Hall Equities Group™
Real Estate Investment · Development · Management

March 22, 2007

Barney M. Chan
Hazardous Material Specialist
Alameda County Environmental Health Services
Environmental Protection
1131 Harbor Bay Parkway, Suite 250
Alameda, CA 94502-6577

Re: Fuel Leak Case RO0000018, Carnation Dairy, 1310 14th St., Oakland, CA 94607

Dear Mr. Chan:

We are writing in response to your letter dated January 29, 2007, which for some reason was never received by our office. We first obtained a copy of the letter on March 14 2007 after learning of its existence from Binayak Acharya's February 28, 2007 letter to you. Please find enclosed for your review the following information as requested.

1. The current owner of the property is Encinal 14th Street, LLC. The property is comprised of 4 separate Assessor Parcel Numbers, which include APN # 5-3735-2-1, APN # 5-373-5-1, APN # 5-373-10-3, and APN # 5-374-1-2 located between 14th, 16th, Mandela Parkway, and Poplar Streets. Enclosed are the parcel maps and legal description for the property.

2. Phase I Environmental Site Assessment and Soil and Groundwater Quality Evaluation, dated March 17, 2004, prepared by Lowney Associates for DeNova Homes.

3. Phase II Subsurface Investigation Report, date October 7, 2005, prepared by AEI Consultants for Hall Equities Group

I declare under penalty of perjury, that the information and or recommendations contained in the attached documents are true and correct the best of my knowledge.

We understand that Nestle USA, Inc. has requested a closure letter. We hope that the provision of this information will complete everything necessary to issue that letter.

We are currently in the beginning the demolition phase for redeveloping the property, which will include removal of the several buildings located on the property. Part of this work will include the removal of the previously closed in place underground storage tanks. As a result, we would like to request a meeting with you and our Environmental Consultant to discuss the protocol for the removal of the tanks and obtaining closure on the balance of the site. I will call you shortly to schedule that meeting.

Sincerely;

Hall Equities Group
As Authorized Agent for the Owners

Ryan Guertin
Industrial Portfolio Manager

CC: Binayak Acharya, Nestle USA, Inc.
Mark Hall, Encinal 14th Street, LLC

1855 Olympic Boulevard · Suite 250 · Walnut Creek · California · 94596 · Tel. 925-933-4000 · Fax 925-933-4150
www.hallequitiesgroup.com

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

January 29, 2007

Nestle USA, Inc.
800 North Brand Blvd.
Glendale CA 91203

Encinal 14th Street LLC
1855 Olympic Blvd. #250
Walnut Creek, CA 94596

Dear Nestle USA, Inc. and Encinal 14th Street LLC:

Subject: Fuel Leak Case RO0000018, Carnation Dairy,1310 14th St., Oakland CA 94607

Alameda County Environmental Health (ACEH) staff has reviewed the case file for the subject site and determined that additional information is necessary to progress to case closure. We have been requested to review the case for closure and also meet to discuss site closure, however, prior to any meeting, we request you address the following technical comments and submit the technical reports requested below.

TECHNICAL COMMENT

1. Clarification of Site and Property Ownership- Our office has received a copy of the deed restriction for the northwest corner of this site. We are aware that the property has been sold to Encinal 14th Street LLC. Please clarify if the entire property still consists the block located between 14th, 16th, Mandela and Poplar Streets, what are the parcel numbers who are the property owners.
2. Wells Present at Property- We previously approved of the proper decommissioning of approximately 128 wells at the site, with the exception of those required for continued semi-annual monitoring. Please provide a copy of the well closure report for these wells and confirm that only the wells that currently exist at the site are those used for semi-annual monitoring.
3. Request for Technical Reports- Our office is aware that additional Phase I and Phase II investigations have occurred at the site. Specifically, we are aware that a subsurface investigation of previously closed-in-place underground tanks has been done in the southeastern portion of the property and that petroleum contamination was detected. Please submit all additional technical reports to our office as requested below.

TECHNICAL REPORT REQUEST

Please submit the following technical reports according to the following schedule:

- February 28, 2007- Maps and Assessors Parcel Information clarifying the site ownership and parcel boundary.
- February 28, 2007- Well Decommissioning Report
- February 28, 2007- Soil and Water Investigation Report and Phase I Environmental Assessment Report

ELECTRONIC SUBMITTAL OF REPORTS

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. 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).

In order to facilitate electronic correspondence, we request that you provide up to date electronic mail addresses for all responsible and interested parties. Please provide current electronic mail addresses and notify us of future changes to electronic mail addresses by sending an electronic mail message to me at barney.chan@acgov.org.

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.

If you have any questions, please call me at (510) 567-6765.

Sincerely,

Barney M. Chan
Hazardous Materials Specialist

Enclosure: ACEH Electronic Report Upload (ftp) Instructions

C: files, D. Drogos
Mr. Binayak Acharya, Environmental Cost Management, 660 Baker St., Suite 253, Costa Mesa, CA 92626

1_29_07 1310 14th St.

RO 18

ENVIRONMENTAL COST MANAGEMENT, INC.
Managing Cost and Liability
660 Baker Street, Suite 253
Costa Mesa, California 92626
Main: (714) 662-2759 Fax: (714) 662-2758
www.ecostmanage.com

June 12, 2006

Mr. Barney Chan
Alameda County Health Agency
Division of Environmental Protection
1131 Harbor Bat Parkway, 2nd Floor
Alameda, California 94502

REFERENCE: Site Closure Request Follow Up
Former Nestlé USA, Inc. Facility
1310 14th Street
Oakland, California

Dear Mr. Chan:

This letter is to follow up on Nestlé's site closure request for the above referenced site in Oakland, California. The initial request was made in the 2nd Semi Annual Report dated February 23, 2005. Since submission of the above request, we have provided additional information requested by you and the Regional Water Quality Control Board-SF Region (Board) in order to expedite the site closure. We have also requested (via telephone and e-mails) a meeting with you and the Board to discuss the closure request and answer any questions.

As you know, in accordance with the letter from Alameda County Health Agency (ACHA) dated November 14, 2002, Nestlé has completed two years of monitoring and has discontinued the monitoring after completion of the monitoring event for the 2nd quarter of 2004. With approval from ACHA all but 11 wells at the site have been abandoned. The well abandonment records were sent to you earlier.

We understand that the departure of Roger Brewer from the Board may have contributed to the delay in setting up a meeting to finalize the closure request. Nestlé is eager to close the site since, as you know, the property has been sold. We would appreciate your assistance in expediting the site closure process. I will call you in a week or so to discuss this request and, if deemed necessary, to set up a mutually convenient date for a meeting.

Please do not hesitate to contact me at (661) 255-1693 should you have any questions or need any additional information on this request.

Sincerely,

ENVIRONMENTAL COST MANAGEMENT

Binayak P. Acharya
Program Manager

Cc: Ms. Cherie McCaulou
California Regional Water Quality Control Board
San Francisco Bay Region
1515 Clay Street, Suite 1400
Oakland, CA 94612

Nestlé File

Noelia Marti-Colon

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

November 14, 2002

Mr. Binayak Acharya
Nestle' USA
800 North Brand Blvd.
Glendale, CA 91203

Dear Mr. Acharya:

Subject: Fuel Leak Case RO0000018, 1310 14th St., Oakland CA 94607

Alameda County Environmental Health, Local Oversight Program (LOP), has discussed the current and future status of the referenced site with Mr. Roger Brewer of the SFRWQCB. As you are aware, we have concurred with the destruction of all but eleven (11) wells required to monitor the stability of the petroleum plume. These wells should be monitored semi-annually for a period of two years. Should the plume be verified as not migrating, with concentrations of contaminants not migrating off-site above MCLs, you may request site closure after completing the requested monitoring. The City of Oakland will be required to ensure that the requirements of the deed restriction on this property are maintained in the future.

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

Sincerely,

Barney M Chan

Barney M. Chan
Hazardous Materials Specialist

C: B. Chan, files
Mr. B. Searcy, ETIC Engineering, 2285 Morello Ave., Pleasant Hill, CA 94523
Mr. R. Brewer, SFRWQCB

Stat1310 14thSt

TRANSMIT REPORT

2002.12-19 11:23
510 337 9335
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ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY
DAVID J. KEARS, Agency Director

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

October 21, 2002

Mr. Binayak Acharya
Nestle USA, Inc.
800 North Brand Blvd.
Glendale CA 91203

Dear Mr. Acharya:

Subject: Fuel Leak Case RO0000018, Proposed Well Abandonment at Nestle Oakland Facility, 1310 14th St., Oakland CA 94607

This letter confirms the receipt and approves of the proposed well abandonment of all wells (approximately 128) with the exception of the eleven (11) wells noted in the 10/14/02 e mail from Mr. Brent Searcy of ETIC Engineering. These eleven wells consist of MW5, MW25 through MW30, MW32, MW100, CC1* and CC2*. These wells should continue to be monitored on a semi-annual schedule for the analytes, TPHd, TPHg, BTEX, MTBE and VOCs.

You may proceed with the well abandonment. 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. B. Searcy, ETIC Engineering, 2285 Morello Ave., Pleasant Hill, CA 94523
Mr. P. Prenner, SFBRWQCB

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY
DAVID J. KEARS, Agency Director

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October 21, 2002

Mr. Binayak Acharya
Nestle USA, Inc.
800 North Brand Blvd.
Glendale CA 91203

Dear Mr. Acharya:

Subject: Fuel Leak Case RO0000018, Proposed Well Abandonment at Nestle Oakland Facility, 1310 14th St., Oakland CA 94607

This letter confirms the receipt and approves of the proposed well abandonment of all wells (approximately 128) with the exception of the eleven (11) wells noted in the 10/14/02 e mail from Mr. Brent Searcy of ETIC Engineering. These eleven wells consist of MW5, MW25 through MW30, MW32, MW100, CC1* and CC2*. These wells should continue to be monitored on a semi-annual schedule for the analytes, TPHd, TPHg, BTEX, MTBE and VOCs.

You may proceed with the well abandonment. 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. B. Searcy, ETIC Engineering, 2285 Morello Ave., Pleasant Hill, CA 94523
Mr. R. Brewer, SFRWQCB

2Wellcl1310 14th St.

