Miller, who have provided a significant amount of information generated during the previous at least 15 years. This information was voluntarily and willingly supplied even in advance of the listing of their property as a SLIC case by the ACHCSA. This situation in no way appears to be fair to Mr. Nichols and Mr. Miller. The information required by my client, in order for him to respond appropriately to your request for a workplan, includes at least the following.

- Why was significant remediation performed near the apparent common area of contamination in 2003 but no notice of the SLIC listing of Mr. Nichols site was provided to him until at least 2006?
- Although an estimated 1,000 to 1,500 cubic yards of soil was removed from adjacent to the Property line (at Learner and AAA) as part of the remediation, there was no documentation of confirmation soil sampling performed despite the fact that it was previously reported that significant contamination was likely present at this site. Why was this remediation performed and was it overseen by the ACHCSA? Where are the sample results? What was the disposition of the excavated soil?
- There was no indication of confirmation soil sampling that was performed along the underground pipelines from the USTs at AAA. These pipelines emptied into sumps along the former rail line on the AAA property. There was no indication of the results of confirmation soil sampling conducted under or near the sumps. Was this work conducted under proper regulatory oversight?
- Why did the dichlorobenzene isoconcentration map provided by LFR not include the data from the groundwater sample collected under the small tank? Including this data point would significantly affect the interpretation of the extent of groundwater contamination as well as the source.
- The groundwater flow direction has been well documented at the PG&E site to be southward. Why were no soil and groundwater samples collected in the area directly down-gradient of the former USTs at the AAA site?
- Why is Mr. Nichols being asked to pay \$6,000 for Alameda County oversight services when the source of contamination has not been firmly established in the most likely source areas?

We are concerned that little meaningful investigation by the parties that are the most likely source of reported and known contamination has been performed. It still appears that appropriate

Mr. Jerry Wickham
4800 Coliseum Way
December 20, 2007
Page 3

Investigation has not been undertaken to address the source and extent of contamination on the Learner and AAA sites we strongly believe is affecting Mr. Nichols property.

I do understand that to date, for the most part, Mr. Nichols has attempted to address this matter on his own without significant input from technical experts or legal counsel. However that has changed and I will be advising Mr. Nichols on future technical matter Ray Sherman of Sherman & Feller of Oakland on legal matters.

It may be that communication has been incomplete in the recent past. If you believe a meeting with the four of us to address this issue would be useful, we would welcome that opportunity.

Sincerely,
ERAS Environmental, Inc.



David Siegel, REA II 20200
Senior Program Manager

c: Mr. Bob Nichols, by e-mail to: sales@exotichardwoods.com
Mr. Ray Sherman, Esq., by e-mail to: sherfelrws@aol.com
Mr. John Miller, Esq., by e-mail to: jemhomeoffice@sbcglobal.net
Mr. Cleet Carlton, RWQCB, by e-mail to: ccarlton@waterboards.ca.gov

Wickham, Jerry, Env. Health

From: Cleet Carlton [CCarlton@waterboards.ca.gov]
Sent: Monday, December 10, 2007 11:56 AM
To: Wickham, Jerry, Env. Health
Cc: Mary Rose Cassa
Subject: Superior Plaster - 4800 Coliseum case

Hi Jerry,

I received a call from Dave Seagal (sp?) of Eras Environmental regarding this case. He was seeking support for his position that contamination (pools of oil/tar) are from an adjacent off-site source. I told him that this was brought to the attention of the Water Board back in 2000, and it appears that there was insufficient information, at least brought to the Water Board's attention at that time, to issue a comfort letter for 4800 Coliseum.

He said he has information to draw a connection to a former asphalt plant on property between the subject site and the RR tracks (pipelines, product along the property boundary). I urged him to work with ACEH, as the lead on the case, to resolve the issue. I do not see the adjacent property listed as a case, but please keep me informed if you find that there's reason to do so.

