

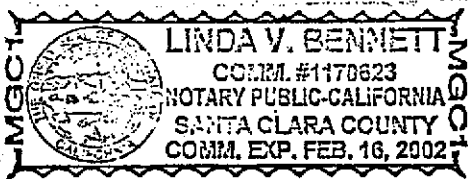
CALIFORNIA ALL-PURPOSE ACKNOWLEDGEMENT

STATE OF CALIFORNIA)

COUNTY OF Santa Clara)

On November 24, 1998, before me, LINDA V. BENNETT, Notary Public, personally appeared KAREN BELLINI

personally known to me - OR - proved to me on the basis of satisfactory evidence to be the person(s) whose names(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

Linda V. Bennett
SIGNATURE OF NOTARY

OPTIONAL

Though the data below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent reattachment of this form.

CAPACITY CLAIMED BY SIGNER

- INDIVIDUAL
 - CORPORATE OFFICER(S)
-
- TITLE(S)
- PARTNER(S) LIMITED GENERAL
 - ATTORNEY-IN-FACT
 - TRUSTEE(S)
 - GUARDIAN/CONSERVATOR
 - OTHER:

DESCRIPTION OF ATTACHED DOCUMENT
DECLARATION OF RISK MANAGEMENT PLAN

TITLE OR TYPE OF DOCUMENT

NUMBER OF PAGES

DATE OF DOCUMENT

SIGNER IS REPRESENTING:
(NAME OF PERSON(S) OR ENTITY(IES))
HARMAN MANAGEMENT CORPORATION

SIGNER(S) OTHER THAN NAMED ABOVE

Recording requested by
and when recorded mail to:

Richard Becker
160 La Cuesta Drive
Greenbrae, California 94904

Recorded in Official Records, Alameda County
Patrick O'Connell, Clerk-Recorder

22.00

99347676 11:00am 09/10/99

005 26065540 26 11
A25 6 7.00 15.00 0.00 0.00 0.00 0.00 0.00
0.00

6
10

(Space above this line for recorders use only)

RISK MANAGEMENT PLAN
For 1300 Powell Street, Emeryville, CA

Index as a notice

PROPERTY DESCRIPTION

This property is located in a commercial area surrounded by present and former industrial facilities and railroad tracks immediately to the west of the site boundary. Pennzoil operated a bulk oil storage facility at the site in the 1920s to 1950s. Construction Services is currently operating an equipment rental yard at the subject site.

In April 1997, petroleum hydrocarbons were identified in shallow soil at the site at the following concentrations: 840 mg/kg gasoline (the laboratory reported that the result was likely due to a heavier hydrocarbon than gasoline, such as diesel), 210 mg/kg diesel, 450 mg/kg motor oil, 2 mg/kg ethylbenzene, and 6.2 mg/kg xylenes. In addition, 17.9 mg/l diesel and 24 mg/l motor oil were found in groundwater beneath the site. The Alameda County Department of Environmental Health (ACDEH) issued a June 26, 1998 letter stating that this site can be closed as a low risk soil and groundwater case with a long term risk management plan. In order to address ACDEH concerns regarding property transfer and redevelopment, this Risk Management Plan (RMP) has been prepared.

RISK MANAGEMENT

1. This document should be recorded in the Real Property Records of Alameda County and a copy of this RMP should be provided to the City of Emeryville Planning/Building Department and Alameda County Department of Environmental Health for its records.

99 OCT 4 PM 4:46

ENVIRONMENTAL PROTECTION

2. Notice of change in land use for this property should be sent to:

Alameda County Health Care Services Agency
Environmental Health Services
Environmental Protection (LOP)
1131 Harbor Bay Parkway, Suite 250
Alameda, CA 94502

3. Care should be exercised to not create a vertical conduit between shallow (<20-25 ft deep) and deeper (>30 ft deep) groundwater.

4. The shallow groundwater beneath the property should not be used for any purpose, unless analyzed and treated, if necessary. If water is proposed for use, appropriate notice shall be given to the ACDEH.

5. Due to the detection of motor oil and diesel in shallow soils, construction workers who may handle soils during future construction activities should take appropriate precautions. A health and safety plan should be prepared that requires Level D protection for all workers as per Occupational Health and Safety Administration (OSHA) rules (29 CFR 1910.120). Level D protection should include appropriate gloves, work clothes, boots and hard hat, if required. In the event that groundwater is encountered during construction activities, direct contact with the groundwater should be avoided.

6. If soils are generated during construction activities, a soil management plan governing sampling of those soils to determine disposal or reuse options should be developed and submitted to ACDEH. If it becomes necessary to evacuate any groundwater during construction activities, such groundwater should be stored in temporary containers and analyzed for disposal options.

7. Any impacted soils not overlain by concrete or asphalt (i.e., landscaped areas) should be covered as part of site development with a minimum of 18 inches of clean topsoil.

OWNER:

 9/10/99

Richard Becker

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

No. 9007

State of CALIFORNIA

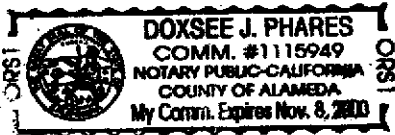
County of ALAMEDA

On SEPTEMBER 10, 1999 before me, DOXSEE J. PHARES
DATE NAME, TITLE OF OFFICER - E.G., CLERK OF COURT, NOTARY PUBLIC

personally appeared RICHARD I. BECKER
NAME(S) OF SIGNER(S)

personally known to me - OR - proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/hers/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.



Doxsee J. Phares
SIGNATURE OF NOTARY

OPTIONAL

Though the data below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent reattachment of this form.

CAPACITY CLAIMED BY SIGNER

DESCRIPTION OF ATTACHED DOCUMENT

INDIVIDUAL
 CORPORATE OFFICER
TITLE(S)

TITLE OR TYPE OF DOCUMENT

PARTNER(S) LIMITED
 GENERAL

NUMBER OF PAGES

ATTORNEY-IN-FACT
 TRUSTEE(S)
 GUARDIAN/CONSERVATOR
 OTHER:

DATE OF DOCUMENT

SIGNER IS REPRESENTING:
NAME OF PERSON(S) OR ENTITY(IES)

SIGNER(S) OTHER THAN NAMED ABOVE

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of _____

County of _____

On _____ before me, _____
DATE NAME, TITLE OF OFFICER - E.G., "JANE DOE, NOTARY PUBLIC"

personally appeared _____
NAME(S) OF SIGNER(S)

personally known to me - OR - proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

SIGNATURE OF NOTARY

OPTIONAL

Though the data below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent reattachment of this form.

CAPACITY CLAIMED BY SIGNER

- INDIVIDUAL
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- TRUSTEE(S)
- GUARDIAN/CONSERVATOR
- OTHER: _____
- _____
- _____

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NUMBER OF PAGES

DATE OF DOCUMENT

SIGNER IS REPRESENTING:
NAME OF PERSON(S) OR ENTITY(IES)

SIGNER(S) OTHER THAN NAMED ABOVE

SUBSTITUTION OF LEGIBLE ORIGINALS (Govt. Code 27361.7)

I declare, under penalty of perjury, that this handwritten or typewritten legible copy is a true copy of the original page(s).

A handwritten signature in cursive script, appearing to read "Robert J. Becker". The signature is written in black ink on a white background.

Signature

LEGAL DESCRIPTION

Real property in the Town of Emeryville, County of Alameda, State of California, described as follows:

PARCEL ONE:

Lots 17 to 24 inclusive, in Block 19, as said Lot and Block are shown on the "Map of the Property of L. M. Beaudry and G. Peladeau", filed November 6, 1876, in Book 6 of Maps, Page 14, in the Office of the County Recorder of Alameda County.