RO 18
CHAN

State Water Resources Control Board

Division of Clean Water Programs
1001 I Street • Sacramento, California 95814
P.O. Box 944212 • Sacramento, California • 94244-2120
(916) 341-5714 • FAX (916) 341-5806 • www.swrcb.ca.gov/cwphome/ustcf

Winston H. Hickox
Secretary for Environmental Protection

Gray Davis
Governor

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our website at www.swrcb.ca.gov.

MAY 23 2002

MAY 29 2002

Nestle Food Company
800 Brand Blvd N
Glendale, CA 91203

UNDERGROUND STORAGE TANK CLEANUP FUND (FUND), NOTICE OF REMOVAL FROM PRIORITY LIST, CLAIM NUMBER 004454, SITE ADDRESS: 1310 14TH ST, OAKLAND

On April 17, 2002, a "Notice of Intended Removal From Priority List" was sent to you. The Notice informed you that your claim is not eligible for reimbursement from the Underground Storage Tank Cleanup Fund, and stated the reason for that determination. The Notice also informed you that if you did not agree with the determination, you could request a review within thirty (30) calendar days from the date of the Notice.

Since you did not exercise your right of appeal within the time specified, your claim is not eligible for participation in the Underground Storage Tank Cleanup Fund and is hereby removed from the Priority List.

If you have any questions, please contact Shari Knieriem at (916) 341-5714.

Sincerely,

Allan V. Patton, Manager
Underground Storage Tank Cleanup Fund

Lustis Case #: 01-0282

cc: Mr. Steve Morse
RWQCB, Region 2
1515 Clay Street, Ste. 1400
Oakland, CA 94612

Ms. Donna Drogos
Alameda County EHD
1131 Harbor Bay Pkway, 2nd Fl.
Alameda, CA 94502-6577

Ro 18
CHAN

State Water Resources Control Board

Division of Clean Water Programs
1001 I Street • Sacramento, California 95814
P.O. Box 944212 • Sacramento, California • 94244-2120
(916) 341-5714 ♦ FAX (916) 341-5806 ♦ www.swrcb.ca.gov/cwphome/ustcf

Winston H. Hickox
Secretary for Environmental Protection

Gray Davis
Governor

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our website at www.swrcb.ca.gov.

APR 17 2002

APR 22 2002

Nestle Food Company
800 Brand Blvd N
Glendale, CA 91203

UNDERGROUND STORAGE TANK CLEANUP FUND (FUND), NOTICE OF INTENDED REMOVAL FROM PRIORITY LIST, CLAIM NUMBER 004454, SITE ADDRESS: 1310 14TH ST, OAKLAND

This is to notify you that during the detailed review of your application, it has been determined that your claim for the subject site is not eligible for reimbursement in the Underground Storage Tank Cleanup Fund. Therefore, it is being proposed that your claim be removed from the Priority List based on the following reason:

Petroleum Underground Storage Tank Cleanup Fund Regulations, Section 2813.3(a)(2) Removal from the Priority List states in part... *"the claimant fails to provide necessary documentation or information..."*

On December 12, 2001, the Fund requested three important documents in order to continue processing your claim. One of the documents that was requested, "Non-Recovery From Other Sources Disclosure Certification" required the claimant's Settlement Agreement. According to a phone conversation with your staff, Mr. Binayak Acharya, he stated that the Settlement Agreement would not be provided. It is clear that the subject claimant does not wish to fulfill the Fund's request for providing the requested documentation.

If you disagree with this Staff Decision, you may appeal to the Division Chief pursuant to Section 2814.1 of the Petroleum Underground Storage Tank Cleanup Fund Regulations. If you would like review of the decision by the Fund Manager, please submit your request along with any additional documentation to:

Allan V. Patton, Fund Manager, Claim #004454
Underground Storage Tank Cleanup Fund
State Water Resources Control Board
Division of Clean Water Programs
P. O. Box 944212
Sacramento, CA 94244-2120

A request to the Fund Manager must include, at a minimum: (1) a statement describing how the claimant is damaged by the prior Staff Decision; (2) a description of the remedy or outcome

desired; and (3) an explanation of why the claimant believes the Staff Decision is erroneous, inappropriate or improper.

If you do not request a review by the Fund Manager within thirty (30) calendar days from the date of this letter, the Staff Decision will then become final and conclusive and your claim will be removed from the Priority List at the end of the 30 day period.

If you have any questions, please contact me at (916) 341-5714.

Sincerely,

ORIGINAL SIGNED BY

Shari Knieriem
Claims Review Unit
Underground Storage Tank Cleanup Fund

Lustis Case #: 01-0282

cc: Mr. Steve Morse
RWQCB, Region 2
1515 Clay Street, Ste. 1400
Oakland, CA 94612

Ms. Donna Drogos
Alameda County EHD
1131 Harbor Bay Pkway, 2nd Fl.
Alameda, CA 94502-6577

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

August 8, 2001
StID 3779/RO0000018

Mr. Binayak Acharya
Nestle USA, Inc.
800 North Brand Blvd.
Glendale CA 91203

Re: Proposed Well Abandonment at Nestle Oakland Facility, 1310 14th St., Oakland CA 94607

Dear Mr. Acharya:

This letter confirms the receipt and approves of the proposed well abandonment of 32 wells noted in the July 26, 2001 letter report from ETIC Engineering, Inc., your consultant. It appears that all but three of the proposed wells are either vapor wells or "numbered wells" and of these 29, 27 are of unknown well construction. The three product recovery wells proposed for abandonment have other recovery wells nearby them to compensate. None of these wells provides necessary sampling information so technically no compromise has been made.

You may proceed with the well abandonment. Please include this information in the future well summary table, requested at our last meeting at the San Francisco Water Board.

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

Sincerely,

Barney M Chan

Barney M. Chan
Hazardous Materials Specialist

C: B. Chan, files
Mr. B. Searcy, ETIC Engineering, 2285 Morello Ave., Pleasant Hill, CA 94523
Mr. C. Headlee and Mr. R. Brewer, SFRWQCB
Wellcl1310 14th St.

ETIC
Engineering, Inc.

11 June 2001

Mr. Barney Chan
Alameda County Health Agency
1131 Harbor Bay Parkway, 2nd Floor
Alameda, CA 94502

RE: Responses to Roger Brewer's comments dated 28 March 2001
Former Nestle USA facility, 1310 14th Street, Oakland, CA

Dear Mr. Chan:

ETIC has reviewed the comments from Roger Brewer's review of the Comprehensive Site Characterization Report and Risk Management Plan for the former Nestle facility. We have responded to all but the last comment, which is more of a discussion topic for the review meeting for this site. Each of Roger Brewer's comments are repeated below, followed by ETIC's response.

Comment 1:
Table 4, Monitoring Well Design - Provide information regarding the depth to groundwater; evaluate adequacy of wells. Based on my own quick review of monitoring well design versus groundwater depths (Table 4 and Figure 13), the top of the screened interval is less than one foot from the top of groundwater in wells MW6, MW25, CC1 and CC2. In addition, well V55 apparently only extends into the groundwater one foot or less. The top of the well screen is apparently situated one to two feet below the top of the groundwater in wells MW26, MW27, MW28 and MW29. The latter wells may not be adequate for monitoring the presence of floating free product at the site but should be adequate for evaluating dissolved-phase concentrations of chemicals in groundwater. A summary of well design versus groundwater depth should be completed and the adequacy of the wells being used for ongoing monitoring should be further evaluated.

Response:
A summary of the well construction data and the groundwater depth is shown in Tables 1 and 2 and Figure 2. The wells listed in the tables are those that are used for quarterly groundwater monitoring. Table 1 shows the relative difference between the top of the well screen and the high and low water levels measured between January 1997 and April 2001. At the highest water level recorded during this period, 9 of the 22 wells have submerged screens. At the lowest water level two wells had submerged screens. The wells having submerged screens are shaded in the table. Table 2 shows the relative difference between the bottom of the well screen and the high and low water levels during the same date range. In comparing the low water level with the well construction data we see that well V55 is dry and well V72 contains a water column that is slightly less than 1 foot (0.91 feet). The fact that well V55 cannot be sampled and well V72 has a short water column during one quarter should not adversely affect the representativeness of results for overall monitoring of the groundwater at the site.

ETIC agrees with Roger Brewer's comment that the construction of the existing wells is adequate for monitoring dissolved-phase concentrations of hydrocarbons and HVOCs in the groundwater even though the screen interval of some wells is submerged during a portion of the year. During the period of time the top of the screen is submerged, free-phase hydrocarbons cannot be detected in the wells. We believe that this is not an issue for the following reasons:

- The screen intervals in all but two wells (MW26 and MW29) are above the level of groundwater during at least half the year, during which time LPH can enter the well casings and be detected.
- Dissolved concentrations of hydrocarbons in the wells in question do not indicate the presence of LPH.
- Monitoring data prior to, during, and after LPH recovery using the high-vacuum dual phase system show that the LPH is not migrating as discussed on page 6 of the Comprehensive Site Characterization Report.

Comment 2:
Groundwater Characterization - Evaluate need to further define extent of groundwater impacts on east side of the plume; delineate extent of impacted groundwater to 5,000 ug/L on Figure 22. Refer to dashed isoconcentration contours Figures 21 and 22. As discussed in our earlier comments, the extent of groundwater impacts has not been defined on the east of the site. The concentration of total TPH reported for samples collected in the easternmost well near the source area (Well No. 239) was approximately 50 mg/L. The delineation of groundwater impacts to TPH-gasoline concentration of only 50,000 ug/L in Figure 22 does not adequately depict groundwater impacts at the site.

Response:
The groundwater isoconcentration contours in Figures 21 and 22 do not reflect all of the historical data collected east of the maintenance building. The attached Figure 29 summarizes all the historical analytical data in this area. The data shows a consistent picture of hydrocarbons not migrating significantly to the east of well 239. This data is also consistent with the conceptual model for the hydrocarbon release and site conditions. Specifically, the data is consistent with the release occurring in the location of the tank, line, and dispenser areas, and with the groundwater consistently flowing in the northwesterly direction.

The following data have been collected east of well 239:

3 soil samples – 2 in 1991 and 1 in 1999
2 groundwater samples – both in 1999
1 soil vapor sample – collected in 1999

The analytical results show:

- Soil samples SB-12 and SB-18 collected by HLA in August 1991 had no detectable concentrations of BTEX, TPH-g, or TPH-d. These borings were sampled at depths of 5, 10,

12.5, 15, and 20 feet below grade. Two other soil borings (SB-14 and SB-17), both downgradient of well 239, had soils sampled from them with concentrations of TPH-g and TPH-d at the 5, 10, 12.5, and 15 foot levels.