Thanks,
Cleet

Cleet Carlton, P.G.
Engineering Geologist
San Francisco Bay Regional Water Quality Control Board
1515 Clay Street, Suite 1400
Oakland, California 94612
(510) 622-2374

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



F

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

November 30, 2007

Mr. Robert Nichols
P.O. Box 6716
Oakland, CA 94603

Mr. John Miller
250 Cambridge Avenue
Palo Alto, CA 94306

Subject: SLIC Case RO0002661 and Geotracker Global ID T06019788277, Superior Plaster Castings, 4800 Coliseum Way, Oakland, CA 94601

Dear Mr. Nichols and Mr. Miller:

In correspondence dated September 26, 2007, Alameda County Environmental Health (ACEH) requested that you submit a Work Plan to evaluate the extent and potential human health risks posed by soil and groundwater contamination beneath your property. To date, we have not received the requested Work Plan. In addition, we requested that you provide funds for regulatory oversight, most recently in correspondence dated November 9, 2007. To date, we have not received funds for regulatory oversight. To set up your account, please send a check in the amount of \$6,000.00 payable to Alameda County Environmental Health. Please send your check to the attention of our Finance Department.

We received correspondence dated October 24, 2007 from ERAS Environmental, Inc. addressed to Mr. Robert Nichols. We assume that this correspondence was submitted by ERAS Environmental, Inc. on your behalf. Please note that a perjury statement is required to indicate that the responsible party has read and agrees with the contents of all submittals. The October 24, 2007 correspondence recommends that the client should request a letter from ACEH indicating that no further action is required. The October 24, 2007 correspondence reviews historical information and provides speculative conclusions. This approach is unconvincing and does not affect the previous request in our September 26, 2007 correspondence for a work plan to address soil and groundwater contamination at your site. Please submit the requested regulatory oversight funds and requested Work Plan no later than December 30, 2007. If we do not receive these two items by December 30, 2007, a Notice of Violation will be issued. Further delays in investigation, late reports, or enforcement actions may result in referral of your case to the Water Board or other appropriate agency for possible enforcement actions.

TECHNICAL REPORT REQUEST

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

- **December 30, 2007** – Work Plan for Site Assessment

ELECTRONIC SUBMITTAL OF REPORTS

The Alameda County Environmental Cleanup Oversight Programs (LOP and SLIC) require submission of all reports in electronic form to the county's ftp site. Paper copies of reports will no longer be accepted. The electronic copy replaces the paper copy and will be used for all public information requests, regulatory review, and compliance/enforcement activities. Instructions for submission of electronic documents to the Alameda County Environmental Cleanup Oversight Program ftp site are provided on the attached "Electronic Report Upload (ftp) Instructions." Please do not submit reports as attachments to electronic mail.

Submission of reports to the Alameda County ftp site is an addition to existing requirements for electronic submittal of information to the State Water Resources Control Board (SWRCB) Geotracker website. Submission of reports to the Geotracker website does not fulfill the requirement to submit documents to the Alameda County ftp site. In September 2004, the SWRCB adopted regulations that require electronic submittal of information for groundwater cleanup programs. For several years, responsible parties for cleanup of leaks from underground storage tanks (USTs) have been required to submit groundwater analytical data, surveyed locations of monitor wells, and other data to the Geotracker database over the Internet. Beginning July 1, 2005, electronic submittal of a complete copy of all necessary reports was required in Geotracker (in PDF format). Please visit the SWRCB website for more information on these requirements (http://www.swrcb.ca.gov/ust/cleanup/electronic_reporting).

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.

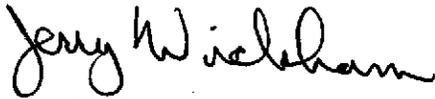
AGENCY OVERSIGHT

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.

Mr. Robert Nichols
Mr. John Miller
RO0002661
November 30, 2007
Page 3

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

Sincerely,



Jerry Wickham
Hazardous Materials Specialist

Enclosure: ACEH Electronic Report Upload (ftp) Instructions

cc: Mr. Robert Saur, PG&E, 3400 Crow Canyon Road, San Ramon, CA 94583

Mr. Jack Krause, Alta Properties, LLC, P.O. Box 2399, Oakland, CA 94614

Ms. Marcella Harrison, GVA Kidder Mathews, 505 Sansome Street, Suite 300, San Francisco, CA 94111

Mr. Robert Schultz, Geomatrix, 2101 Webster Street #12, Oakland, CA 94612

Mr. Tom Chandler, LFR, 3150 Bristol Street, Suite 250, Costa Mesa, CA 92626-7324

Donna Drogos, ACEH
Jerry Wickham, ACEH
File

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



F

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

November 9, 2007

Mr. Robert Nichols
P.O. Box 6716
Oakland, CA 94603

Mr. John Miller
250 Cambridge Avenue
Palo Alto, CA 94306

Subject: SLIC Case RO0002661 and Geotracker Global ID T06019788277, Superior Plaster Castings, 4800 Coliseum Way, Oakland, CA 94601