PARCEL TWO:

Portion of Hollis Street, formerly 7th Street, as said Street is shown on the "Map of the Property of L. M. Beaudry and G. Peladeau", filed November 6, 1876, in Book 6 of Maps, Page 14, in the Office of the County Recorder of Alameda County, described as follows:

Beginning at the point of intersection of the Northern line of Powell Street with the Eastern line of Hollis Street, formerly 7th Street, as said Streets are shown on said Map, and running thence Northerly along the said Eastern line of Hollis Street a distance of 200 feet; thence at right angles Westerly a distance of 30 feet to the center line of said Hollis Street; thence at right angles Southerly along the said center line of Hollis Street a distance of 200 feet to the said Northern line of Powell Street; thence Easterly along the said last named line 30 feet to the point of beginning.

EXHIBIT "A"

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)

July 20, 1999

Mr. Richard Elliott
45th Street Artist's Cooperative, Inc.
1420 -45th Street
Emeryville, California 94608

**RE: Case Closure Regarding the Underground Storage Tank Removal at
4250 Horton Street, Emeryville, California 94608 (STID # 5589)**

Dear Mr. Elliott:

This office has reviewed the case file regarding the removal of a 1,000 - gallon underground storage tank (UST) at the above referenced site.

The former tank was removed from the subject site (underneath the sidewalk along 45th Street) on November 2, 1988. The tank appeared to have been used for fuel boiler storage. Soil sample collected following the removal of the tank showed no detectable level of Total Petroleum Hydrocarbon (TPH) as gasoline, TPH as diesel, benzene, toluene, ethyl benzene and xylene. However, TPH as oil and grease was found at very low concentration (470 parts per million). On November 30, 1988, one shallow groundwater monitoring well was installed downgradient of the former tank area. Six groundwater monitoring events were conducted from 12/5/88 to 5/25/91. TPH was detected in groundwater during two sampling events, TPH as oil and grease at 88,000 ppb (February 1, 1989) and TPH as gasoline at 400 ppb and benzene at 27 ppb (October 12, 1989). However, the last sampling event conducted on May 25, 1991 showed non detect for TPH oil and grease, TPH diesel, TPH gasoline, benzene, toluene, ethyl benzene and xylene.

The shallow groundwater monitoring well was decommissioned on December 10, 1992 under permit from Alameda County Flood Control and Water Conservation, Zone 7.

With regards to the presence of methyl tertiary butyl ether in groundwater (MTBE), a monitoring well (LF-13) located on 45th Street, approximately less than 50 feet downgradient of the former tank area has not detected MTBE (during the sampling conducted on 2/25/98 up to 1/11/99).

Based on the information provided to this office and with the provision that the information provided for the subject site is accurate and representative of site conditions, no further action related to the underground storage tank removed at the subject site is required.

If you have any questions regarding this letter or the subject site, please contact me at (510) 567-6780.

Sincerely,

Susan L. Hugo, Hazardous Materials Specialist

- c: Chuck Headlee, San Francisco Bay Regional Water Quality Control Board
Ignacio Dayrit, Emeryville Redevelopment Agency, 2200 Powell St., 12th Fl., Emeryville, CA 94608
George Warren, Emeryville Fire Department, 2333 Powell Street, Emeryville, CA 94608
SH / files

Hugo, Susan, Public Health, EH

From: Hugo, Susan, Public Health, EH
Sent: Monday, August 09, 1999 2:56 PM
To: 'David Elias'
Subject: RE: Risk Management Plan

David:

The RMP is acceptable. I would add the word "**owner**" before Mr. Becker's name.

Once this RMP is recorded as part of the deed, a copy should be submitted to our office and then I will issue a closure letter.

Susan L. Hugo
Environmental Health Services
(510) 567-6780

-----Original Message-----

From: David Elias [SMTP:dcelas@cambria-env.com]
Sent: Monday, August 09, 1999 2:31 PM
To: shugo@co.alameda.ca.us
Cc: rib@aol.com
Subject: Risk Management Plan

Susan, Please find attached the risk management plan. After your final review, I will email the plan to Mr. Becker, who will then have the plan recorded with the deed.

Thanks!

David << File: deednotificationsusanhugo.doc >> << File: ATT11775.txt >>

Hugo, Susan, Public Health, EH

From: David Elias [dcelias@cambria-env.com]
Sent: Monday, August 09, 1999 2:31 PM
To: shugo@co.alameda.ca.us
Cc: rib@aol.com
Subject: Risk Management Plan

Susan, Please find attached the risk management plan. After your final review, I will email the plan to Mr. Becker, who will then have the plan recorded with the deed.

Thanks!



eednotificationsusan
ugo.doc



ATT11775.txt

David

**Recording requested by
and when recorded mail to:**

Richard Becker
160 La Cuesta Drive
Greenbrae, California 94904

(Space above this line for recorders use only)

**RISK MANAGEMENT PLAN
For 1300 Powell Street, Emeryville, CA**

PROPERTY DESCRIPTION

This property is located in a commercial area surrounded by present and former industrial facilities and railroad tracks immediately to the west of the site boundary. Pennzoil operated a bulk oil storage facility at the site in the 1920s to 1950s. Construction Services is currently operating an equipment rental yard at the subject site.

In April 1997, petroleum hydrocarbons were identified in shallow soil at the site at the following concentrations: 840 mg/kg gasoline (the laboratory reported that the result was likely due to a heavier hydrocarbon than gasoline, such as diesel), 210 mg/kg diesel, 450 mg/kg motor oil, 2 mg/kg ethylbenzene, and 6.2 mg/kg xylenes. In addition, 17.9 mg/l diesel and 24 mg/l motor oil were found in groundwater beneath the site. The Alameda County Department of Environmental Health (ACDEH) issued a June 26, 1998 letter stating that this site can be closed as a low risk soil and groundwater case with a long term risk management plan. In order to address ACDEH concerns regarding property transfer and redevelopment, this Risk Management Plan (RMP) has been prepared.

RISK MANAGEMENT

1. This document should be recorded in the Real Property Records of Alameda County and a copy of this RMP should be provided to the City of Emeryville Planning/Building Department and Alameda County Department of Environmental Health for its records.

2. Notice of change in land use for this property should be sent to:

Alameda County Health Care Services Agency
Environmental Health Services
Environmental Protection (LOP)
1131 Harbor Bay Parkway, Suite 250
Alameda, CA 94502

3. Care should be exercised to not create a vertical conduit between shallow (<20-25 ft deep) and deeper (>30 ft deep) groundwater.

4. The shallow groundwater beneath the property should not be used for any purpose, unless analyzed and treated, if necessary. If water is proposed for use, appropriate notice shall be given to the ACDEH.

5. Due to the detection of motor oil and diesel in shallow soils, construction workers who may handle soils during future construction activities should take appropriate precautions. A health and safety plan should be prepared that requires Level D protection for all workers as per Occupational Health and Safety Administration (OSHA) rules (29 CFR 1910.120). Level D protection should include appropriate gloves, work clothes, boots and hard hat, if required. In the event that groundwater is encountered during construction activities, direct contact with the groundwater should be avoided.

6. If soils are generated during construction activities, a soil management plan governing sampling of those soils to determine disposal or reuse options should be developed and submitted to ACDEH. If it becomes necessary to evacuate any groundwater during construction activities, such groundwater should be stored in temporary containers and analyzed for disposal options.