- Soil sample SB7 collected in August 1999 contained no detectable concentrations of BTEX, TPH-g, or TPH-d. This boring was sampled at the depths of 4 and 7 feet below grade.
- Water samples from wells MW-5 and 241 collected in 1999 contained no detectable concentrations of BTEX, TPH-g, or TPH-d.
- A soil gas sample collected from soil boring SB7 in August 1999 contained BTEX and TPH-g concentrations in the low part-per-billion level. The sample was collected at a depth of 3 feet below grade. These results appear consistent with concentrations expected from soils located outside the area of hydrocarbon impact.

All the analytical results are consistent with the conceptual model for the hydrocarbon release and indicate that hydrocarbons have migrated less than 40 feet east of well 239. Based on this data, it does not appear that additional groundwater samples are required to the east.

Comment 3:
Table 6 - Provide TPH soil gas data for all soil gas sampling points. Soil gas TPH data is provided for sample point SB-12 only (apparently the maximum reported TPH-gasoline concentration in soil gas samples). Table 8 of the November 2, 1999, report prepared for the site indicates that TPH was not analyzed for as part of the soil gas sampling program. The source of the TPH-gasoline data in Table 6 should be verified and data provided for the other soil gas sampling locations. Note also that Sample SB-12 is located outside of the area of most significant impact. This discrepancy (i.e., why concentrations of petroleum compounds in soil gas are highest outside of the primary area of impact) needs to be further discussed.

Response:
The table in question is actually Table 7 (not 6 or 8) of the Comprehensive Site Characterization Report. This table has been updated with TPH results for all soil gas samples. Figure 28 (showing soil gas results for all other constituents) and Appendix F (laboratory report) have also been updated to reflect the changes. The revised table and figure are attached. The revised table, figure, and appendix will be submitted under separate cover for replacement of these pages in the Comprehensive Site Characterization Report.

The fact that soil boring SB12 has the highest TPH soil gas concentration is likely due to the location of this boring being on the outer edge of the hydrocarbon impact area, away from the area affected by remediation. Even though the soil gas concentration in SB12 is higher than the rest of the TPH results for the site, elevated concentrations have not historically been seen in the dissolved phase as shown from groundwater samples from well 223 located downgradient of SB12. This indicates that no source of hydrocarbons exists in the area of SB12.

Comment 4:
Risk Management Plan, Summary of Health Risk - Include discussion of potential hazards due to buildup of potentially explosive vapors in soil gas. The concentration of TPH-gasoline in shallow groundwater over a large area of the site is at near solubility levels (approximately 150

mg/L), with a small amount of free product still present in several areas. The potential for explosive levels of gasoline and related vapors (e.g., methane) in soil gas to be encountered during construction and utility work should be discussed and requirements for vapor monitoring and appropriate mitigation measures provided.

Response:
The concentration of TPH found in the soil gas sample from soil boring SB12 (750 ppmv) represents a concentration which is approximately 5% of the LEL for gasoline (14,000 ppmv). To protect construction workers during development of the site we propose to amend the Risk Management Plan as follows:

Section 5, Risk Management Measures During Site Development, page 9 – In addition, the Health and Safety Plan should identify protocols to ensure that the health and safety with respect to explosive hazards associated with volatile hydrocarbons and other flammable gases (e.g., methane) be monitored during development of the site.

If you have any questions regarding this letter or any other aspect of the site and its environmental condition, please contact Binayak Acharya of Nestle at (818) 549-5948 or me at (925) 602-4710, extension 12.

Sincerely,

Douglas Oram
Technical Program Manager

DO/dah

Attachments

cc: Binayak Acharya, Nestle
Roger Brewer, Regional Water Quality Control Board
Chuck Headlee, Regional Water Quality Control Board

ETIC
Engineering, Inc.

ENVIRONMENTAL
PROTECTION
00 JUN 30 AM 9:58

27 June 2000

Mr. Larry Seto
Alameda County Health Agency
Division of Environmental Health
1131 Harbor Bay Parkway
Alameda, California 94502

RE: Response to comments from ACHA and RWQCB on risk assessment for Nestlé USA, Inc. site at 1310 14th Street, Oakland, California

Dear Mr. Seto:

Please review the attached response to comments made by the Alameda County Health Agency (ACHA) and the Regional Water Quality Control Board (RWQCB) regarding the risk assessment dated 17 March 2000 for the above-referenced site. Comments made by Larry Seto (ACHA) and/or Roger Brewer (RWQCB) in the 3 May 2000 memo appear in italics, followed by responses and discussions from ETIC.

As we have discussed, a meeting will be held on 14 July 2000 to discuss these comments with you, Binayak Acharya (Nestlé USA), Roger Brewer (RWQCB), Chuck Headlee (RWQCB), and Mehrdad Javaherian (Javaherian Consulting). This meeting will be focused on reaching agreement on the items addressed in the attached document and other issues related to the risk assessment for this site prior to our submittal of a final comprehensive site characterization report. We have scheduled this meeting for Friday 14 July 2000, 10:00am, at the Regional Water Quality Control Board, 1515 Clay Street, Suite 1400, Oakland CA.

Do not hesitate to call Doug Oram or me at ~~925-977-791~~(925)602 4710 with any questions regarding this letter or the upcoming 14 July 2000 meeting for this site.

Sincerely,

Brent Searcy

Brent Searcy
Project Engineer

Enclosures

cc: Binayak Acharya, Nestlé USA, Inc.
Roger Brewer, RWQCB
Chuck Headlee, RWQCB
Mehrdad Javaherian, Javaherian Consulting, Inc.

ETIC
Engineering, Inc.

RESPONSE TO ACHA/RWQCB COMMENTS of 3 MAY 2000 REGARDING RISK ASSESSMENT FOR NESTLE USA, INC. SITE AT 1310 14th STREET, OAKLAND, CALIFORNIA

Introductory Comments:

The main issues discussed for the risk assessment include the need for a better summary and presentation of site data, the need to include construction workers and trench workers as potential receptors, and the need to clearly state what land-use restrictions and institutional controls are needed for the site. The latter two issues are particularly important due to the presence of free product at the site and potential hazardous conditions during construction and utility work.

Response: The purpose and scope of the draft risk-based corrective action (RBCA) technical memorandum for the Nestle USA, Inc. Facility (JCI, 2000) was limited to development of a conceptual site model (CSM) and quantifying potential health risks associated with future site occupancy (commercial/industrial land use) following proposed redevelopment. The draft RBCA memorandum purposely relied on details of site characterization data, results of past and on-going remediation efforts, and proposed redevelopment plans compiled by ETIC (1999) and submitted to RWQCB on November 2, 1999. Once finalized, the RBCA memorandum will be included as an appendix to a final comprehensive site characterization report, where all site data and risk assessment results are presented jointly as a "stand alone" document.

It should be noted that development of the draft RBCA memorandum was further based on the understanding that a risk management plan (RMP) will be developed to address potential health risks to construction workers, proposed risk management practices, and specific land-use restrictions and institutional controls (if any) to be implemented at the site. This approach, which was discussed in the November 2, 1999 meeting with RWQCB, is similar to approaches employed at various sites overseen by the RWQCB throughout the San Francisco Bay Area (e.g. ENVIRON, 1998).

Specific Comment 1:

General – Status of well surveys. *What is the status of the issues noted below and raised during November 2, 1999, meeting between Nestle and RWQCB (refer also to 1/26/00 letter to RWQCB from Nestle)?*

- *Determine status of General Electric industrial well;*
- *Select subset of wells to be included in future monitored program;* ✓
- *Conduct a well survey of the 5 closest residences downgradient of the site.* ✓

A summary of monitoring well designs (screening interval, etc.) should be submitted as part of item two. The adequacy of the monitoring wells designs with respect to the delineation of groundwater impacts should be checked. For example, wells used to delineate the extent of floating free product should be screened across the water table. Wells used to monitor the downgradient extent of impacted groundwater should be screened across the proper intervals. The adequacy of the length of time that the plume has been monitored with respect to predictions of future offsite migration should also be reviewed (see Comment 6).

Response: As a result of discussions regarding potential offsite and downgradient receptors during November 2, 1999 meeting, ETIC performed a door-to-door well survey of 6 residences immediately downgradient of the Nestle site. The initial door-to-door well survey was conducted on March 3, 1999. A follow-up visit to residences who were not at home during the first well survey was conducted by ETIC on March 22, 2000.

During these door-to-door well surveys, no water supply wells were found on the properties at which ETIC was able to speak directly with property owners. ETIC employees spoke with property owners at 2 of the identified residences. At residences where property owners were not available, pre-stamped water well survey cards were left so that questions regarding water supply wells could be answered and the survey cards mailed back to ETIC.

In addition, ETIC investigated the possible existence of an industrial supply well at 1614 Campbell Street (formerly occupied by General Electric). ETIC employees spoke with Walt Davis, General Manager of Western Nonwovens, Inc., which currently occupies the 1614 Campbell Street site. Mr. Davis stated that he had worked at the site since the early 1950s, and he was unaware of any industrial supply wells on the property.

Complete documentation of the well survey activities, with location maps and photographs for the visited properties, is included as part of the attached letters dated March 14, 2000 and March 27, 2000.

In order to track ongoing conditions at the site and confirm the effectiveness of remedial activities, a subset of monitoring wells has been selected for future monitoring of on-site and downgradient groundwater impact. These wells are monitored on a quarterly basis and the results are reported twice a year in monitoring reports submitted to the ACHA and the RWQCB. The wells have been selected based on their location and construction so that gauging for free product and analytical sampling results will provide appropriate monitoring of conditions on-site and in the downgradient direction. Figure 33 provides a site map illustrating the location of these wells. Table 33 documents the well construction details of these wells.

Specific Comment 2:

Page 1. Conceptual Site Model. *Summary of sample data inadequate. Risk assessments should be prepared as "Stand Alone" documents with all pertinent data, maps and other information included. A summary of soil, soil gas and groundwater data collected at the site should be*

included with the risk assessment with references to source site investigation reports. Maps and tables that summarize the locations, ID numbers, depths and COPC concentrations of key samples should be presented. Updated maps depicting the known extent of plumes in groundwater should be included (e.g., similar to maps in the November 1999, ETIC report) as should a map(s) depicting areas of residual impacts in vadose-zone soils. Reference to pertinent parts of this summary should be included in the presentation of Tables 1 through 4.