Dear Mr. Nichols and Mr. Miller:

Alameda County Environmental Health (ACEH) previously requested in correspondence in 2006 and 2007 that you provide funds for regulatory oversight of a Spills, Leaks, Investigations, and Cleanups (SLIC) case for the above referenced site. To date we have not received funds for regulatory oversight. The SLIC case for 4800 Coliseum Way in Oakland remains open due to the confirmed presence of soil and groundwater contamination beneath your property.

ACEH requires that an oversight account be established to cover our costs for regulatory oversight. To set up your account, please send a check in the amount of \$6,000.00 payable to Alameda County Environmental Health. Please send your check to the attention of our Finance Department.

This initial deposit may or may not be sufficient to provide all necessary regulatory oversight. ACEH will deduct actual costs incurred based upon the hourly rate specified below. If these funds are insufficient, additional deposit will be requested. Otherwise, any unused monies will be refunded to you or your designee.

The deposit is authorized in Section 6.92.040L of the Alameda County Ordinance Code. Work on this project is being debited at the Ordinance specified rate, currently \$173.00 per hour.

Please write "SLIC" (the type of project), the site address, and the AR# 314793 on your check.

If you have any questions, please call me at (510) 567-6791 or send me an electronic mail message at jerry.wickham@acgov.org.

Sincerely,

Jerry Wickham, California PG 3766, CEG 1177, and CHG 297
Hazardous Materials Specialist

Mr. Robert Nichols
Mr. John Miller
RO0002661
November 9, 2007
Page 2

cc: Mr. Robert Saur, PG&E, 3400 Crow Canyon Road, San Ramon, CA 94583

Mr. Jack Krause, Alta Properties, LLC, P.O. Box 2399, Oakland, CA 94614

Ms. Marcella Harrison, GVA Kidder Mathews, 505 Sansome Street, Suite 300, San Francisco, CA 94111

Mr. Robert Schultz, Geomatrix, 2101 Webster Street #12, Oakland, CA 94612

Mr. Tom Chandler, LFR, 3150 Bristol Street, Suite 250, Costa Mesa, CA 92626-7324

Mr. David Siegel, ERAS Environmental, Inc., 1533 B Street, Hayward, CA 94541

Donna Drogos, ACEH
Jerry Wickham, ACEH
File

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

September 26, 2007

Mr. Robert Nichols
P.O. Box 6716
Oakland, CA 94603

Mr. John Miller
250 Cambridge Avenue
Palo Alto, CA 94306

Subject: SLIC Case RO0002661 and Geotracker Global ID T06019788277, Superior Plaster Castings, 4800 Coliseum Way, Oakland, CA 94601

Dear Mr. Nichols and Mr. Miller:

Alameda County Environmental Health (ACEH) previously requested in correspondence in 2006 and 2007 that you provide funds for regulatory oversight of a Spills, Leaks, Investigations, and Cleanups (SLIC) case for the above referenced site. To date we have not received funds for regulatory oversight. The SLIC case for 4800 Coliseum Way in Oakland remains open due to the confirmed presence of soil and groundwater contamination beneath your property.

Although you have not submitted funds for regulatory oversight, we are issuing this directive letter specifying the required actions for this site. Further delays in investigation, late reports, or enforcement actions may result in referral of your case to the Water Board or other appropriate agency for possible enforcement actions.