7. Any impacted soils not overlain by concrete or asphalt (i.e., landscaped areas) should be covered as part of site development with a minimum of 18 inches of clean topsoil.

OWNER:

Richard Becker

Hugo, Susan, Public Health, EH

From: David Elias [dcelias@cambria-env.com]
Sent: Thursday, August 05, 1999 5:30 PM
To: shugo@co.alameda.ca.us
Cc: rib@aol.com
Subject: 1300 Powell Street

Susan, Mr. Becker and I have reviewed your proposed property description and have only one thing we would like to add. The 840 mg/kg gasoline detected was flagged by the laboratory as a hydrocarbon heavier than diesel. Therefore, this positive result was likely from the light end of diesel, and not from gasoline. As we both know, gasoline and diesel contamination are very different animals. To clarify this, we would like to add the following text.

...at the following concentrations: 840 mg/kg gasoline (the laboratory reported that the result was likely due to a heavier hydrocarbon than gasoline, such as diesel), 210 mg/kg diesel...

Mr. Becker sent you a legal property description in the mail, and, as we discussed, the legal property description is on the grant deed.

Thanks for your help, David

.....
David Elias, RG

Senior Geologist, Vice President-Construction Cambria Environmental Technology, Inc.

1144 65th Street, Suite B
Oakland, California 94608
Phone (510)420-3307
FAX (510)420-9170
Pager (510)720-8325

8/9/99

Talked to David Elias & Mr. Dick Becker -

Legal property description is ^{on} the grant deed. Acceptable
To add explanation about 840 mg/kg gasoline.

David will send final copy of RMP.

Once RMP recorded in the deed, a copy of the
recorded deed should be submitted to county.

Susan Hoy

8/5/99

To Mrs SUSAN HUGO

1-510-337-9335 fax

fm Dick BECKER

1-415-461-8926 fax

This legal description has been used on Grant Deed for Emeryville Property - 1300 Powell St.

Is this satisfactory as attachment to Risk Management Plan?

Order No: 110496
Page 3

LEGAL DESCRIPTION

Real property in the Town of Emeryville, County of Alameda, State of California, described as follows:

PARCEL ONE:

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EXHIBIT "A"

ENVIRONMENTAL
PROTECTION

MAR 26 AM 9:26

Ms. Susan L. Hugo
Hazardous Material Specialist
Environmental Health Services
1131 Harbor Bay Parkway, Suite 250
Alameda, Calif. 94502-6577

Subject: 1300 Powell Street, Emeryville, Calif. 94608

Dear Ms. Hugo:

I have received your letter of March 2, 1999. A corrective action plan has been developed to answer the paving issue in your letter.

The northwestern part of the yard, which is unpaved, will be paved, covering the exposed surface soil. The paving must wait until the seasonal rains stop and the under soil is dry, an acceptable contractor is available, and the tenant is ready. This should be done by Summer, 1999.

The steam cleaning and housekeeping issues are not under my control.

Sincerely,



R. I. Becker

cc: David Elias, Cambria, 1144 65th St. Suite B, Emeryville, Calif. 94608
Gary Robinson, 1300 Powell St., Emeryville, Calif. 94608

Mr Gary Robinson
1300 Powell Street
Emeryville, Calif.94608

Subject: Steam cleaning and maintenace at 1300 Powell St., Emeryville,
Calif. .

Mr. Robinson:

We have discussed Ms. Hugo's letter of March 2, 1999 several times. It is my understanding that you are not going to do any more truck and equipment washing at the subject site. This will eliminate the concern for item one of the March 2 letter. Also, I understood you to say that you will comply with the housekeeping and maintenance requirements of the letter.

If this is not your understanding, the concerned parties should be informed immediately.

Sincerely,



R.I. Becker

cc: Ms. Susan L. Hugo, 1131 Harbor Bay Parkway, Suite 250, Alameda, Cali
David Elias, Cambria, 1144 65th St. Suite B, Emeryville, Calif. 94608

CONFIDENTIAL
PROTECTION

CONSTRUCTION SERVICES

99 MAR 30 PM 3:33



1300 POWELL STREET, EMERYVILLE, CALIFORNIA 94608

TELEPHONE (510) 652-6800

FAX (510) 652-6877

March 26, 1999

Ms. Susan Hugo
Hazardous Material Specialist
Environmental Health Services
1131 Harbor Bay Parkway, Ste. 250
Alameda, CA 94502-6577

RE: 1300 Powell St., Emeryville, CA 94608
Richard I. Becker Property

Dear Ms. Hugo:

Please be advised that I, Gary Robinson, President and 100% owner of Gary Robinson Enterprises Inc., dba Construction Services will:

1. Construct, operate and maintain a "wash water" recycling system of proper specifications to enable any water used in truck washing to be properly treated before discharge; and
2. Construction Services personnel will clean and continue to maintain excellent housekeeping of all areas around storm drains on the property.

Regards,

A handwritten signature in cursive script that reads 'Gary Robinson'.

Gary Robinson, Pres.
CONSTRUCTION SERVICES

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

March 2, 1999

Mr. Gary Robinson
Construction Services
1300 Powell Street
Emeryville, CA 94608

Mr. Richard Becker
160 La Cuesta Drive
Greenbrae, California 94904

**Subject: Discharge of Water Run-Off at Construction Services
1300 Powell Street, Emeryville, California 94608 (SLIC #322)**

Dear Messrs. Robinson and Becker:

As you both know, this agency conducted an inspection of the facility on February 24, 1999 and February 26, 1999 to follow up a reported water run-off associated with the steam washing of rental trucks and equipment at the subject site.

During the inspection, it was noted that rental trucks and equipment are washed at the site. Drains in the wash area (outside the building in the yard) appeared to discharge into the storm drains. You were advised to discontinue washing the trucks and equipment at the site until preventive measures can be implemented to capture any of the water run-off from discharging pollutants into the storm drains. During the previous inspection of the facility in 1994 and 1997, you were notified to discontinue the washing of trucks and equipment because of the water run-off discharging into the storm drains. A corrective action plan must be submitted which addresses the following issues at the subject site:

- 1) Water run-off associated with trucks and equipment washing must be prevented from discharging into the storm drains.
- 2) The northwestern part of the yard is unpaved with exposed surface soil and the asphalt outside the building is weathered. Surface spillage associated with truck & equipment washing at the site must be evaluated as a potential source of contamination. Petroleum hydrocarbon was detected in shallow soil and groundwater at the site.

HAZARDOUS WASTE GENERATOR INSPECTION REPORT

STID #: 922

FACILITY NAME: DDT DESTRUCTION SERVICES

PG. 1 OF 1

SUPPLEMENTAL FORM

1300 Powell St Emeryville Calif

Following inspection regarding a complaint -
stain washers trucks & equipment in the yard &
water run off down into the storm drain.

No preventive measures are in place to capture
water run off associated with washing trucks & equipment.
* Need to discontinue the washing (steam) until
preventive measures are implemented.

* Need to prevent potential ^{leak} leaks from contact
with storm water run off during or leaving them
inside.

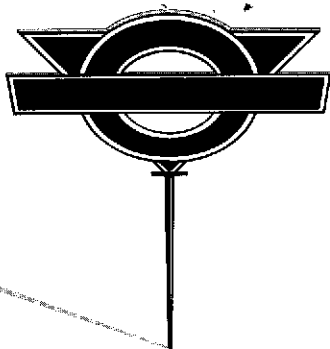
* Leaks near the storm drains should be found,
periodic inspection & maintenance should be done.