Response. As previously indicated, the draft RBCA memorandum relied on details of site characterization data documented by ETIC (1999). The final RBCA memorandum will be included as an appendix to a comprehensive site characterization report, where the referenced maps and tables will be depicted together with risk assessment results as a "stand alone" document. Updated references to site characterization report figures and tables will be included in presentation of chemical of potential concern (COPC) source concentrations in the final RBCA memorandum. ✓

Specific Comment 3:

Page 5. Soil gas samples. *The method and rational behind collection of soil gas samples is not adequately discussed. Discuss how soil gas samples were collected. Discuss adequacy of soil gas data with respect to the defined soil and groundwater plumes.*

Response. Soil gas samples were collected on August 12 and 13, 1999 for incorporation into the risk-based corrective action (RBCA) analysis and the associated conceptual site model (CSM). Fifteen soil boring locations were sampled for soil gas at 3 ft. below ground surface (bgs) using direct push boring equipment and suma canisters for vapor collection and transport to an approved analytical laboratory. ✓

Soil gas sampling locations were selected so as to provide samples from areas thought to overlie the highest groundwater contaminant levels and from areas considered to represent the perimeter and downgradient edge of the soil and groundwater plume. Selection of soil gas survey points was limited by the presence of piping and permanent remediation equipment in place as part of multi-phase extraction operations at the site in areas near the center of the groundwater plume.

All soil gas samples were analyzed using US EPA Compendium Method TO-14/TO-14A for volatile organic compounds. Details of soil gas sampling and the incorporation of this data into the risk-based corrective action (RBCA) analysis for this site will be included in the comprehensive site characterization report.

Specific Comment 4:

Page 5. Selection of Chemicals of Potential Concern. *Make reference to summary prepared under Comment 2 above in the section that discusses the rational of selection of COPCs (areas of impact, location of samples referenced, etc.)*

Response: See response to Specific Comment 2.

Specific Comment 5:

Page 5. Chemicals of Potential Concern. *Screening/cleanup levels for TPH not presented. The implication that the Massachusetts Department of Environmental Protection (MADEP) does not require screening/cleanup levels for TPH is incorrect. Screening/cleanup levels for TPH should be developed in conjunction with screening/cleanup levels for individual indicator chemicals (BTEX, PAHs). These screening levels should address groundwater protection concerns, direct-exposure concerns and nuisance concerns at a minimum. Refer to more up-to-date MADEP guidance (see MADEP web page at www.magnet.state.ma.us/dep/bwsc/vph_eph.html), draft screening level guidance prepared by the RWQCB (April 2000 – contact Roger Brewer or RWQCB) or other published documents. The need for actual remediation of impacted soil and groundwater with respect to TPH screening/cleanup levels should be evaluated in terms of the results of the risk assessment and institution controls to be placed on the site.*

Response: The draft RBCA memorandum does not suggest that the Massachusetts Department of Environmental Protection (MADEP) does not require screening/cleanup levels for TPH. Conversely, the draft RBCA memorandum cites MADEP guidance as an approach commonly employed for development of TPH screening/cleanup levels. The draft RBCA memorandum further indicates that the MADEP guidance relies heavily on use of the indicator- and surrogate compound approaches for TPH evaluation, which in turn are based on estimation of risks (and or screening/cleanup levels) associated individual chemicals such as BTEX. Since the risk associated with individual BTEX constituents (i.e. key indicator and/or surrogate compounds for TPH) were included in the RBCA analysis, and since these chemicals are recognized as the most toxic and mobile constituents, the risk associated with hydrocarbon mixtures (TPH-g and TPH-d) was not directly quantified in the RBCA memorandum. This approach is consistent with ASTM (1995) guidelines.

Notwithstanding this, based on RWQCB's comments, the risk associated with hydrocarbon mixtures will be quantified for appropriate exposure pathways and included in the final RBCA memorandum. The approach for quantifying the risk (screening/cleanup levels) associated with TPH will be based on the methodology outlined by MADEP.

Specific Comment 6:

Page 7. Groundwater plume stability; Emission of volatile compounds from groundwater and impacts to offsite, indoor air. *Justification of use of groundwater data only from monitoring wells MW-28 and MW-29 not provided. Potential concentrations of volatile chemicals in groundwater that may flow under residential areas is dependent on the stability of the identified plumes. For example, how do we know that the maximum-impacted area of groundwater will not flow offsite in the future and pass under residential areas? When did the identified impacts to groundwater occur? Is the length of time that plume has been monitored adequate to evaluate potential offsite migration? The potential for offsite migration of the more heavily impacted groundwater should be discussed in terms of expected groundwater flow rates at the site, historical groundwater monitoring data, assumed natural attenuation rates, and fate-and-*

transport models as necessary. The adequacy of existing monitoring data in terms of time span covered should be evaluated with respect to this analysis. Prediction of the risk to offsite residents due to potential indoor air impacts is premature in the absence of this evaluation.

Response:. The draft RBCA analysis made use of groundwater quality data from downgradient offsite wells MW-28 and MW-29 (located approximately 40 ft from the site) as a conservative estimate of COPC concentrations beneath the nearest offsite residential buildings located 100 to 200 ft from the site. The basis for using data from these wells as a conservative representation of potential future COPC concentrations at offsite locations include:

1. stability of the groundwater plume with respect to offsite migration, as documented by ETIC (1999) and discussed during the November 2, 1999 RWQCB meeting;
2. the consistent presence of COPCs at residual levels (i.e. at or below detection levels) in wells MW-28 and MW-29 over the (7-year) period of record, as referenced on Page 4 of the draft RBCA memorandum; and
3. the conservative omission of additional attenuation between the offsite wells and the nearest residential building, as documented on Page 7 of the draft RBCA memorandum.

Quarterly monitoring of groundwater quality at MW-28 and MW-29 has been conducted for over 7 years, yielding COPC levels at or around detection limits throughout the monitoring period. Accordingly, data from these wells have been used to represent the downgradient extent of COPC plumes in groundwater underlying the site. Comparatively, historical operations at the site date back to 1929 through 1991, with groundwater contamination initially encountered in 1989. Based on estimated groundwater seepage velocities of 0.1 to 1 ft per day (HLA, 1991) and the absence of hydraulic control at the site, quarterly data collected over the past 7 years at MW-28 and MW-29 are considered adequate for evaluation plume stability with respect to offsite migration of COPCs. Based on data through the period of record at MW-28 and MW-29, the plume is considered stable with respect to offsite migration and future concentrations of COPCs are not expected to increase in offsite downgradient wells.

Its worth noting that fate and transport modeling calibrated to the observed decline in COPC concentrations along the plume centerline (i.e. concentrations between source area wells and downgradient offsite wells) will yield lower COPC levels beneath the offsite residential buildings than those conservatively used in the RBCA analysis.

The above discussion will be further emphasized in the comprehensive site characterization report and adjoining final RBCA memorandum.

Specific Comment 7:

Table 4, Table 7. Screening levels for several chemicals not provided. *Provided numerical screening levels for all chemicals listed in Tables 4 and 7 rather than denoting ">RES" or ">SOL" (i.e., note that actual theoretical residual concentrations and solubilities). This is especially important in evaluating the potential presence of mobile, free product in the subsurface.*

Response: Consistent with ASTM (1995 and 1998) RBCA guidelines, Tier I risk-based screening levels (RBSLs) exceeding chemical residual saturation and solubility for select exposure scenarios were represented as ">RES" and ">Sol" in the draft RBCA memorandum. Per RWQCB's comment, numerical values for RBSLs will be provided in the final RBCA memorandum; however, it should be noted that use of ">RES" was limited to evaluation of exposure to COPCs in (onsite) surface soils, where COPCs exist at low levels and non-aqueous phase liquids (NAPLs) are not present (ETIC, 1999). Similarly, representation of groundwater RBSLs using ">Sol" was limited to evaluation of indirect exposure to groundwater at offsite locations, where COPCs are present at or around detection limits and NAPLs have not been encountered (ETIC, 1999). Where NAPLs are present (i.e. onsite groundwater and capillary fringe soils), numerical RBSLs were provided in the draft RBCA memorandum (see Tables 5, 6, and 9).

Specific Comment 8:

Page 3. Exposure pathways and receptors. *Groundwater protection issues with respect to potential leaching of chemicals from soil not addressed. Screening levels for the potential leaching of chemicals from soil and subsequent impact on groundwater should either be included in the risk assessment or a discussion provided that explains why this is not necessary.*

Response: As indicated on Page 4 of the draft RBCA memorandum, due to the depth of the water table and the absence of downgradient water supply wells at or in the vicinity of the site, direct exposure to groundwater, which includes soil leaching to groundwater, is considered an incomplete exposure pathway.

As indicated on Page 4 of the draft RBCA memorandum and discussed further in the response to Specific Comment 6, indirect exposure to COPCs in offsite groundwater was accounted for using groundwater quality data in offsite monitoring wells MW-28 and MW-29. Due to the historical period of site operations and the initial detection of soil and groundwater contamination in 1989, data from these wells are considered representative of offsite groundwater contamination resulting from all potential release mechanisms including leaching of COPCs through soils to the water table. Hence, the evaluation of indirect exposure to groundwater at offsite locations documented in the draft RBCA memorandum is inclusive of potential impacts from leaching of soil contaminants to groundwater.

Review of soil quality data (see Table 1 of draft RBCA memorandum and Table 2 of ETIC, 1999) indicates sporadic detection of COPCs at low levels (i.e. below industrial PRG's) in unsaturated soils. The higher soil detections are limited to saturated or capillary fringe soils near the water table, where residual NAPLs may be present. The absence of measurable soil contamination above the water table is consistent with historical remediation activities, further suggesting that soil leaching to groundwater is not a significant release mechanism.

This discussion will be emphasized in the final RBCA memorandum.