Previous investigations conducted at the site to date have identified petroleum hydrocarbons in soil and groundwater beneath the northeastern portion of the property adjacent to a former railroad spur. Elevated concentrations of Total Petroleum Hydrocarbons (TPH) as gasoline, diesel, and motor oil have been detected in shallow soil at your site at concentrations up to 1,000, 13,000, and 29,000 milligrams per kilogram (mg/kg), respectively. In addition, chlorinated solvents have also been detected in shallow soil beneath your site at concentrations up to 33 mg/kg (1,4-dichlorobenzene). A tar-like material was observed at depths of 1 to 3 feet bgs across much of the northeastern portion of the site. Similar materials have been encountered during site investigations conducted on contiguous properties to the north and east. Elevated concentrations of petroleum hydrocarbons and chlorinated solvents have been detected in soil and groundwater samples collected at three adjacent properties (AAA Equipment at 745 50th Avenue owned by Alta Properties LLC [Case RO0002746], Learner Investment Company at 768 46th Avenue [Case RO0002661], and PG&E GC Gas Service at 4930 Coliseum Way [case RO0000099]). The petroleum hydrocarbons and chlorinated solvents appear to be from a common source of historic releases that occurred on each of the four properties (Superior Plaster Casing, PG&E, Learner Property, and AAA Equipment), resulting in a commingled plume. Therefore, all parties are considered responsible for the release. We encourage all parties to cooperate in terms of sharing data and generating compatible and comprehensive Corrective Action Plans for their sites. Whether you choose to investigate this source of contamination on your property individually or in conjunction with the other three responsible parties, we request that you submit plans for investigation of this area of your site **no later than October 30, 2007.**

REQUEST FOR INFORMATION

We request that you submit copies of the following reports, which are referenced in existing site investigation reports but are not in the ACEH case file:

- Aqua Terra Technologies. Phase I Environmental Site Assessment, April 1991.
- ERAS Environmental, Inc. Phase I Environmental Site Assessment, May 31, 2000.

TECHNICAL COMMENTS

1. **Limited Soil Excavation in June 2000.** Approximately 25 cubic yards of soil was excavated and removed from the northeastern portion of the site on June 14, 2000. Soil excavation was apparently limited to the immediate area of boring ATC-3. However, the documented extent of soil and groundwater contamination at the site extends over a significantly larger area than the excavation. Additional work is required to address site-wide contamination issues.
2. **Conclusions in Soil Remediation Report.** Results from the excavation and removal of approximately 25 cubic yards of soil are presented in a report entitled, "Soil Remediation," dated June 26, 2000, which was prepared by ERAS Environmental. The report describes the results from excavation activities including laboratory analytical results, and presents conclusions based on previous investigation results and the excavation. We do not concur with the conclusions stated in the June 26, 2000 report. In particular, the second conclusion on page 5, which states, "The fill identified as containing solvents was successfully removed and analytical data indicated the solvents did not impact underlying groundwater," appears to be speculative and unsupported by site data. There appears to be no basis for assuming that elevated concentrations of 1,3-dichlorobenzene (19 mg/kg) and 1,4-dichlorobenzene (33 mg/kg) in shallow soil (3 feet bgs) are not related to detections of 1,3-dichlorobenzene and 1,4-dichlorobenzene in the underlying groundwater, which is encountered at depths of 3 to 5 feet bgs in this area. Moreover, 1,2-dichlorobenzene, 1,3-dichlorobenzene, and 1,4-dichlorobenzene were detected in soil samples collected from the bottom of the ATC-3 excavation at 4.5 feet bgs. These same chemicals were detected in groundwater from boring ATC-3. Future work plans and reports must include more rigorous, technically defensible, and comprehensive evaluations of results.

TECHNICAL REPORT REQUEST

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

- **October 30, 2007** – Work Plan

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.

ELECTRONIC SUBMITTAL OF REPORTS

The Alameda County Environmental Cleanup Oversight Programs (LOP and SLIC) require submission of all reports in electronic form to the county's ftp site. Paper copies of reports will no longer be accepted. The electronic copy replaces the paper copy and will be used for all public information requests, regulatory review, and compliance/enforcement activities. Instructions for submission of electronic documents to the Alameda County Environmental Cleanup Oversight Program ftp site are provided on the attached "Electronic Report Upload (ftp) Instructions." Please do not submit reports as attachments to electronic mail.

Submission of reports to the Alameda County ftp site is an addition to existing requirements for electronic submittal of information to the State Water Resources Control Board (SWRCB) Geotracker website. Submission of reports to the Geotracker website does not fulfill the requirement to submit documents to the Alameda County ftp site. In September 2004, the SWRCB adopted regulations that require electronic submittal of information for groundwater cleanup programs. For several years, responsible parties for cleanup of leaks from underground storage tanks (USTs) have been required to submit groundwater analytical data, surveyed locations of monitor wells, and other data to the Geotracker database over the Internet. Beginning July 1, 2005, electronic submittal of a complete copy of all necessary reports was required in Geotracker (in PDF format). Please visit the SWRCB website for more information on these requirements (http://www.swrcb.ca.gov/ust/cleanup/electronic_reporting).