PRINT NAME:

INSPECTED BY: James J. King

SIGNATURE: [Signature]

DATE: 2/26/99



SUC 320A

ENVIRONMENTAL
PROTECTION

99 FEB 23 PM 5:02

Feb. 22, 1999

Alameda County Health Services
Mr. Rob Weston
1131 Harbor Bay Pkwy.
Alameda, CA 94502

RE: Construction Services
1300 Powell St., Emeryville, CA
Contamination of Soils and Ground Water

Dear Mr. Weston,

I am the owner of a property located at 5835 Doyle St., Emeryville CA which lies directly to the north of Construction Services which is located at 1300 Powell St. Construction Services is a business which rents construction related equipment such as boom trucks, water tankers etc. They have been located at this site for many years and use their yard and building for all facets of their business. Unfortunately, one process of their business is to steam clean their equipment both inside their building and outside in their yard. A good portion of their yard is unpaved and all the residue of their steam cleaning operations flows directly into the soil. This process is obviously contaminating the surrounding soils and ground water. I feel it is most important that this procedure be stopped and that your agency directly contacts the owners. I encourage you to make a site visit to verify my complaint.

At the time you visit the site please feel free to contact me at my office and I can direct you to my concerns.

Sincerely,

Ronald J. Silberman

2/27/99 @ 3PM

next door, corner office

Fordham Properties Inc.

5835 Doyle St.
Suite 101
Emeryville, CA 94608
510 547-7177
FAX 547-8442

FACSIMILE

To: Susan Hugo
Organization: ACHCS
Fax #: 337- 9335
Re: 1300 Powell Street, Deed Notification
Date: January 19, 1999
Pages: 3, including this cover sheet.

Dear Ms. Hugo, Please find attached the updated version of the deed notification that you recommended. Mr. Becker has already reviewed and approved the text. With your approval, we will move forward with having the risk management plan recorded. Please call me with any comments.

David Elias

(pg)
David Elias
720 8325

From the desk of...

David Elias
 Project Geologist
 Cambria Environmental Technology, Inc.
 1144 65th Street, Suite B
 Oakland, California 94608

(510) 420-3307
 Fax: (510) 420-9170

Recording requested by
and when recorded mail to:

Richard Becker
160 La Cuesta Drive
Greenbrae, California 94904

*2/13/99
forwarded to David Elias
Re: changes.
need to send copy of
recorded deed to Co. of
Alameda*

(Space above this line for recorders use only)

RISK MANAGEMENT PLAN

The Alameda County Department of Environmental Health (ACDEH) requested that this Risk Management Plan (RMP) be prepared for this property, which was the subject of soil and groundwater investigations completed in April 1997. The property's address is 1300 Powell Street, Emeryville, CA.

Risk Management

1. This document should be recorded in the Real Property Records of Alameda County and a copy of this RMP should be provided the City of Emeryville Planning/Building Department for its records.

2. Notice of change in land use for this property should be sent to:

Alameda County Health Care Services Agency
Environmental Health Services
Environmental Protection (LOP)
1131 Harbor Bay Parkway, Suite 250
Alameda, CA 94502

3. Care should be exercised to not create a vertical conduit between shallow (<20-25 ft deep) and deeper (>30 ft deep) groundwater.

4. The shallow groundwater beneath the property should not be used for any purpose, unless analyzed and treated, if necessary. If water is proposed for use, appropriate notice shall be given to the ACDEH.

5. Due to the detection of motor oil in shallow soils, construction workers who may handle

Alameda Co.

used

soils during future construction activities should take appropriate precautions. A health and safety plan should be prepared that requires Level D protection for all workers as per Occupational Health and Safety Administration (OSHA) rules (29 CFR 1910.120). Level D protection should include appropriate gloves, work clothes, boots and hard hat, if required. In the event that groundwater is encountered during construction activities, direct contact with the groundwater should be avoided.

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7. Any impacted soils not overlain by concrete or asphalt (i.e., landscaped areas) should be covered as part of site development with a minimum of 18 inches of clean topsoil.

Richard Becker

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



October 6, 1998

Mr. Donald J. Bruzzone
Managing Partner
Bigge Street Investors, LLC
1200 Snyder Lane
Walnut Creek, California 94598

ENVIRONMENTAL HEALTH SERVICES

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

Subject: Case Closure for the Former Owens Corning Facility (SLIC 4882)
2001 Marina Blvd., San Leandro, CA 94577

Dear Mr. Bruzzone:

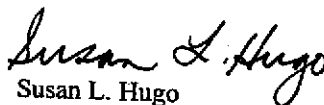
This agency has reviewed the **Final Report - Soil Backfill and Site Grading Activities** dated **September 4, 1998**, prepared and submitted by Applied Remedial Services (ARS) for the above referenced site. Bigge Street Investors (BSI), the current owner of the property intends to develop the site as a storage warehouse.

The **Final Report** is well written and documented in detail activities conducted at the site in accordance with the workplan approved by Cal-EPA / San Francisco Bay RWQCB and this agency on June 22, 1998. Both agencies concur that the site investigation and remedial action is complete. Thank you for your cooperation throughout this investigation.

Based on the information provided to this office and the RWQCB and with the provision that the information provided for the subject site is accurate and representative of site conditions, no further action related to the petroleum hydrocarbon release is required. The Long-Term Management Plan approved for the site shall be maintained in the future. In addition, a copy of the recorded deed restriction shall be submitted to RWQCB, San Leandro Building and Planning Department and this agency.

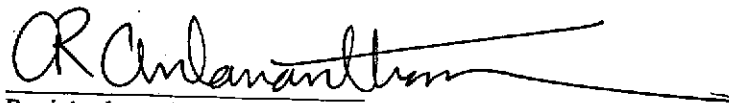
If you have any questions regarding this letter or the subject site, please contact me at (510) 567-6780 or Ravi Arulanantham at (510) 622-2308.

Sincerely,



Susan L. Hugo
Hazardous Materials Specialist

Concur:

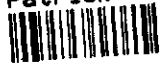

Ravi Arulanantham, Ph.D.
Staff Toxicologist, S.F. Bay RWQCB

c: Dick Pantages, Chief, Environmental Protection
Stephen Morse, San Francisco Bay RWQCB
Mike Bakaldin, City of San Leandro Fire Department
David Palochko, Owens Corning, One Owens Corning Parkway, Toledo, Ohio 43659
Michael Kara, ARS, 701 Southhampton Road, Suite 105, Benicia, California 94510
William Wick, Crosby, Heafey, Roach & May, 1999 Harrison St., Oakland, California 94604
SH / RA / files

RECORDING REQUESTED BY
AND WHEN RECORDED MAIL TO:

[REDACTED]

Recorded in Official Records, Alameda County
Patrick O'Connell, Clerk-Recorder



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Ry

RISK MANAGEMENT PLAN

For the former [REDACTED]
[REDACTED]
Emeryville, CA

Introduction

The above-referenced property ("Site") is located west of San Pablo Avenue between [REDACTED] and [REDACTED] Streets in Emeryville, California. [REDACTED] from the early 1980's through mid-1998 used the site as a truck repair and parking facility. A service station was operated by several entities on the southern portion of the property from the early-mid 1960s through 1985. A building on the northern portion of the property has been used for various activities related to automotive repair since at least 1966, when Firestone removed four underground storage tanks (USTs) from the northeast portion of the property. [REDACTED] has conducted remedial activities, including soil removal and groundwater evacuation at two locations on the property: immediately north of the existing building where a former waste oil storage tank was located; and, near the southern edge of the property where the former service station USTs were located. The Alameda County Department of Environmental Health (ACDEH) issued a July 16, 1998 letter stating that no further excavation of soil associated with the former waste oil tank and former fuel tanks appears to be warranted at the Site. However, groundwater investigation and monitoring must be conducted beneath and downgradient of the Site.