Specific Comment 9:

Page 3, 14. Exposure pathways and receptors. *Direct-exposure concerns for construction/trench workers not addressed. Exposure of construction workers and workers involved in the digging of utility trenches is likely to be one of the most significant health concerns at the site, yet this group of receptors is not directly addressed in the risk assessment. Free product (gasoline) is known to still be present at the site. Soils in the capillary fringe zone are likewise known to be saturated with gasoline. This brings up not only long-term health concerns for people involved in future construction and trench digging activities but also immediate hazard concerns (vapor, explosive condition, etc.) during these activities. Risk-based screening levels (or actual estimations of potential risk) for this group of receptors should be developed and evaluated in terms of appropriate institutional controls necessary for the site. Appropriate risk management practices and health and safety measures alluded to in the risk assessment conclusions should be included as an appendix to the risk assessment or prepared as a separate document.*

Response: As indicated on Page 4 of the draft RBCA memorandum and discussed in the response to the General Comments, the risk to construction workers will be addressed in the RMP for the site. Specifically, the RMP will address potential risks to construction workers, appropriate risk management practices and institutional controls, and worker health and safety measures. This approach is consistent with RWQCB practices and has been implemented at various sites throughout the San Francisco Bay Area (ENVIRON, 1998, AGS, 2000).

Specific Comment 10:

Table II.1. Cancer Slope Factors. *Cancer slope factors proposed by OEHHA not used in models; inhalation slope factor for MTBE not addressed. Cancer slope factors (both oral and inhalation) proposed by OEHHA should be used in preference over USEPA slope factors when available (refer to inhalation of MTBE, refer to the Unit Risk Factor proposed by OEHHA and presented in the Public Health Goal document for this chemical (OEHHA, 1999, see www.oehha.org/air/mtbe/MTBECRNR.html).*

Response:. As indicated on the bottom of Table II.1 of the draft RBCA memorandum, cancer slope factors used in the RBCA analysis were derived from a variety of sources including IRIS (USEPA, 2000a), HEAST (USEPA, 1997), DTSC (1994), and USEPA Region IX PRGs (USEPA 2000b). Specifically, consistent with RWQCB and DTSC practices, the most conservative values (i.e. higher) for cancer slope factors cited by these references were used in the RBCA analysis.

A comparison of cancer slope factors used in the RBCA analysis with those outlined by OEHHA indicates that OEHHA-proposed cancer slope factors for several chemicals (e.g. 1,3-Butadiene, chloroform, 1,2-dichloroethane) are lower (i.e less conservative) than those used in the RBCA analysis. Alternatively, OEHHA-proposed cancer slope factors for three COPCs (1,4-dichlorobenzene, 1,4-dioxane, and tetrachloroethene) are greater than those used in the RBCA analysis. To maintain the conservative nature of the RBCA analysis, the higher cancer slope factors used in the draft RBCA analysis will not be changed. Alterations in cancer slope factors will be limited to the three COPCs for which OEHHA-proposed values exceed those used in the draft RBCA memorandum. It should be noted that these changes will not measurably impact estimates of total pathway risks and/or findings of the RBCA analysis.

As indicated in Tables 5, 6, and II.1 of the draft RBCA memorandum, evaluation of exposure to MTBE was limited to non-carcinogenic effects via inhalation. Exclusion of the potential carcinogenic effects of MTBE (via inhalation) from the draft RBCA analysis is based on the significant uncertainty in derivation of a cancer slope factor for MTBE, as outlined by OEHHA. Specifically, epidemiological studies of the carcinogenic effects of MTBE are not available. Therefore, direct evidence of the carcinogenicity of MTBE in humans is lacking. Available evidence of carcinogenicity is limited to several findings in animal studies. Interpretation of such studies and their application to human health effects have been questioned and are under further review by the USEPA; however, per RWQCB's comment, the carcinogenic effects of MTBE exposure via inhalation will be included in the final RBCA analysis. This analysis will be based on an inhalation cancer slope factor of 9×10^{-4} $(mg/kg\text{-}day)^{-1}$, which is back-calculated from the OEHHA-proposed unit risk factor (URF) of 2.6×10^{-7} $(ug/m3)^{-1}$, accounting for a 50 percent respiratory uptake by humans. It should be noted that given the low cancer slope factor and low concentrations of MTBE at the site, inclusion of the carcinogenic effects of MTBE in the RBCA analysis will not result in changes in the study's findings.

Specific Comment 11:

Appendices. *Summary of physio-chemical constants used in models not provided. Include a table that summarizes all physio-chemical constants used in the various models presented in the risk assessment.*

Response: Chemical-specific physio-chemical constants used in the RBCA analysis will be included as an appendix to the final RBCA memorandum.

Specific Comment 12:

Conclusions. Risk Management Plan. *Summary of implied/recommended site restrictions not provided. The conclusions of the risk assessment should include a section that summarizes land-use restrictions and institutional controls that should be implemented at the site (refer also Comment 9). Examples might include restricting the site to commercial/industrial use only, restricting the installation of groundwater extraction wells, requiring that certain areas of the site remain capped, requiring preparation of a health and safety plan for future intrusive activities at the site, requiring preparation of a plan that discusses proper management of impacted soil and groundwater disturbed during construction activities, etc. These issues should be addressed in a Risk Management Plan prepared for the site.*

Response: As indicated in responses to Specific Comment 9, conclusions regarding restrictions in land use and implementation of institutional controls will be developed as part of the upcoming RMP

References

AGS, Inc., Final Risk Management Plan and Site Management Plan, MUNI Metro East Light Rail Vehicle Maintenance and Operations Facility, San Francisco, CA.

California Department of Toxic Substance Control (DTSC), 1994. California Cancer Potency Factors: Update. Office of Environmental Health Hazard Assessment. State of California Environmental Protection Agency (Cal-EPA). November 1, 1994.

ENVIRON, 1998. Approach to a Plan for Risk Management, Mission Bay Project Area, San Francisco, CA.

ETIC Engineering, Inc., 1999. Second Closure Review Meeting, Support for the Site as a Low-Risk Soil and Groundwater Case, Nestle USA, Inc., Facility, Oakland, CA, November 2nd.

Javaherian Consulting, Inc.(JCI), 2000. Draft Technical Memorandum: Risk-Based Corrective Action Analysis, NESTLE USA, Inc. Facility, Oakland, CA. March 17.

USEPA, 1997. Health Effects Assessment Summary Tables (HEAST).

USEPA, 2000a. Integrated Risk Information System (IRIS), on-line database.

USEPA, 2000b. Region IX Preliminary Remediation Goals (PRGs), on-line data base.

ROBE BEIN, WILLIAM FROST & ASSOCIATE
1981 N. Broadway, Suite 235
Walnut Creek, California 94596

LEGAL DESCRIPTION
REMAINDER PARCEL

That certain parcel of land situated in the City of Oakland, County of Alameda, State of California described as follows:

Being Lots 1 through 25 as shown on the map entitled " Re-subdivision of Blocks 584, 585, 601, 153 and 580-A, City of Oakland, County of Alameda, California", filed May 1, 1885, in Book 4 of Maps, at Page 25 in the Office of the County Recorder of Alameda County

AND IN ADDITION THERETO lots 7, 8, 19, 29, 30, 31 and 32 as shown on the map entitled "Map No. 1 of a portion of the Scotchler Tract and Vicinity, Oakland, as shown on a map thereof filed on December 10, 1874, in Book 7 of Maps, at Page 21 in the Office of the County Recorder of Alameda County.

EXCEPTING THEREFROM all that portion lying within parcel five in the grant deed to the State of California, Recorded August 12, 1955, in Book 7749 of Official Records at Page 447, in the Office of the County Recorder of Alameda County.

ALSO IN ADDITION THERETO lots 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 and 15 in Block 583, as shown on the map entitled "Subdivision of a part of Block 583", filed April 25, 1891, in Book 10 of Maps, at Page 56 in the Office of the County Recorder of Alameda County.

EXCEPTING THEREFROM all that portion lying within the grant deed to the City of Oakland, Recorded November 2, 1961, in Reel 444 of Official Records at Page 880, in the Office of the County Recorder of Alameda County.

ALSO EXCEPTING THEREFROM all that portion lying within the grant deed to the State of California, Recorded July 25, 1934, in Book 3064 of Official Records at Page 276, in the Office of the County Recorder of Alameda County and all that portion lying within the grant deed to the State of California, Recorded August 12, 1955, in Book 7749 of Official Records at Page 447, in the Office of the County Recorder of Alameda County.

ALSO IN ADDITION THERETO that portion of 15th Street as shown on the map entitled "Map of Scotchler Tract, Oakland, as shown on a map thereof filed on November 3, 1870, in Book 2 of Maps, at Page 10 in the Office of the County Recorder of Alameda County lying easterly of the easterly line of the parcel described in the deed Recorded June 18, 1956, in Book 8061 of Official Records at Page 489, in the Office of the County Recorder of Alameda County.

ALSO IN ADDITION THERETO that portion of Kirkham Street as shown on the map entitled "Map of Scotchler Tract, Oakland, as shown on a map thereof filed on November 3, 1870, in Book 2 of Maps, at Page 10 in the Office of the County Recorder of Alameda County lying southerly of the southerly line of lot 14 as shown on said map and its easterly prolongation and the southerly line of lot 13 as shown on the map entitled "Subdivision of a part of Block 583", filed April 25, 1891, in Book 10 of Maps, at Page 56 in the Office of the County Recorder of Alameda County.