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.

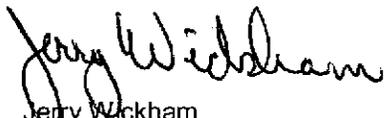
AGENCY OVERSIGHT

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.

Mr. Robert Nichols
Mr. John Miller
RO0002661
September 26, 2007
Page 4

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

Sincerely,



Jerry Wickham
Hazardous Materials Specialist

Enclosure: ACEH Electronic Report Upload (ftp) Instructions

cc: Mr. Robert Saur, PG&E, 3400 Crow Canyon Road, San Ramon, CA 94583

Mr. Jack Krause, Alta Properties, LLC, P.O. Box 2399, Oakland, CA 94614

Ms. Marcella Harrison, GVA Kidder Mathews, 505 Sansome Street, Suite 300, San Francisco, CA 94111

Mr. Robert Schultz, Geomatrix, 2101 Webster Street #12, Oakland, CA 94612

Mr. Tom Chandler, LFR, 3150 Bristol Street, Suite 250, Costa Mesa, CA 92626-7324

Donna Drogos, ACEH
Jerry Wickham, ACEH
File

Wickham, Jerry, Env. Health

To: Saur, Robert; Chan, Barney, Env. Health**Subject:** RE: Superior Plastic letter

John Miller owned the property about 15 years ago. I do not have a more recent address but here is the most recent phone number for John Miller 650-321-8886.

Regards,

Jerry Wickham

Alameda County Environmental Health

1131 Harbor Bay Parkway

Alameda, CA 94502-6577

510-567-6791 phone

510-337-9335 fax

jerry.wickham@acgov.org

From: Saur, Robert [mailto:R4Sw@pge.com]**Sent:** Friday, August 24, 2007 9:09 AM**To:** Chan, Barney, Env. Health; Wickham, Jerry, Env. Health**Subject:** RE: Superior Plastic letter

Barney and Jerry-

I figured that was the case, but just wanted to make sure. As I mentioned in the phone conversation with Barney, an investigation on the Superior Plasters property is essential to understanding the source and extents of the VOC impacts to the PG&E, AAA, Leaner and Superior Plaster properties. Even though Superior Plasters was not directed to perform an investigation, I would like to approach them with the idea of doing a joint investigation or providing us access to their property to investigate. However, the contact information I have for the Superior Plasters' RP appears to be out dated. When I mail a copy of a letter to Mr. John Miller at 1550 Wakefield Terrace, Los Altos, CA 94024, the letter was returned to me indicating the forwarding order had expired. Do you have Mr. John Miller's new address or phone number or email address?

Thanks,

-Rob

From: Chan, Barney, Env. Health [mailto:barney.chan@acgov.org]**Sent:** Wednesday, August 22, 2007 10:06 AM**To:** Saur, Robert**Subject:** Superior Plastic letter

Rob: I spoke with Jerry Wickham about the site, the problem is this, Superior has not provided any oversight fees, therefore, Jerry cannot issue a directive letter. It appears that this does not bode well for a co-operative work plan since they are not even willing to pay oversight fees at this time.

Barney M. Chan

Hazardous Materials Specialist

Alameda County Environmental Health

510-567-6765

8/24/2007

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



File

ENVIRONMENTAL HEALTH SERVICES

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

June 29, 2007

Mr. Robert Nichols
P.O. Box 6716
Oakland, CA 94603

Mr. John Miller
250 Cambridge Avenue
Palo Alto, CA 94306

Subject: SLIC Case RO0002661 and Geotracker Global ID T06019788277, Superior Plaster Castings, 4800 Coliseum Way, Oakland, CA 94601

Dear Mr. Nichols and Mr. Miller:

Alameda County Environmental Health (ACEH) previously requested that you provide funds for regulatory oversight of a Spills, Leaks, Investigations, and Cleanups (SLIC) case for the above referenced site. The SLIC case for 4800 Coliseum Way in Oakland remains open due to the confirmed presence of soil and groundwater contamination beneath your property. To date we have not received funds for regulatory oversight. In correspondence dated June 4, 2007, Mr. Robert Nichols indicates that Mr. John Miller, the previous owner, is to be contacted for all matters regarding the open SLIC case (see attached copy of correspondence).