August 1998 groundwater concentrations of various chemical types beneath and adjacent to the former waste oil and fuel tank areas respectively include: diesel (14,000 and 81,000 ug/l); gasoline (<5.0 and 27,000 ug/l); benzene (<0.5 and 2,200 ug/l); toluene (120 and 910 ug/l); ethylbenzene (460 and 1,700 ug/l); and total xylenes (730 and 2,700 ug/l). In order to address ACDEH concerns regarding property sale and redevelopment, this Risk Management Plan (RMP) has been prepared. A legal description of the Property is included with this document.

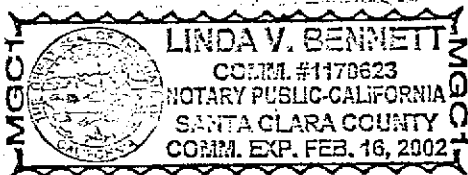
-INDEX AS A NOTICE-

CALIFORNIA ALL-PURPOSE ACKNOWLEDGEMENT

STATE OF CALIFORNIA)
COUNTY OF Santa Clara)

On November 24, 1998, before me, LINDA V. BENNETT, Notary Public, personally appeared
KAREN BELLINI

personally known to me - OR - ~~proved to me on the basis of satisfactory evidence~~ to be the person(s) whose names(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

Linda V. Bennett
SIGNATURE OF NOTARY

OPTIONAL

Though the data below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent reattachment of this form.

CAPACITY CLAIMED BY SIGNER

- INDIVIDUAL
 - CORPORATE OFFICER(S)
-
- (TITLE(S))
- PARTNER(S) LIMITED
 - GENERAL
 - ATTORNEY-IN-FACT
 - TRUSTEE(S)
 - GUARDIAN/CONSERVATOR
 - OTHER:

DESCRIPTION OF ATTACHED DOCUMENT
DECLARATION OF RISK MANAGEMENT PLAN

TITLE OR TYPE OF DOCUMENT

NUMBER OF PAGES

DATE OF DOCUMENT

SIGNER(S) OTHER THAN NAMED ABOVE

SIGNER IS REPRESENTING:
(NAME OF PERSON(S) OR ENTITY(IES))
HARMAN MANAGEMENT CORPORATION

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



June 26, 1998

Mr. Richard Becker
Construction Services
1300 Powell Street
Emeryville, California 94608

ENVIRONMENTAL HEALTH SERVICES

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

Subject: Property located at 1300 Powell Street, Emerville, CA 94608 (SLIC #322)

Dear Mr. Becker:

This agency has reviewed the case file concerning the petroleum hydrocarbon contamination (TPH diesel and TPH motor oil) found in soil and groundwater at the above referenced site. The property is located in a commercial area surrounded by present and former industrial facilities and railroad tracks immediately to the west of the site boundary. Pennzoil operated a bulk oil storage facility at the site in the 1920s to 1950s. Construction Services is currently operating an equipment rental yard at the subject site.

In April 1997, twelve borings were drilled to delineate the extent of soil and groundwater contamination at the site. Petroleum hydrocarbons (840 ppm TPH gasoline , 210 ppm TPH diesel, 450 ppm TPH motor oil, 2 ppm ethylbenzene and 6.2 ppm xylenes) were detected in the shallow soil samples collected at three to five feet depth. Groundwater samples showed up to 17,900 ppb TPH diesel and 24,000 ppb TPH motor oil.

Based upon the available information and with the provision that the information provided to this agency was accurate and representative of site conditions, the subject site can be closed as a low risk soil and groundwater case provided a long term risk management plan is submitted and approved by this office. The long-term risk management must include at a minimum the following items:

1. An acceptable health and safety plan to be followed during any activities involving exposure to soil and groundwater contamination
2. Soil and groundwater management plan prior to any construction activities at the site
3. Site mitigating measures to prevent any potential vertical conduits between the shallow and deeper aquifers
4. Environmental risk assessment will be required if a change in land use, structural configuration or site activities are proposed such that a more conservative scenario should be evaluated
5. A deed notice is required and a copy of the recorded deed should be submitted to this agency and the City of Emeryville Building and Planning Department
6. Methods that will be used to mitigate any of the potential negative impacts posed by the residual contamination on-site like capping, using liners, barriers, etc.

If you have any questions regarding this letter or the subject site, please contact me at (510) 567-6780.

Sincerely,

Susan L. Hugo
Hazardous Materials Specialist

- c: Derek Lee, San Francisco Bay RWQCB
Claudia Cappio, Emeryville Building and Planning Dept., 2200 Powell St., 12th Floor, Emeryville, CA 94608
Ignacio Dayrit, Emeryville Redevelopment Agency, 2200 Powell St., 12th Floor, Emeryville, CA 94608
David Elias, Cambria, 1144 65th Street, Suite B, Emeryville, CA 94608
SH / files



Anthony B. Cavender
Senior Attorney

Pennzoil Place • P. O. Box 2967 • Houston, Texas 77252-2967 • (713) 546-8886 • FAX: (713) 546-8930

ENVIRONMENTAL
PROTECTION

98 SEP -4 AM 11:09

September 1, 1998

Ms. Susan L. Hugo
Hazardous Materials Specialist
Alameda County Health Care Services
1131 Harbor Bay Parkway, Suite 250
Alameda, CA 94502-6577

Re: Former Canning Facility
Located at 1033 Powell Street,
Emeryville, CA 94608

Dear Ms. Hugo:

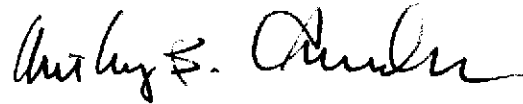
A copy of your letter of June 26, 1998 to Mr. Richard Becker regarding the above-referenced property was forwarded to me recently by Mr. Becker's attorney, Ms. Julie M. Rose. I had previously corresponded with Ms. Rose in 1996 to address her speculation that Pennzoil, in its use of the property some 40 years ago, may have caused the contamination that your letter addresses.

The purpose of my writing you is to clarify any misimpression your letter may have created inadvertently by referencing Pennzoil's use of the property "in the 1920s to 1950s". Based on the information we reviewed, including the April 13, 1995 "Baseline Survey Report" prepared by Ms. Rose's consultant, there is no indication that Pennzoil's use caused or contributed to any present contamination. Rather, there are indications that the gasoline, diesel and motor oil contamination was caused by the practices of the current owner and operator in storing and using those materials. As we pointed out to Ms. Rose, her own consultant's report indicates as much. Moreover, title to the property was transferred at least six times between Pennzoil's ownership (which terminated in 1953) and her client's current ownership. Some of those intervening owners and operators conducted the kinds of operations where this type of contamination could have occurred.

September 1, 1998

Thank you for this opportunity to clarify the record in this matter.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Anthony S. O'Neil".

ABC:br
Enclosure

cc: Julie M. Rose, Esq.
Randick & O'Dea
1800 Harrison, Suite 2350
Oakland, CA 94612

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



June 26, 1998

Mr. Richard Becker
Construction Services
1300 Powell Street
Emeryville, California 94608

ENVIRONMENTAL HEALTH SERVICES

1131 Horton Road, Parkway Suite 150
Alameda, CA 94601-6577
(510) 567-6780
(510) 567-6784

Subject: Property located at 1300 Powell Street, Emeryville, CA 94608 (SLIC #322)

Dear Mr. Becker:

This agency has reviewed the case file concerning the petroleum hydrocarbon contamination (TPH diesel and TPH motor oil) found in soil and groundwater at the above referenced site. The property is located in a commercial area surrounded by present and former industrial facilities and railroad tracks immediately to the west of the site boundary. Pennzoil operated a bulk oil storage facility at the site in the 1920s to 1950s. Construction Services is currently operating an equipment rental yard at the subject site.

