

SCHARFF, BRADY & VINDING

ADMITTED IN:  
CALIFORNIA  
OREGON  
TEXAS

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January 13, 2010

Via E-Mail

Larry Bragman  
Vice Mayor, City of Fairfax  
c/o City Manager Michael Rock  
142 Bolinas Road  
Fairfax, CA 94930

Re: *Fair-Anselm Center, Inc.*

Dear Vice Mayor Bragman:

I am writing to you in follow up to our conversation this afternoon on behalf of the Fair-Anselm Center in Fairfax, California. We discussed tonight's Town Council meeting on Agenda Item 11 regarding the status of perchloroethylene ("PCE") "spill" at the Fair-Anselm Center. I understand that you will be facilitating this discussion. Unfortunately, I am unable to attend personally tonight.

For your information and the Town Council's consideration, I have been contacted by the owners of the Fair-Anselm Center to request our assistance in response to the issues and concerns that have been expressed by one of the Center's former tenants. Scharff, Brady & Vinding specializes in environmental compliance and will be working in conjunction with environmental professionals and the California Department of Toxic Substances Control ("DTSC") to coordinate a thorough and detailed evaluation of the issues that have been raised. Our very preliminary review raises questions regarding some of the claims that have been asserted.

For the Council's information, the property owner along with its environmental consultant, Risk-Based Decisions, Inc., has already met with representatives of the DTSC on December 21, 2009. Unlike the assessments previously done, work plans for further evaluation will be developed which will be reviewed for compliance with applicable law and regulation as administered and overseen by the DTSC. The manner and method used for conducting any environmental assessment including indoor air assessments is the subject of strict protocols. The data generated relied upon by the former tenant does not appear to meet those protocols. I would request, on the owner's behalf, that the Council maintain an open mind as to the issues surrounding the site until these further assessments are completed.

As a side note, there has been a characterization of a "spill" at the Fair-Anselm Center. Based on the information to date, there has been no "spill" of the dry cleaning solvent PCE. In fact, PCE has not been used at the Fair-Anselm Center for a period of several years. Due to concerns over

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PCE, the owners of the Fair-Anselm Center demanded that current dry cleaning operator, Picaroto, make the switch to environmentally friendly hydrocarbon cleaning solvents in 2008. As a result, there could not have been a "spill."

However, previously in 2000, Fair-Anselm worked in conjunction with the Marin County Environmental Health Department ("MCEHD") to abate an inadvertent release by the cleaner's supplier. At that time, an environmental engineering consulting firm, Pacific Environmental Services ("PES") was retained to perform an extensive assessment of potential of PCE impacts. That resulted in the generation of a work plan to remove PCE impacted soils through over-excavation. This included internal demolition of the property with removal of concrete floors to access impacted soils that were excavated and disposed of at an approved landfill. Subsequently, the MCEHD issued its findings that the over-excavation satisfied its concerns with regard to this previous incident.

Our office will be working with the owners of the Fair-Anselm Center and the DTSC to address the issues and concerns that have arisen. I would hope, at a future date, to have the opportunity to appear before your Council and further address the response that has been undertaken.

Thank you for your time this afternoon to provide an update on this matter.

Sincerely,

SCHARFF, BRADY & VINDING

*/s/ Jeffory J. Scharff*

Jeffory J. Scharff  
Environmental Counsel to Fair-Anselm Center

JJS/lj

cc: City Manager  
Client  
Risk-Based Decisions, Inc.  
DTSC