We wish to clarify that both Mr. Robert Nichols and Mr. John Miller are responsible parties for the above referenced SLIC case. Mr. John Miller is a responsible party because he was a former property owner and Mr. Robert Nichols is a responsible party because he is the current property owner. Both responsible parties are jointly and severally liable for the environmental contamination. Please note that property owners are responsible for releases that may have occurred prior to their purchase of the property. ACEH correspondence is directed to all responsible parties regardless of any private arrangements made between the responsible parties.

We reiterate our request for the responsible parties on this case to provide a regulatory oversight account to cover our costs. ACEH holds both responsible parties liable and does not apportion costs among multiple responsible parties. Apportionment of costs may be decided by private arrangement between the two responsible parties. To set up your account, please send one or more checks totaling \$6,000.00 payable to Alameda County Environmental Health. Please send your checks to the attention of our Finance Department and write "SLIC" (the type of project), the site address, and the AR# 314793 on your check.

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

Sincerely,

Jerry Wickham
Hazardous Materials Specialist

Mr. Robert Nichols
Mr. John Miller
RO0002661
June 29, 2007
Page 2

Attachment: Correspondence from Mr. Robert Nichols dated June 4, 2007

cc: Donna Drogos, ACEH
Jerry Wickham, ACEH
File

R02661

EXOTIC HARDWOODS & VENEERS

P.O. Box 6716
Oakland, CA 94603

4800 Coliseum Way
Oakland, CA 94601-5010

Phone (510) 436-5702
Fax (510) 436-8610

www.exotichardwoods.com
Email
sales@exotichardwoods.com

Veneers:

- Anegre
- Ash
- Aoodire
- Beech
- Bocote
- Bubinga
- Cherry
- Brazilian Cherry (Jatoba)
- Cocobolo
- Ebony (Macassar)
- Etimoe
- Douglas Fir
- Hemlock
- Khaya
- Kingwood
- Koa (Royal Hawaiian)
- Lacewood (Silky Oak)
- Macore
- Madrone
- Maple
- Birdseye Maple
- African Mahogany
- Honduras Mahogany
- Brown Oak
- Red Oak (Rift)
- White Oak (Rift)
- Padauk
- Pearwood (Swiss)
- Purple Heart
- Rosewood (Brazilian)
- Rosewood (Santos)
- Sapele
- Satinwood
- Sen
- Spessart (Europe)
- Sycamore (Harewood)
- Burma Teak
- Tulipwood (Arruda)
- Walnut (American)
- Walnut (Claro)
- Walnut (French)
- Wenge
- Zebra wood

Burls:

- Ash ■ Olive Ash ■ Birch
- Carpathian Elm ■ Madrona
- Mapa ■ Maple ■ Myrtle ■ Oak
- Redwood ■ Walnut (California)

June 4, 2007

Alameda County Health Care Services Agency
Environmental Health Services
1131 Harbor Bay Parkway Suite 250
Alameda, CA 94502-6577

ATTN: Ariu Levi
Division Chief

RE: SLIC Case RO0002661
~~Superior Plaster Castings~~
4800 Coliseum Way, Oakland, CA 94601
Your letter dated May 25, 2007

Dear Sir:

Please be advised that I, Robert Nichols, was not the owner of the above property when Superior Plaster Castings was the renter and tenant.

Please contact Mr. John Miller, the previous owner, for all matters concerning the above.

Best regards,


Robert Nichols
Owner

RECEIVED

JUN 06 2007

ENVIRONMENTAL HEALTH SERVICES

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



7

ENVIRONMENTAL HEALTH SERVICES

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

September 22, 2006

Mr. John Miller
250 Cambridge Avenue
Palo Alto, CA 94306

Mr. Robert Nichols
P.O. Box 6716
Oakland, CA 94603

Subject: SLIC Case [REDACTED], Superior Plaster Castings, 4800 Coliseum Way, Oakland, CA

Dear Mr. Miller and Mr. Nichols:

In order for ACEH to review reports for your site, we require an oversight account for the above-referenced site in order to recover our costs. To set up your account, please send a check in the amount of \$6,000.00 payable to Alameda County Environmental Health. Please send your check to the attention of our Finance Department.