In April 1997, twelve borings were drilled to delineate the extent of soil and groundwater contamination at the site. Petroleum hydrocarbons (840 ppm TPH gasoline , 210 ppm TPH diesel, 450 ppm TPH motor oil, 2 ppm ethylbenzene and 6.2 ppm xylenes) were detected in the shallow soil samples collected at three to five feet depth. Groundwater samples showed up to 17,900 ppb TPH diesel and 24,000 ppb TPH motor oil.

Based upon the available information and with the provision that the information provided to this agency was accurate and representative of site conditions, the subject site can be closed as a low risk soil and groundwater case provided a long term risk management plan is submitted and approved by this office. The long-term risk management must include at a minimum the following items:

1. An acceptable health and safety plan to be followed during any activities involving exposure to soil and groundwater contamination
2. Soil and groundwater management plan prior to any construction activities at the site
3. Site mitigating measures to prevent any potential vertical conduits between the shallow and deeper aquifers
4. Environmental risk assessment will be required if a change in land use, structural configuration or site activities are proposed such that a more conservative scenario should be evaluated
5. A deed notice is required and a copy of the recorded deed should be submitted to this agency and the City of Emeryville Building and Planning Department
6. Methods that will be used to mitigate any of the potential negative impacts posed by the residual contamination on-site like capping, using liners, barriers, etc.

If you have any questions regarding this letter or the subject site, please contact me at (510) 567-6780.

Sincerely,

Susan L. Hugo
Hazardous Materials Specialist

c: Derek Lee, San Francisco Bay RWQCB
Claudia Cappio, Emeryville Building and Planning Dept., 2200 Powell St., 12th Floor, Emeryville, CA 94608
Ignacio Dayrit, Emeryville Redevelopment Agency, 2200 Powell St., 12th Floor, Emeryville, CA 94608
David Elias, Cambria, 1144 65th Street, Suite B, Emeryville, CA 94608
SH / files

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



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

October 1, 1997

Mr. Richard Becker
Construction Services
1300 Powell Street
Emeryville, California 94608

**Subject: Subsurface Investigation at 1300 Powell Street, Emeryville, California 94608
SLIC #322**

Dear Mr. Becker:

The Alameda County Department of Environmental Health, Environmental Protection Division has reviewed the "Subsurface Investigation Report" dated July 25, 1997, prepared and submitted by Cambria for the above referenced site. This agency received this report on August 11, 1997.

As we have discussed during our meeting today, this department has the following issues that must be addressed before evaluating the site as a low risk groundwater case for closure:

1. Elevated concentration of total petroleum hydrocarbon (TPH) as diesel (17,900 ppb) and TPH as motor oil (24,000 ppb) were detected in the grab groundwater samples collected from the downgradient boring CB-3 located west along the property boundary. Polynuclear aromatic hydrocarbons (PNAs), benzene, toluene, ethyl benzene, and xylene were not analyzed in the groundwater. Please explain the rationale why these target compounds were not analyzed in any of the four grab water samples as proposed in the approved work plan. The absence of these chemicals of concern in groundwater is one of the criteria used to evaluate the site as a low risk fuel case.
2. Please evaluate the presence of storm drains and utility lines at the site which may be acting as preferential conduits for groundwater contamination to migrate on and/ or off-site. Soil samples collected from twelve borings (CB-1 to CB-12) at 3.0 - 5.0 feet bgs showed low levels of TPH diesel (nd - 210 ppm) and TPH as motor oil (nd - 450 ppm).
3. Please identify any sensitive receptors (i.e. water wells, deeper drinking water aquifers and surface water) that are likely to be impacted by the groundwater contamination at the site.
4. The extent of the groundwater contamination has not been adequately defined. Please provide our office with a brief work plan to characterize the extent of the hydrocarbon plume. Data collected from adjacent or nearby sites may be used to determine the extent of the contamination.


Mr. Richard Becker
RE: 1300 Powell Street, Emeryville, CA 94608
October 1, 1997
Page 2 of 2

It is my understanding that exposed soil located on the northwest corner of the property will be paved with either concrete or asphalt. Only clean soil should be used to fill the surface prior to paving the area.

Please respond to the four items listed above in a timely fashion so that we may proceed with evaluating the site as a low risk groundwater case for closure.

If you have any questions regarding this letter or the subject site, please contact me at (510) 567-6780.

Sincerely,


Susan L. Hugo
Hazardous Materials Specialist

c: Mee Ling Tung, Director, Environmental Health
Gordon Coleman, Chief, Environmental Protection Division
Ravi Arunantham, San Francisco Bay RWQCB
David Elias, Cambria, 1144 65th Street, Suite B, Emeryville, CA 94608
Julie Rose, Randick & O'dea, 1800 Harrison, Suite 2350, Oakland, CA 94612

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



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

January 29, 1997
SLIC # 322

Mr. Richard Becker
1300 Powell Street
Emeryville, California 94608

**RE: Investigation Work Plan Addendum for
1300 Powell Street, Emeryville, California 94608**

Dear Mr. Becker:

I have reviewed the investigation workplan addendum dated January 23, 1997 prepared and submitted by Cambria for the subject site. The work plan is approved and must be implemented in a timely manner. Please notify this office at least 74 hours in advance of any field activity at the site.

If you have any questions concerning this letter, please contact me at (510) 567-6780.

Sincerely,

Susan L. Hugo
Senior Hazardous Materials Specialist

c: Mee Ling Tung, Director, Environmental Health
Gordon Coleman, Acting Chief, Environmental Protection Division
Sum Arigala, San Francisco Bay RWQCB
David Elias, Cambria, 1144 65th Street, Emeryville, California 94608
SH / files

January 29, 1997
SLIC # 322

Mr. Richard Becker
1300 Powell Street
Emeryville, California 94608

**RE: Investigation Work Plan Addendum for
1300 Powell Street, Emeryville, California 94608**

Dear Mr. Becker:

I have reviewed the investigation workplan addendum dated January 23, 1997 prepared and submitted by Cambria for the subject site. The work plan is approved and must be implemented in a timely manner. Please notify this office at least 74 hours in advance of any field activity at the site.

If you have any questions concerning this letter, please contact me at (510) 567-6780.

Sincerely,

Susan L. Hugo
Senior Hazardous Materials Specialist

c: Mee Ling Tung, Director, Environmental Health
Gordon Coleman, Acting Chief, Environmental Protection Division
Sum Arigala, San Francisco Bay RWQCB
David Elias, Cambria, 1144 65th Street, Emeryville, California 94608
SH / files

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



January 6, 1997
SLIC # 322

Mr. Richard Becker
1300 Powell Street
Emeryville, California 94608

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

RE: Construction Services - 1300 Powell Street, Emeryville, California 94608

Dear Mr. Becker:

Thank you for submitting the \$1800 deposit money to cover the county's oversight work associated with the subsurface investigation at the above referenced site. I have reviewed the investigation workplan dated September 18, 1996, prepared and submitted by Cambria for the subject site. The work plan is acceptable provided the following items are addressed:

1. Subsurface investigation conducted in April 1995 found oily sheen in borings B-1 and B-2 and identified elevated total petroleum hydrocarbons in borings B-4 and B-5. Soil and groundwater samples within ten feet downgradient of borings B-1, B-4 and B-5 are required to assess the extent of the contamination. A boring was proposed near B-2. Borings should also be placed near B-1, B-4 and B-5. Please submit a site map showing the new location of the proposed borings.
2. A health and safety plan should be submitted for the site.

