
BioMax Environmental

Environmental Consulting and Industrial Hygiene Services

December 17, 2007

Mr. Lane Webb
Wilson, Elser, Moskowitz, Edelman & Dicker LLP
655 West Broadway, Suite 900
San Diego, CA 92101

Ceiling Tile Inspection and Management Procedure
Department of General Services Board of Equalization Building
450 N. Street
Sacramento, California

Dear Mr. Webb,

As per your request, BioMax Environmental, LLC (BioMax) is pleased to provide you with this summary letter report detailing BioMax's proposed recommendations and procedures pertaining to the inspection and removal of stained and/or damaged ceiling tiles identified within 450 N. Street, Sacramento, California (subject building) as currently occupied by the Board of Equalization (BOE). BioMax understands that these procedures have been requested by your offices at the request of the Department of General Services (the subject building's landlord), in an effort to develop and maintain a standardize process and procedure by which stained and/or damaged acoustic ceiling tiles are identified, inventoried, and replaced by building on a routine and as/needed basis by Operations and Maintenance (O&M) personnel assigned to the site.

Hence, as a precautionary measure and in response to your client's specific request, BioMax proposes the following procedures for consideration and appropriate implementation at the direction and approval of the Department of General Services:

1. Perform a floor by floor visual identification and inventory of all stained ceiling tiles. Note date identified, exact locations of each stain on facilities map and including approximate size, color, and proximity to any adjacent features such as supply registers, sprinkler heads, lighting, etc. This should be recorded in a comments line on any ceiling tile record sheet (CT Record Sheet) which shall be prepared by the Department of General Services. Also note any visible moisture/liquid sources identified within the plenum area located immediately above the staining during ceiling tile inspection and removal. Any significant source findings should be documented in appropriate comments section of the CT Record Sheet. BioMax recommends that an individual CT Record Sheet is prepared to record critical information pertaining to each ceiling tile. CT Record Sheets shall be maintained and archived by DGS with copies provided to Mike Polkabra, of BioMax Lane E. Webb, Esq. Wilson Elser.

2. All stained ceiling tiles shall be digitally photograph and reference to site map location. Representative area located immediately beneath and/or adjacent to the stained ceiling tile shall also be digitally imaged and recorded within CT Record Sheet.
3. Provide inventory of stained tiles to DGS or appropriate department so as to coordinate the physical removal of visually affected ceiling tiles during non tenant (BOE) occupied hours. As an additional precaution, removal of any resultant debris generated from tile removal activities should include the use of HEPA vacuum equipment and wet wipe particulate control and removal methods.
4. Place visually affected ceiling tile in clear 3-5 mil poly bag. Double fold edge and seal with vinyl tape after removing trapped bulk air so as to minimize volume of resultant sample.
5. Label bag with unique record number and cross reference to CT Record Sheet and digital images. Provide hard copy of digital images attached to CT Record Sheet
6. Collect bagged tiles and remove to an offsite secure location for storage in an appropriately environmental controlled area. Access by authorized DGS personnel only.
7. Please note - BioMax recommends that any replacement of ceiling tiles should be performed on a floor-by-floor basis and recorded on the CT Record Sheets. Such procedures will allow for the historic review of staining occurrences within each area. *This way it will be apparent if any stains reappear and an appropriate subcontractor contacted to initiate repairs.*
8. Any ceiling tile replacement should certainly be performed in accordance with manufacturer's specifications and replacement guidelines recognizing any federal state and local building codes.
9. Any replacement procedures/activities within occupied areas must be performed after normal BOE inhabited hours and followed by a thorough clean-up procedure using HEPA vacuum equipment and wet-wipe particulate control and removal methods. All proposed procedures including all documentation, removal, AND replacement activities noted above must be performed during a single non-occupied period. Hence, no ceiling tiles should be removed one day and replaced another.
10. These procedures shall be in effect for a period of no less than one year from the date of this letter.

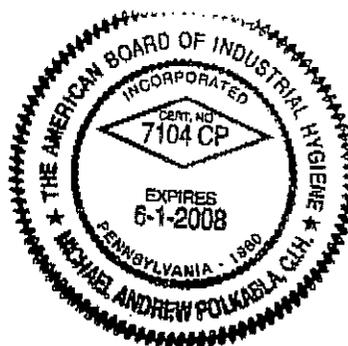
BioMax believes that the proposed procedures outlined above provide additional precautionary safeguards during the performance of inspection and removal methods associated with the replacement of stained acoustic ceiling tiles located within the BOE building. As per your client's request, such additional protective measures have, therefore, been developed to supplement standard industry practices and prudent building maintenance methods during the performance of these specific activities.

If you have any additional questions, comments, or require further assistance regarding this important matter please do not hesitate to contact me directly at (510) 724-3100.

Sincerely,



Michael A. Polkabila, CIH, REA
Vice President, Principal



LIMITATIONS

Please note that the professional opinions presented in this review are intended for the sole use of the California State Department of General Services (DGS) and their designated beneficiaries. No other party should rely on the information contained herein without the prior written consent of BioMax Environmental and DGS. The professional opinions provided herein are based on BioMax's review and understanding of current site information and observed site conditions present within the areas inspected at the time these services were performed. Professional recommendations provided as part of this limited scope of work are intended for client consideration only and are not intended as a professional or regulatory mandate. Implementation of any of the above measures or recommendations does not, in any way, warrant the day-to-day health and/or safety of building occupants, residents, site workers, nor regulatory or building code compliance status during normal and changing environmental conditions. As microbial contamination, by nature, may change over time due to additional moisture intrusion, favorable growth conditions, and changing environments, the findings of this report are subject to change in the event that such conditions and/or environments arise. Also, the professional opinions expressed here are subject to revision in the event that new or previously undiscovered information is obtained or uncovered.

The information contained in this and any other applicable communication is for consideration purposes only. It is not intended, nor should it be construed as providing legal advice or warranting any level of safety or regulatory compliance. The sole purpose of such information is to assist with the anticipation, identification, evaluation and control of elevated and/or unnecessary health of physical hazards. Any action taken based on this information, including but not limited to opinions, suggestions and recommendations, whether implied or expressed, is the sole responsibility of the individual taking the action. The management of acceptable health and safety is criteria dependent and situation specific in nature, therefore requiring extensive knowledge and prudent value assessments so as to be properly determined and maintained.

These services were performed by BioMax in accordance with generally accepted professional industrial hygiene principals, practices, and standards of care. Under the existing Industrial Hygiene Definition and Registration Act, all reports, opinions or official documents prepared by a Certified Industrial Hygienist (CIH) constitutes an expression of professional opinion regarding those facts or findings which are subject of a certification and does not constitute a warranty or guarantee, either expressed or implied.