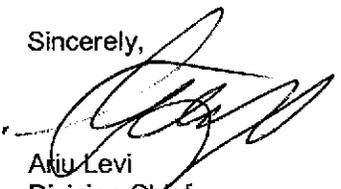
This initial deposit may or may not be sufficient to provide all necessary regulatory oversight. ACEH will deduct actual costs incurred based upon the hourly rate specified below. If these funds are insufficient, additional deposit will be requested. Otherwise, any unused monies will be refunded to you or your designee.

The deposit is authorized in Section 6.92.040L of the Alameda County Ordinance Code. Work on this project is being debited at the Ordinance specified rate, currently \$166.00 per hour.

Please write "SLIC" (the type of project), the site address, and the AR# 314793 on your check.

If you have any questions, please contact Jerry Wickham at (510) 567-6791.

Sincerely,


Ariu Levi
Division Chief

cc: D. Drogos, J. Jacobs, Jerry Wickham

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



7

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

December 21, 2005

Mr. Jack Krause
Alfa Properties, LLC
P.O. Box 2399
Oakland, CA 94614

Subject: SLIC Case [REDACTED] under AAA Equipment, 745 50th Avenue, Oakland, CA

Dear Mr. Krause:

Alameda County Environmental Health (ACEH) staff has reviewed the Spills, Leaks, Investigations, and Cleanups (SLIC) case file for the above-referenced site, including the report entitled, "Underground Storage Tank Removal Report," dated April 27, 2004 and prepared on your behalf by Levine Fricke. The above-referenced report references several previous reports that are listed in the Request for Information below. We request that you submit these reports in order for us to complete our review of the SLIC case. We also request that you provide a response to the technical comments below by the date indicated in the Technical Report Request.

REQUEST FOR INFORMATION

ACEH's case files for the subject site contains only the report entitled, "Underground Storage Tank Removal Report," dated April 27, 2004. We request that you submit copies of the reports listed below along with other reports you have documenting additional investigation activities or other environmental work related to this site:

- Phase I Environmental Site Assessment (Hageman-Aguilar 2000)
- Soil and Groundwater Investigation Report (Harding ESE 2002)
- Underground Storage Tank Closure Report (Morgan Environmental Services 2002).

TECHNICAL COMMENTS

1. **Soil Excavation and Disposal.** The "Underground Storage Tank Removal Report," dated April 27, 2004 describes various excavations at the site, soil stockpiles, and soil disposal. However, the report is not clear as to the origins and dispositions of excavated and stockpiled soils from each area of the site. Presentation of a table with the approximate volumes of soil excavated from each area shown on Figure 3 would be useful. The table should also include a reference to the soil stockpiles shown on Figure 2, soil samples collected, and whether the soil was disposed off-site or used for backfill. If the soils were used for backfill, please clarify where the soils were placed. Based on the discussions in various locations within the report, the "Loaf Pile" appears to have been a stockpile of spoils from grading an adjacent area of the site. Please clarify whether the soils from the "Loaf Pile" were used for backfill and if so, where the soils were placed.

ERAS Environmental, Inc.

3787 Brookdale Boulevard
Castro Valley, CA 94546

(510) 247-9885 Facsimile: 581-6118

September 28, 2000

Mr. Ariu Levu
Alameda County Health Care Services Agency
1131 Harbor Bay Parkway, #250
Alameda, CA 94502-6577
By facsimile to 337-9335

Post-It™ brand fax transmittal memo 7571		# of pages > 1
To	MR. TOM PEACOCK	
Co.	←	
Dep.	←	
Fax	←	

Re: Environmental Information Review Request for
4800 Coliseum Way, Oakland, California → ST10 1762

*SLIC referral from Sealabed
SH
14/10/02*

Dear Mr. Levu:

As we discussed, Mr. Leroy Griffin of the City of Oakland Fire Department contacted me yesterday and indicated the file for the site located at 4800 Coliseum Way in Oakland, California (hereinafter the "Property") is in the process of reaching the County Health Care Services Agency (ACHCSA).

Since contamination at this site is not the result of a leaking tank known to have been on the Property, ERAS understands it does not qualify under the local oversight program (LOP). ERAS client Mr. John Miller, the owner of the Property, has indicated he would be willing to reimburse the ACHCSA for reasonable costs associated with the review of the environmental information pertaining to the Property. Obviously, he would like to have some estimate in writing so that he may approve this effort.