Response to the items listed above is required prior to implementing the work plan and should be submitted no later than February 6, 1997.

Please contact me at (510) 567-6780 concerning any questions you may have regarding this letter or the subject site.

Sincerely,

Susan L. Hugo
Senior Hazardous Materials Specialist

c: Mee Ling Tung, Director, Environmental Health
Gordon Coleman, Acting Chief, Environmental Protection Division
Sum Arigala, San Francisco Bay RWQCB
David Elias, Cambria, 1144 65th Street, Emeryville, California 94608
SH / files

January 6, 1997
SLIC # 322

Mr. Richard Becker
1300 Powell Street
Emeryville, California 94608

RE: Construction Services - 1300 Powell Street, Emeryville, California 94608

Dear Mr. Becker:

Thank you for submitting the \$1800 deposit money to cover the county's oversight work associated with the subsurface investigation at the above referenced site. I have reviewed the investigation workplan dated September 18, 1996, prepared and submitted by Cambria for the subject site. The work plan is acceptable provided the following items are addressed:

1. Subsurface investigation conducted in April 1995 found oily sheen in borings B-1 and B-2 and identified elevated total petroleum hydrocarbons in borings B-4 and B-5. Soil and groundwater samples within ten feet downgradient of borings B-1, B-4 and B-5 are required to assess the extent of the contamination. A boring was proposed near B-2. Borings should also be placed near B-1, B-4 and B-5. Please submit a site map showing the new location of the proposed borings.
2. A health and safety plan should be submitted for the site.

Response to the items listed above is required prior to implementing the work plan and should be submitted **no later than February 6, 1997**.

Please contact me at (510) 567-6780 concerning any questions you may have regarding this letter or the subject site.

Sincerely,

Susan L. Hugo
Senior Hazardous Materials Specialist

c: Mee Ling Tung, Director, Environmental Health
Gordon Coleman, Acting Chief, Environmental Protection Division
Sum Arigala, San Francisco Bay RWQCB
David Elias, Cambria, 1144 65th Street, Emeryville, California 94608
SH / files

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



December 23, 1996

Mr. Richard Becker
1300 Powell Street
Emeryville, California 94608

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

RE: Construction Services - 1300 Powell Street, Emeryville, CA 94608

Dear Mr. Backer:

This letter is to inform you that the \$ 1880 .00 deposit we have requested in the July 11, 1996 letter has not been received by this office. The deposit is authorized under Section 3-141.6 of the Ordinance Code of the County of Alameda and is used to cover the expenses incurred by the County personnel in the execution of their oversight responsibilities associated with the subsurface investigation at the above referenced site. Please remit \$1880.00 payable to Environmental Health Services **no later than January 23, 1997.**

I have also enclosed a copy of the July 11, 1996 letter for your reference. Please call me at (510) 567-6780 concerning any questions you may have regarding this letter or the subject site.

Sincerely,

Susan L. Hugo
Senior Hazardous Materials Specialist

enclosure

c: Mee Ling Tung, Director, Environmental Health
Gordon Coleman, Acting Chief, Environmental Protection Division
SH / files

CONSTRUCTION SERVICES

DIVISION OF BECKER MACHINERY CO.



1300 POWELL STREET, EMERYVILLE, CALIFORNIA 94608
2401 W. CARROLL PK. SACRAMENTO, CALIFORNIA 95833

TELEPHONE (415) 652-6800
TELEPHONE (916) 977-1285

ENVIRONMENTAL
PROTECTION
96 AUG 30 PM 2:27

STP

August 28, 1996

Ms. Susan L. Hugo
Alameda County Environmental Health
1131 Harbor Bay Pkwy. #250
Alameda, CA 94502-6577

Dear Ms. Hugo:

This is to memorialize our conversation of today, 8/27/96, and my message of yesterday 8/26/96.

I requested an extension of the August 30 date stated in you letter of July 11. We reached an agreement to extend to September 20, 1996. ✓

More time is needed to determine if our plan addresses your questions. More time is needed to evaluate the tests we are discussing. More time is needed to gather information regarding two plans we are evaluating and one of which we will propose.

Very truly yours,

R. I. Becker

CC: Julie Rose, Randick & O'Dea Law
1800 Harrison #2350
Oakland, CA 94612



PENNZOIL PLACE • P.O. BOX 2967 • HOUSTON, TEXAS 77252-2967 • (713) 546-8886

ANTHONY B. CAVENDER
Senior Attorney

August 2, 1996

Susan L. Hugo
Senior Hazardous Materials Specialist
Alameda County Environmental Health
1311 Harbor Bay Parkway, #250
Alameda, CA 94502

Re: 1300 Powell Street,
Emeryville, California

Dear Ms. Hugo:

I was somewhat surprised to receive a copy of your July 11, 1996 letter to Mr. Richard Becker regarding the above property since we have had no contact with your office, written or otherwise, with reference to this Emeryville location. However, I appreciate having the opportunity to give you our thoughts on this matter.

We had an opportunity to review the Lush Geosciences report mentioned in your letter, and we determined that it did not provide us with sufficient data to conclude that there was any connection between Pennzoil's operations at this site over 40 years ago and the present conditions which you describe in your letter. Accordingly, as we stated some months ago to Mr. Becker's counsel, Pennzoil must disavow any connection between its operations in the distant past and current conditions at the property. In brief, based on the current state of the record, there is simply no scientific basis, and certainly no pressing need, to reach back over several decades in search of an additional responsible party.

Very truly yours,

ABC:epl

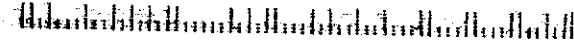
PENNZOIL COMPANY

PENNZOIL PLACE • P. O. BOX 2967
HOUSTON, TEXAS 77252-2967

FORM 01-9000

Susan L. Hugo
Senior Hazardous Materials Specialist
Alameda County Environmental Health
1311 Harbor Bay Parkway, #250
Alameda, CA 94502

~~XXXXXXXXXX~~



96 AUG - 6 PM 2: 16

ENVIRONMENTAL
PROTECTION

Mr. Richard Becker
RE: 1300 Powell Street, Emeryville, CA 94608
July 11, 1996
Page 2 of 2

A work plan which addresses the issues listed above should be submitted to this office **no later than August 30, 1996.**

You will also need to submit \$1880.00 deposit payable to Environmental Health Services. This deposit is authorized under Section 3-141.6 of the Ordinance Code of the County of Alameda and is used to cover the expenses incurred by the County personnel in the execution of their oversight responsibilities associated with the project. Records of the time County employees commit to the project are maintained and the deposit is charged an hourly rate of \$94.00. Upon completion of the project, the balance of the deposit will be refunded to the responsible party or their designee.

If you have any questions concerning this letter, please contact me at (510) 567-6780.