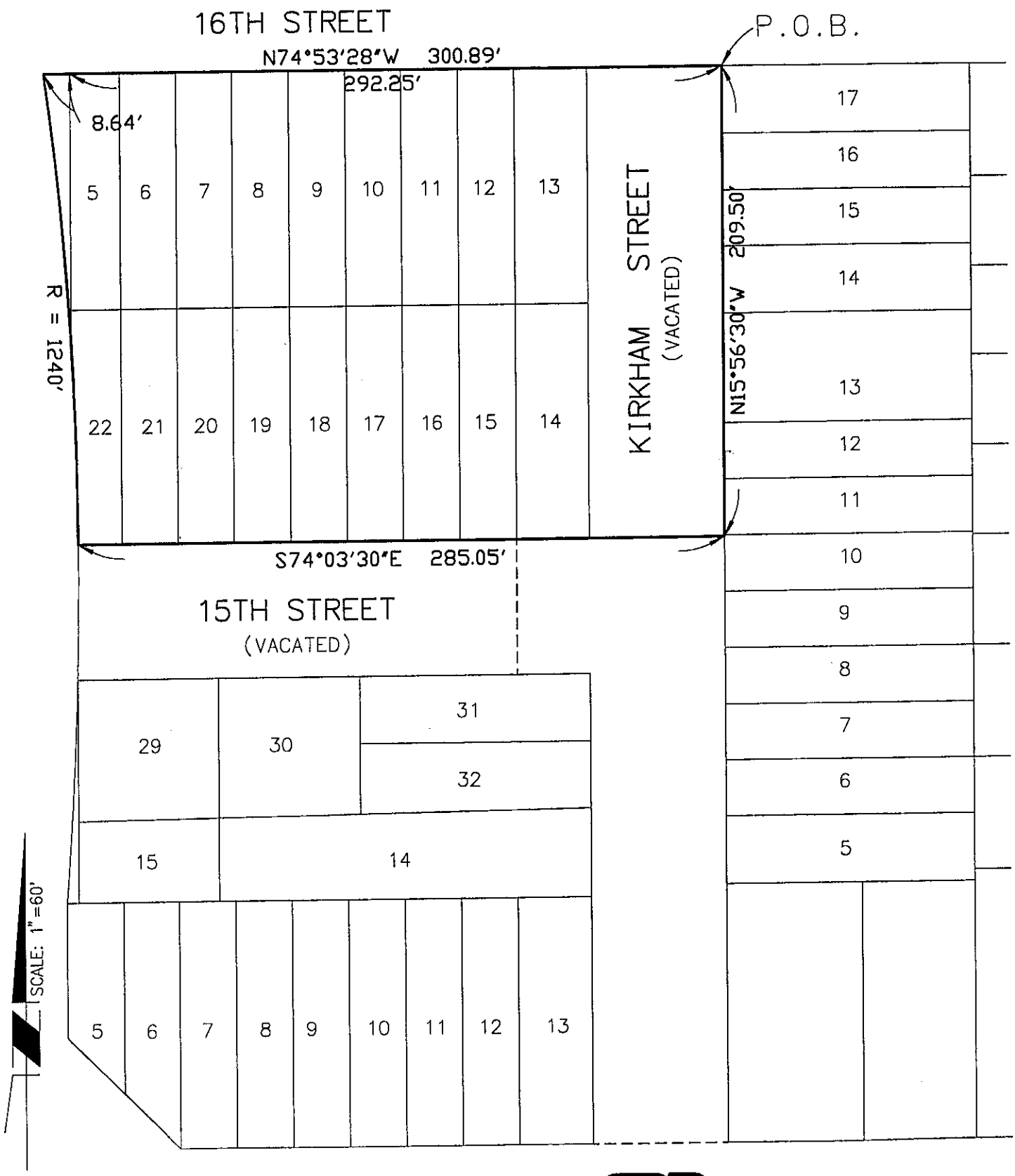
EXHIBIT attached and by this reference made a part hereof.

Patrick J. Tami
Patrick J. Tami, L.S. 5816

C:\MyFiles\Office\Wpwin\legal2.wpd

April 19, 2000 (5:08PM)

DEED RESTRICTION AREA



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California Regional Water Quality Control Board
San Francisco Bay Regional Water Quality Control Board

Winston H. Hickox
Secretary for Environmental Protection

Internet Address: http://www.swrcb.ca.gov
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Gray Davis
Governor

TO: Barney Chan, ACHSA
FROM: Roger Brewer, RWQCB-SF, Toxics Cleanup Division
DATE: March 28, 2001

SUBJECT: Review of *Comprehensive Site Characterization* and *Risk Management Plan* report for Nestle USA, Inc. Facility, 1310 14th Street, Oakland

I reviewed ETIC's reports entitled *Comprehensive Site Characterization* and *Risk Management Plan* for the subject site (both dated January 24, 2001). The reports were prepared in part in response to comments from our office to Larry Seto of ACHSA (dated May 3, 2000 and July 6, 2000) regarding earlier site investigation reports and draft risk assessments prepared by ETIC. A revised risk assessment was included as Appendix B of the subject report. Risk-based screening levels presented in the report and used to screen site data appear to be adequately conservative. As discussed below, my remaining comments deal primarily with the adequacy of the site investigation data and the scope of potential hazards related to residual contamination left in place at the site. I'll leave it up to you and Chuck Headlee to decide if they are worth pursuing.

1. **Table 4, Monitoring Well Design - Provide information regarding the depth to groundwater; evaluate adequacy of wells.** Based on my own quick review of monitoring well design versus groundwater depths (Table 4 and Figure 13), the top of the screened interval is less than one foot from the top of groundwater in wells MW6, MW25, CC1 and CC2. In addition, well V55 apparently only extends into the groundwater one foot or less. The top of the well screen is apparently situated one to two feet below the top of the groundwater in wells MW26, MW27, MW28 and MW 29. The latter wells may not be adequate for monitoring the presence of floating free product at the site but should be adequate for evaluating dissolved-phase concentrations of chemicals in groundwater. A summary of well design versus groundwater depth should be completed and the adequacy of the wells being used for ongoing monitoring should be further evaluated.

2. **Groundwater Characterization - Evaluate need to further define extent of groundwater impacts on east side of the plume; delineate extent of impacted groundwater to 5,000 ug/L on Figure 22.** Refer to dashed isoconcentration contours Figures 21 and 22. As discussed our earlier comments, the extent of groundwater impacts has not been defined on the east of the site. The concentration of total TPH reported for samples collected in the easternmost well near the source area (Well No. 239) was approximately 50 mg/L. The delineation of groundwater impacts to TPH-gasoline concentration of only 50,000 ug/L in Figure 22 does not adequately depict groundwater impacts at the site.

3. **Table 6 - Provide TPH soil gas data for all soil gas sampling points.** Soil gas TPH data is provided for sample point SB-12 only (apparently the maximum reported TPH-gasoline concentration in soil gas samples). Table 8 of the November 2, 1999, report prepared for the site indicates that TPH was not analyzed for as part of the soil gas sampling program. The source of the TPH-gasoline data in Table 6 should be verified and data provided for the other soil gas sampling locations. Note also that Sample SB-12 is located outside of the area of most significant impact. This discrepancy (i.e., why

Other results in Table 7.

concentrations of petroleum compounds in soil gas are highest outside of the primary area of impact) needs to be further discussed.

4. **Risk Management Plan, Summary of Health Risk - Include discussion of potential hazards due to buildup of potentially explosive vapors in soil gas.** The concentration of TPH-gasoline in shallow groundwater over a large area of the site is at near solubility levels (approximately 150 mg/L), with a small amount of free product still present in several areas. The potential for explosive levels of gasoline and related vapors (e.g., methane) in soil gas to be encountered during construction and utility work should be discussed and requirements for vapor monitoring and appropriate mitigation measures provided.

5. **Addition Remedial Actions - Evaluate need for additional remediation of impacted groundwater.** As discussed above, a significant area of shallow groundwater is heavily impacted with gasoline. The need to expedite natural attenuation of this impacted groundwater through in-situ treatment should be evaluated with respect to the time frame in which remediation of the impacts would preferably take place and the remaining potential threats posed by the residual contamination (potential buildup of vapors, exposure of construction and utility workers, management of impacted soil and groundwater during future redevelopment of the site, etc.).

ETIC
Engineering, Inc.

21 March 2000

Betty Graham
California Environmental Protection Agency
California Regional Water Quality Control Board
San Francisco Bay Region
1515 Clay Street, Suite 1400
Oakland, California 94612

RE: Nestle USA Inc. Facility, 1310 14th Street, Oakland, California

Dear Ms. Graham:

Attached for your review is a Draft Risk-Based Corrective Action Analysis for the above-referenced site. The risk analysis was done based on data from historical environmental investigations, recent analysis of soil vapor samples, and current groundwater monitoring. Please provide comments regarding the risk analysis to ETIC's office by 31 April 2000 if possible. Comments can be provided in writing or by e-mail (doram@eticeng.com).

If you have any immediate questions regarding this project, please contact Binayak Acharya at 818-549-5948 or me at the number listed below.

Sincerely,

Douglas Oram
Project Manager

cc: Larry Seto, Alameda County Health Agency
Roger Brewer, California Regional Water Quality Control Board, San Francisco Bay Region
Binayak Acharya, Nestle USA

Nestlé USA

800 NORTH BRAND BLVD.
GLENDALE, CA 91203

March 21, 2000

ENVIRONMENTAL PROTECTION
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Nestlé

ENVIRONMENTAL STRATEGY/PLANNING

Lawrence Seto
Alameda County Health Agency
Division of Environmental Protection
1131 Harbor Bay Parkway, 2nd Floor
Alameda, California 94502

RE: Nestlé USA Inc.
1310 14th Street, Oakland, California

Dear Mr. Seto:

Pursuant to your letter dated March 7, 2000, the following is a summary of our February 27, 2000 meeting with Ms. Betty Graham of the Regional Water Quality Control Board (RWQCB), San Francisco Bay Region regarding the above-referenced site.

Meeting Attendees:

Betty Graham	RWQCB
Roger Brewer	RWQCB
Binayak Acharya	Nestlé USA
Doug Oram	ETIC Engineering

Topics and Issues Discussed:

The reason for the meeting was to meet with Betty Graham, who has taken over the environmental case for the RWQCB from Chuck Headlee, and to discuss the procedure for the preparation of the document that will be used to place covenants and environmental restrictions on the impacted portion of the above referenced facility. A template of a "Covenant and Environmental Restriction On Property" document provided by Ravi Arulanantham (during our meeting in November, 1999) was reviewed and found to be acceptable as a starting point of the development of covenants and environmental restrictions that will be recorded with the deed of property. The covenants document will be completed and reviewed by our legal department during the week of 20 March. Once completed the document will be sent to you and Betty Graham for review. In addition, it was agreed that a completed risk assessment report will be sent to you and Betty Graham for your review by 22 March 2000.

We understand that the Alameda County Environmental Health Agency is the lead agency overseeing the environmental activities at the Oakland facility. We apologize for any misunderstanding in not informing you of the meeting with the RWQCB. There was however, nothing new discussed during the meeting that was not covered during the meeting you attended in November 1999.

Should you have any questions, please do not hesitate to call me at 818-549-5948.

Very truly yours,

Binayak Acharya
Nestlé USA, Inc.