This process has become lengthy, having begun in June of this year when it was indicated to Mr. Miller that the Regional Water Quality Control Board would provide this service. The Board subsequently decided the Property should be reviewed by the ACHCSA. ERAS respectfully requests, on behalf of Mr. Miller that the review process be expedited, if and when possible. Thanks for your assistance.

Please call if you have any questions or require additional information.

Respectfully,
ERAS Environmental, Inc.

David Siegel
David Siegel, President

- cc: Mr. John Miller by facsimile to 650-321-8998
- Mr. Tom Peacock, by facsimile to 337-9335
- Mr. Mike Barry, Grubb & Ellis Company by facsimile to 430-2976
- Mr. Leroy Griffin, City of Oakland by facsimile to 238-7761
- Mr. Mark Gomez, City of Oakland by facsimile to 238-7286

WGC

ERAS
Environmental, Inc.3787 Brookdale Boulevard
Castro Valley, CA 94546

(510) 247-9885 Facsimile: 581-6118

September 28, 2000

Mr. Ariu Levu
Alameda County Health Care Services Agency
1131 Harbor Bay Parkway, #250
Alameda, CA 94502-6577
By facsimile to 337-9335

Re: **Environmental Information Review Request for
4800 Coliseum Way, Oakland, California**

Dear Mr. Levu:

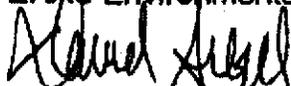
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Please call if you have any questions or require additional information.

Respectfully,
ERAS Environmental, Inc.



David Siegel, President

cc: Mr. John Miller by facsimile to 650-321-8998
Mr. Tom Peacock, by facsimile to 337-9335
Mr. Mike Barry, Grubb & Ellis Company by facsimile to 430-2976
Mr. Leroy Griffin, City of Oakland by facsimile to 238-7761
Mr. Mark Gomez, City of Oakland by facsimile to 238-7286

ALAMEDA COUNTY
HEALTH CARE SERVICES



AGENCY
DAVID J. KEARS, Agency Director

SENT 9-11-2000

2099

September 7, 2000
SID # 67

Mr. John Robinson
PG&E Co.
4930 Coliseum Way
Oakland CA 94601

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

Re: Groundwater Monitoring at 4930 Coliseum Way, Oakland CA 94601

Dear Mr. Robinson:

Our office has received and reviewed the August 18, 2000 Semi-annual Groundwater Monitoring Report for the above referenced site as prepared by CSS Environmental Services, Inc. As you are aware, this monitoring is part of the long term requirement for this site to monitor the potential impact to groundwater from the residual elevated lead contamination allowed to be left in-place by our office and the Regional Water Quality Control Board. Also required is an annual inspection of the asphalt cap at this site.

The results of this sampling indicate that lead continues not to be present in shallow groundwater beneath the impacted area, however, total petroleum hydrocarbons in the gasoline and diesel range and specific chlorinated solvents continue to impact the site.

As a point of clarification, the state maximum contaminant level (MCL) for lead provided in the report, 50 ppb, is incorrect. The current MCL set by US EPA is 0, while the MCL observed by state water treatment systems is 15 ppb. This is the level at which water treatment systems may have to take treatment steps should 10% of the tested samples exceed this level.

In regards to the TPH and chlorinated solvents being detected at this site, our office agrees that this appears to be the result of release(s) from up-gradient sites. Unfortunately, the County does not have the jurisdiction to require investigation, remediation or inspection of these nearby properties. We advise that you contact the City of Oakland Hazardous Materials Program, the Regional Water Quality Control Board and/or the Department of Toxic Substances Control to voice your concern and request their assistance.

You may contact me at (510) 567-6765 if you have any questions.

Sincerely,

Barney M. Chan
Hazardous Materials Specialist

C: B. Chan, files

Mr. A. Stessman, CSS Environmental Services, 95 Belvedere St., Ste 2, San Rafael, CA 94901

Ms. B. Graham, RWQCB

Mr. L. Griffin, City of Oakland OES, 1605 Martin L. King Jr. Dr., Oakland CA 94612

4930 Coliseum Way