Sincerely,



Susan L. Hugo
Senior Hazardous Materials Specialist

c: Mee Ling Tung, Director, Environmental Health
Gordon Coleman, Acting Chief, Environmental Protection / file
Sum Arigala, San Francisco Bay RWQCB
Anthony Cavender, Pennzoil Company P.O. Box 2967
Houston, Texas 77252- 2967
Julie Rose, Randick & O'Dea Law Offices, 1800 Harrison,
Suite 2350, Oakland, California 94612

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



Alameda County
Environmental Health
1131 Harbor Bay Pkwy., #250
Alameda CA 94502-6577

July 11, 1996

Mr. Richard Becker
1300 Powell Street
Emeryville, California 94608

RE: Construction Services
1300 Powell Street, Emeryville, California 94608

Dear Mr. Becker:

The Alameda County Department of Environmental Health, Environmental Protection Division has completed review of the Baseline Survey Report (April 13, 1995) prepared by Lush Geosciences and submitted by Julie Rose of Randick & O'Dea Law Offices on February 21, 1996 for the above referenced site.

A subsurface investigation was conducted in April 1995 to determine if soil and groundwater contamination exists at the site. Eight shallow soil borings (up to 5 feet bgs) were drilled near the areas likely to have surficial contamination based on current and past historical use of the site. The subject site is currently occupied by a construction equipment rental yard with a maintenance facility. The Pennzoil Company used to operate a bulk oil storage, canning and warehouse based on the review of the Sanborn Fire Insurance Maps of the Oakland / Emeryville area dating back in 1951.

Analytical results of the soil samples collected from the borings showed petroleum hydrocarbon contamination as high as 3,200 ppm TOG and 880 ppm TPH diesel. In addition, a thick and oily sheen was identified in two borings (B-1 and B-2) at five feet depth.

Based upon the review of the subsurface investigation report, the following issues must be addressed concerning the contamination found at the site:

- 1) The extent of the soil and groundwater contamination must be delineated.
- 2) All potential sources of contamination should be identified to the maximum extent possible and must be supported by data that has been collected or will be collected at the site.
- 3) Soil and groundwater samples must be analyzed for the following target compounds: TPH as gasoline, TPH as diesel, TPH as motor oil, benzene, toluene, ethyl benzene, xylene, polynuclear aromatic hydrocarbons (PNAs), chlorinated solvents and metals (lead, nickel, cadmium, zinc and chromium).

LAW OFFICES

RANDICK & O'DEA

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LISA ROBINSON SWANSON
OF COUNSEL

June 11, 1996

STD 322

Ms. Susan Hugo
Alameda County
Hazardous Materials Division
Department of Environmental Health
1131 Harbor Bay Parkway, 2nd Floor
Alameda, CA 94502

Re: 1300 Powell Street, Emeryville
Richard Becker - Property Owner

Dear Ms. Hugo:

We spoke in early May about the above-reference site and you stated that you would be sending out a letter shortly thereafter outlining further work, if any, that needed to be done at this site. You also stated that at this time you were not going to name Pennzoil as a responsible party. As of the date of this letter, we have not received that correspondence.

As to the Pennzoil issue I would appreciate it if you would reconsider your decision about not naming Pennzoil as a responsible party. From the aerial photographs and deeds of trust on this property, submitted to you with the environmental report, it appears that Pennzoil was the sole owner and operator of the above-ground storage tanks. The discovered contamination appears to be consistent with Pennzoil's use of the property as a canning facility.

I would appreciate receiving your directive on this site so that Mr. Becker can resolve this matter as he now has a new tenant on the property.

Thank you for your attention to this matter.

Very truly yours,

RANDICK & O'DEA

Julie M. Rose / JMR
Julie M. Rose

JMR:es

cc: Mr. Richard Becker

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



Alameda County
Environmental Health
1131 Harbor Bay Pkwy., #250
Alameda CA 94502-6577

July 11, 1996

Mr. Richard Becker
1300 Powell Street
Emeryville, California 94608

RE: Construction Services
1300 Powell Street, Emeryville, California 94608

Dear Mr. Becker:

The Alameda County Department of Environmental Health, Environmental Protection Division has completed review of the Baseline Survey Report (April 13, 1995) prepared by Lush Geosciences and submitted by Julie Rose of Randick & O'Dea Law Offices on February 21, 1996 for the above referenced site.

A subsurface investigation was conducted in April 1995 to determine if soil and groundwater contamination exists at the site. Eight shallow soil borings (up to 5 feet bgs) were drilled near the areas likely to have surficial contamination based on current and past historical use of the site. The subject site is currently occupied by a construction equipment rental yard with a maintenance facility. The Pennzoil Company used to operate a bulk oil storage, canning and warehouse based on the review of the Sanborn Fire Insurance Maps of the Oakland / Emeryville area dating back in 1951.

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Based upon the review of the subsurface investigation report, the following issues must be addressed concerning the contamination found at the site:

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Mr. Richard Becker
RE: 1300 Powell Street, Emeryville, CA 94608
July 11, 1996
Page 2 of 2

A work plan which addresses the issues listed above should be submitted to this office no later than August 30, 1996.

You will also need to submit \$1880.00 deposit payable to Environmental Health Services. This deposit is authorized under Section 3-141.6 of the Ordinance Code of the County of Alameda and is used to cover the expenses incurred by the County personnel in the execution of their oversight responsibilities associated with the project. Records of the time County employees commit to the project are maintained and the deposit is charged an hourly rate of \$94.00. Upon completion of the project, the balance of the deposit will be refunded to the responsible party or their designee.

If you have any questions concerning this letter, please contact me at (510) 567-6780.

Sincerely,



Susan L. Hugo
Senior Hazardous Materials Specialist

c: Mee Ling Tung, Director, Environmental Health
Gordon Coleman, Acting Chief, Environmental Protection / file
Sum Arigala, San Francisco Bay RWQCB
Anthony Cavender, Pennzoil Company P.O. Box 2967
Houston, Texas 77252- 2967
Julie Rose, Randick & O'Dea Law Offices, 1800 Harrison,
Suite 2350, Oakland, California 94612

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LISA ROBINSON SWANSON
OF COUNSEL

February 21, 1996

Ms. Susan Hugo
Alameda County
Hazardous Materials Division
Department of Environmental Health
1131 Harbor Bay Parkway, 2nd Floor
Alameda, CA 94502

RE: 1300 Powell Street, Emeryville
Richard Becker - Property Owner

Dear Ms. Hugo:

The purpose of this letter is to inquire as to whether you have had the opportunity to review the Lush Geosciences, April 13, 1995, report entitled Baseline Survey Report, Construction Services Facility, 1300 Powell Street, Emeryville, California? Mr. Becker, the owner of the property and the business located on the property, is in the process of selling the business and leasing the property to the buyer of the business. This lease will go into effect on April 1, 1996. Therefore, Mr. Becker is anxious to receive your comments about the report. His two main questions are, 1) does the report adequately establish a baseline or will the County require further investigative and/or remediation work and 2) based on the history of the site, will Pennzoil be named a responsible party?

Because the lease is to go into effect in the near future, and Mr. Becker needs to concern himself with any potential interruptions of his tenant's business due to drilling and testing, your prompt attention to this matter would be most appreciated.

If you feel that a meeting with Mr. Becker and me would be the best way to address this matter, we can certainly make ourselves available.

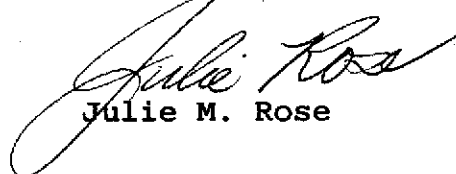
If you have any questions, please feel free to contact me.

February 21, 1996
Page 2

Thank you for your assistance in this matter.

Very truly yours,

RANDICK & O'DEA

A handwritten signature in cursive script that reads "Julie Rose". The signature is written in dark ink and is positioned above the printed name.

Julie M. Rose

JMR:es

cc: Mr. Richard Becker