Cc: Noelia Marti-Colon – 20
Betty Graham, RWQCB
Celeste Miller - 14
Doug Oram - ETIC

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY
DAVID J. KEARS, Agency Director

March 7, 2000

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

Mr. Binayak Acharya
Nestle USA
800 North Brand Blvd.
Glendale, CA 91203
STID 3779

RE: Nestle USA, Inc., 1310 14th Street, Oakland, CA 94607

Dear Mr. Acharya:

Ms. Betty Graham of the Regional Water Quality Control Board, San Francisco Bay (RWQCB) Region informed me that she met with you and your consultant in her office last week. Please send me a copy of the minutes of your meeting with the RWQCB. The minutes at a minimum should include the following:

1) Date of meeting
2) Names and company affiliation of all persons attending the meeting
3) Topics and issues discussed
4) Any agreements or approval relating to the site investigation, remediation, monitoring or closure requirements

It is the understanding of both the RWQCB and this office that Alameda County Environmental Health is the lead agency overseeing the investigation and remediation of the above site. In the future, please inform this office when a meeting is scheduled with a regulator concerning the site investigation, remediation, monitoring and closure requirements for the above site.

If you have any questions, please contact me at (510) 567-6774.

Sincerely,

Larry Seto
Sr. Hazardous Materials Specialist

Cc: Betty Graham, RWQCB, 1515 Clay Street, Suite 1400, Oakland, CA 94612
Doug Oram, ETIC Engineering, 144 Mayhew Way, Walnut Creek, CA 94596
Files

Nestlé USA

800 NORTH BRAND BLVD.
GLENDALE, CA 91203

TEL (818) 549-6000

Nestlé

January 26, 2000

California Regional Water Quality Control Board (RWQCB)
San Francisco Bay Region
1515 Clay Street, Suite 1400
Oakland, CA 94612

Attn.: Chuck Headlee

Ref: November 2, 1999 Meeting
Nestlé USA, Inc., 1310 14th Street, Oakland

Dear Mr. Headlee:

This letter is to confirm our discussion during our meeting held on November 2, 1999 at your office in Oakland and outline our agreement on the conditions under which we can obtain closure for the referenced site. The purpose of the meeting was to review the present site conditions and update the RWQCB and the Alameda County Health Agency (ACHA) with the results of the additional site investigations and data collected since the meeting held in May 1999 and also to discuss the RWQCB and ACHA criteria for site closure. The following participants were present during the meeting:

Binayak Acharya - Nestlé
Doug Oram - ETIC
Mehrdad Javaherian - Javaherian Consulting, Risk Assessment
Ravi Arulanantham – RWQCB
Chuck Headlee – RWQCB (present case manager)
Roger Brewer – RWQCB (new case manager)
Larry Seto – Alameda County Health Agency (ACHA)

Nestlé and its consultant presented the site history along with the current site conditions that included the additional site investigation conducted in July through October 1999. Based on the data presented on the investigation and remediation results, the RWQCB and ACHA staff agreed that the site conditions appear to satisfy the criteria of a low-risk soil and groundwater case with respect to hydrocarbons. It was also stated in the meeting by Chuck Headlee that the low HVOC concentrations do not warrant remediation and will likely only require about two years of continued groundwater monitoring.

During the meeting it was mentioned by your staff that it will be necessary to deed restrict the property as a condition of obtaining **"closure"** because the groundwater at the site does and will not meet State MCL's anytime in the near future. Since our meeting, Nestle has received a model deed restriction from the RWQCB. It is Nestle's understanding that this document represents a deed restriction which would be acceptable to the Board for the Oakland site in question. Nestle is currently reviewing this document, and will provide the Board with any comments or proposed revisions it may have to this draft. Nestle additionally understands that the Board would be agreeable to deed restricting only the hydrocarbon-

impacted portion of the property, provided the hydrocarbon impacted portion is split into a separate parcel.]

Based on the discussion it was decided that Nestlé should take the following actions to satisfy the closure criteria in order to receive a site closure from the Board:

(a) Determine the status of the General Electric industrial well. Find out if it is in use, and if so, how it is used.

(b) Conduct a well survey of the 5 closest residences down gradient of the site. This will be done to verify that there are no wells at the residences. Each residence will be contacted by ETIC.

(c) Determine the set of wells to be monitored over the next two years (one year for hydrocarbons and two years for HVOCs). The wells will be located along the centerline and on the down gradient edge of the plume. Concentration (C) vs. Time (T) plots will be generated from the monitoring data to confirm that the plume is stable with respect to length and mass.

(d) Operate the current remediation system during the next two sampling quarters. After that time the remediation system will be shut down and groundwater monitoring will continue for two more quarters for petroleum hydrocarbons, and approximately six more quarters (may be less) for chlorinated volatile organic compounds (HVOC). After two quarters of monitoring, the data will be analyzed to determine the stability of chemical concentration in the subsurface. We believe that at the end of year 2000 (probably sooner) the hydrocarbon portion of the site cleanup should be **closed**. Additional monitoring will continue (for four more quarters) for the solvents in order to obtain **site closure**.

(e) Change the operating schedule of the system to one week of operation followed by two weeks of downtime (equilibration period). Liquid Petroleum Hydrocarbons (LPH) will continue to be monitored in approximately 50 wells at the end of the two-week equilibration period.

(f) Develop a site conceptual model diagram.

(g) Well abandonment will continue (except the wells for monitoring) with the approval from the ACHA.

Very truly yours,

Binayak Acharya
Environmental Manager
Nestle USA, Inc.

CC: Celeste Miller –14
Rick Feldman – 20
Ravi Arulanantham – RWQCB
Larry Seto - ACHA
Noelia Marti-Colon – 20
Doug Oram - ETIC
Roger Brewer - RWQCB

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 15, 1999

Dr. Douglas Oram
ETIC Engineering, Inc.
144 Mayhew Way
Walnut Creek, CA 94596
STID 3779

RE: Former Carnation, 1310 14th Street, Oakland, CA 94607

Dear Dr. Oram:

I have received the monitoring well information sent with your cover letters dated June 9 and July 12, 1999. As requested in your letters, the following monitoring wells can be closed:

MW-1	MW-2	MW-4	MW-5	MW-9	MW-10
MW-11	MW-12	MW-13	MW-14	MW-16	PR100
240	241	PR15	250	249	233
81	231	V24	PR203	PR206	PR202
224	PR201	V46	94	200	201
202	203	204	205	206	207
208	209	210	212	214	215

Please forward to my attention any Quarter Monitoring Reports subsequent to third and fourth quarters 1998.

If you have any questions, please contact me at (510) 567-6774.

Sincerely,

Larry Seto
Sr. Hazardous Materials Specialist

Cc: Mr. Binayak Acharya, Nestle, 800 North Brand Blvd, Glendale, CA 91203
Leroy Griffin, City of Oakland Fire, 505-14th Street, 7th Floor,
Oakland, CA 94612
Files

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)

June 28, 1999

Dr. Douglas Roam
ETIC Engineering, Inc.
144 Mayhew Way
Walnut Creek, CA 94596
STID 3779

RE: Former Carnation, 1310 14th Street, Oakland, CA 94607

Dear Dr. Oram:

I have received your letter dated June 9, 1999 proposing the abandonment of monitoring wells at the above site. To assist me in evaluating your proposal, please submit the following information to me:

1) Summary of the monitoring/sampling history for the wells proposed for abandonment
2) Copy of the monitoring well construction diagram for the wells proposed for abandonment

If you have any questions, please contact me at (510) 567-6774.

Sincerely,

Larry Seto
Sr. Hazardous Materials Specialist

Cc: Mr. Binayak Acharya, Nestle, 800 North Brand Blvd., Glendale, CA 91203
Files

ETIC
Engineering, Inc.

9 June 1999

Larry Seto
Alameda County Health Agency
Division of Environmental Protection
1131 Harbor Bay Parkway, 2nd Floor
Alameda, California 94502

RE: Summary of the 14 May meeting with Ravi Arulanantham of the Regional Water Quality Control Board regarding the Nestle Oakland Facility located at 1310 14th Street, Oakland, CA

Dear Mr. Seto:

As discussed in our meeting on 27 May, we are providing you a written summary of the meeting with Ravi Arulanantham that took place on 14 May. During the meeting with Ravi, we reviewed the site history and the site summary package that was provided to you on the 27th that evaluated each of the points that define a site as being a low risk groundwater case. A summary of each of the points follows. The decisions made during the meeting were based on a brief review of the site data. Some data gaps were identified during the review meeting and are identified below, along with a punch list of items to be completed to appropriately evaluate the site conditions for closure. Another meeting has been scheduled for late August to review the additional data to be collected.

1. The leak has been stopped and ongoing sources, including free product, have been removed or remediated.

Tank, Line, and Dispenser Removal

It was agreed that all ongoing sources were removed during December 1988. Each of the removal actions was documented in an AGE Report (AGE April 1989).

Remedial Actions and Liquid Phase Petroleum Hydrocarbon (LPH) Removal

Remediation of the site has been ongoing since 1989 and has accomplished the removal of large amounts of hydrocarbons. Recent LPH removal monitoring data show that we are reaching the asymptotic stage of product removal where we are recovering less as time goes on. It was decided that we would continue operation and monitoring of the multi-phase extraction system and review the monitoring data in the meeting scheduled for August.

2. The site has been adequately characterized.

To date, more than 150 wells have been installed at the site. From the borings for the wells and additional soil borings, the site geology and hydrocarbon distribution have been adequately characterized.

3. The dissolved hydrocarbon plume is not migrating.

Stability of Dissolved Hydrocarbon Plume

Five wells located in 16th Street monitor the downgradient edge of the plume. Some concentrations of benzene and TPH-g have been measured in the most downgradient wells (MW28 and MW29) but in general they have not been above detectable concentrations. The hydrocarbon impact to the groundwater at the site is a minimum of 10 years old. The fact that low or no concentrations of hydrocarbons are detected in the downgradient monitoring wells indicates that the plume is not moving downgradient.

Additional downgradient groundwater monitoring data will be collected during the July quarterly monitoring from two wells located on the Container Care property located across 16th Street from the site.

Stability of LPH

It was agreed that the gauging to date shows that the product is not migrating. The gauging data show that the area/number of wells that contain product has decreased significantly during the operation of the multi-phase extraction system.

Stability of HVOC Plume

Although detectable concentrations of 1,2-DCA have been and are currently measured in the downgradient monitoring wells, it was agreed that they are not increasing and therefore stable.

4. No water wells, deeper drinking water aquifers, surface water, or other sensitive receptors are likely to be impacted.

Based on the available data it was agreed that no water wells, deeper drinking water aquifers, surface water, or other sensitive receptors are likely to be impacted.

5. The site presents no significant risk to human health.

It was agreed that the following potential exposure pathways if complete do not pose an unacceptable risk.

- Dermal contact and ingestion by on-site workers;
- Inhalation of vapors (from groundwater) and particulates (from surface soils) by on-site workers.

It was decided that the best way to evaluate the risk associated with direct and indirect (inhalation) exposure to chemicals in soils (including residual LPH) is to collect soil and soil vapor data. 10 to 15 locations will be sampled in and outside the area of impacted soil. The data will be used to evaluate all potential exposure pathways at the site. This data will be collected and risks evaluated prior to the meeting scheduled for August.

6. The site presents no significant risk to the environment.

It was agreed that there are no environmental receptors near the site.

Additional Data Collection and Analysis

Based on review of the site summary package it was agreed that the following would be completed for the meeting scheduled for late August:

Prepare site conceptual model in diagram form;
Perform soil and soil gas sampling and analysis;
Update the risk evaluation based on the soil and soil gas analytical results;
Prepare plots of concentration versus time re-plotted as log(concentration);
Prepare isoconcentration plots of hydrocarbon and HVOC concentrations in groundwater;
Obtain groundwater monitoring data from the two wells on the Container Care property across 16th Street;
Confirm MTBE groundwater concentrations using EPA Method 8260; and
Prepare outline for a Risk Management Plan.

We appreciate your time and consideration in evaluating the site conditions and helping close the environmental case for this site. If you have any questions please contact me at (925) 977-7914 or Binayak Acharya at (818) 549-5948.

Sincerely,

Douglas Cram

Douglas Cram, Ph.D.
Project Manager

DEO/dah
cc: Binayak Acharya, Nestle USA, Inc.
Ravi Arulanantham, RWQCB

[redacted] STID 3779

LS

Nestlé USA

800 NORTH BRAND BLVD.
GLENDALE, CA 91203

Nestlé

ENVIRONMENTAL STRATEGY/PLANNING

February 4, 1999

Alameda County Health Agency
1131 Harbor Bay Parkway, 2nd Floor
Alameda, California 94502

Attn.: Tom Peacock

RE: Wells to be Monitored on a Quarterly Basis at the Nestlé Oakland Facility
1310 14th Street, Oakland, California

99 FEB -8 PM 4:14

Dear Mr. Peacock:

This letter is to confirm the conversation we had during our meeting on December 8, 1998 between you, Doug Oram, Noelia Marti-Colon, and myself. During this meeting, we discussed Nestle's interest in abandoning wells not being used for remediation and/or monitoring activities (inactive-wells). We agreed that the set of wells to be monitored each quarter could be changed, which will include some inactive-wells and some wells that are regularly monitored. This will allow Nestlé to determine the inactive-wells that can be abandoned without any impact on the remedial activities at the site.

The attached table shows the wells to be sampled during the first quarter of 1999 along with the wells sampled during the first quarter of 1998. If you have any comments regarding this change please contact me at (818) 549-5948.

Also, for your records, the consulting company working on this project has changed from EA Engineering to ETIC Engineering, however, Doug Oram remains as the project manager working for ETIC Engineering. If you have any questions regarding this project please contact me at the above number.

Sincerely,

Binayak Acharya

Encl.

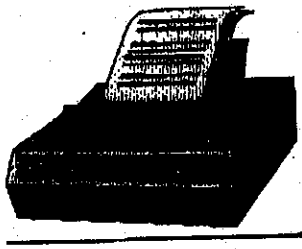
cc: Noelia Marti-Colon – 20
Celeste Miller - 14
Douglas Oram - ETIC Engineering

Nestle Oakland Facility
First Quarter 1999 Sampling Schedule

Wells Monitored 1st Quarter 1998	Wells to be Monitored 1st Quarter 1999
MW-2	MW-5
MW-3	MW-11
MW-6	MW-12
MW-25	MW-13
MW-26	MW-14
MW-27	MW-15
MW-28	MW-25
MW-29	MW-26
MW-30	MW-27
	MW-28
	MW-29
	81
	94
	210
	222

12/7/98

Nestlé
1 North Brand Blvd.
Glendale, California 91203
(818) 549-6000



Cover Sheet

Number of pages including cover sheet: 10

TO: Tom Peacock FAX: (510) 337-9335
CC:

From: Binayak Acharya
Tel: (818) 549-5948
Fax: (818) 549-6157

Ref.: Information for Tomorrow's Meeting

Mr. Peacock:

Per my discussion with you, enclosed are the information that may be helpful to you for our tomorrow's meeting at 1:00PM. See you tomorrow.

Should you have any questions, please call me.

Thanks.

Please contact Kim Story (818) 549-6339 or the sender if there are problems with the transmission of this fax.

OAKLAND FACILITY REMEDIATION FACT SHEET
1310 14th STREET
OAKLAND, CA

SITE HISTORY

The former facility was used to manufacture ice cream and packaged milk. Also, the facility was used for distribution of ice cream and packaged fresh milk by trucks. The delivery trucks were fueled at the service bays located at the north-west corner of the site and were repaired and maintained on site. Fueling and maintenance operations used the following underground storage tanks (USTs):

- 1 used-oil tank (1,000 gallon)
- 2 gasoline tanks (10,000 gallons)
- 2 diesel fuel tanks (12,000 gallons)

PROBLEM DESCRIPTION:

All of the five under ground storage tanks were installed between 1955 and 1977. In January 1989 all of the above five tanks were removed by AGE (consultants). During the tank removal operation, gasoline and diesel were observed to be present as a separate phase floating layer in the excavations. An unauthorized Release report is believed to have been filed with the State and Alameda County Department of Health, who is the leading regulatory agency for overseeing the remedial activities. Subsequently AGE performed site characterization activities for assessing the lateral and vertical extent of the soil and groundwater impact. As part of the characterization activities AGE installed 26 monitoring wells and approximately 85 product recovery wells. More wells were installed by other consultants from 1991 through 1993. More than 250 wells exist at the site.

Leaks in the fuel piping and holes in the used oil tank are the suspected release points of hydrocarbons into the subsurface soil and groundwater. Initially, AGE estimated that 60,000 gallons of gasoline and 15,000 gallons of diesel products were floating on the groundwater beneath the site, which is believed to be overestimated by 50-70%. This is due to erroneous assumptions used to calculate the volume.

CHRONOLOGY OF ACTION TAKEN:

1989 (AGE)

- Five USTs, piping, and fuel dispensers were removed from the area of the service bays. Liquid-phase hydrocarbon (LPH) was found in the excavations.
- 33 monitoring wells and a large number of product recovery and vapor extraction wells were installed.
- 60 cubic yards (cy) of soil were excavated, treated on-site, and place back in the excavation.
- 5,000 gallons of hydrocarbons were reportedly recovered.

1991 (HLA)

- 20 soil borings were installed to determine the extent of the hydrocarbons.
- 23,000 cy of soil were estimated to contain hydrocarbons at a concentration above 10 mg/kg, of which 13,000 cy were estimated to have concentrations above 100 mg/kg.
- 5 ft of LPH was found floating in 1 monitoring well, 1-2 ft in 9 other wells, and less than 1 ft in 7 wells. From this data 25,000 gallons of hydrocarbons were estimated to be in the

subsurface.

1994-1995 (Park Environmental)

- A soil vapor extraction system was installed in 1994 and operated until December of 1995. During this time a total of 5,200 gallons of hydrocarbon equivalent vapor were reportedly removed.
- Influent vapor concentrations to the soil vapor extraction system decreased to non-detectable levels even though liquid hydrocarbons were present in a number of wells. (drinks ?)

1996 (EA Engineering)

- Met with Alameda County Health Department (leading regulatory agency) and discussed remediation requirements for site closure. According to the agency, most (it is not possible to remove all free product from groundwater) of the free product needs to be removed from the subsurface prior to considering any closure strategy such as a risk assessment.
- Five methods of recovering liquid hydrocarbons were evaluated and two were pilot tested.
- Multi-phase extraction was selected as the method to recover LPH.

1997 (EA Engineering)

- A multi-phase extraction and treatment system was designed, permitted, installed, and operated.
- A preliminary risk evaluation was conducted to determine current risks posed by site conditions.

1998 (EA Engineering)

- The vapor abatement process of the multi-phase extraction system was upgraded to more efficiently and cost effectively treat the extracted hydrocarbon vapors.
- The multi-phase extraction system is currently operating on a full time basis.
- The number of wells containing liquid hydrocarbons and the thickness in wells has steadily decreased during operation of the multi-phase extraction system.

CURRENT SITE STATUS:

The maintenance and fueling area of the property is currently being remediated using a multiphase extraction system. Multiphase extraction is the most aggressive technology available for removing LPH from the subsurface. It was chosen because it is able to remove the LPH to the greatest extent possible and reduce the required remediation time.

Liquid-Phase Hydrocarbons: To-date the multiphase extraction system has removed a total of 6,690 lbs. of hydrocarbons. Before the installation of the multi-phase extraction system, the free product thickness in wells varied from 0.01 feet to more than 3.5 feet. After more than a year of operation, the thickness has dripped to 0.01 inch to 6 inches. Overall the free product thickness at the whole site has dropped from a high of five feet to 0.5 feet and a low of 0.1 foot to 0.01 foot. These trends are shown in the following table.

The following table shows that the number of wells containing between 0.01 ft and 1.0 ft of LPH has decreased from 18 in November 1997 to 6 in November 1998. The table also shows that the

number of wells containing greater than 1 ft of LPH has decreased from 13 to 0 during the same time period.

Table - 1
Depth of Free products in Wells

Liquid Phase Hydrocarbon Monitoring Results	November 1997	April 1998	May-October 1998	November 1998
Total Wells Monitored	57	59	58	58
Wells containing no detectable LPH	26	39	31	52
Wells containing between 0.01 and 1.0 ft of LPH	18	14	21	6
Wells containing >1.0 ft of LPH	13	6	6	0

Quarterly ?

Dissolved-Phase Hydrocarbons: Groundwater at the site occurs at a depth of 8 feet below ground surface and flows towards the northwest. Dissolved concentrations of gasoline, diesel, benzene, toluene, ethylbenzene, xylenes, 1,2-DCA, and other HVOCs are found beneath and immediately down gradient of the site.

The dissolved concentrations of hydrocarbons and HVOCs in the groundwater are found from the location of the former USTs and fuel dispensers to the south side of 16th Street. Last groundwater monitoring results show that except 1,2 DCA (80 ppb) gasoline and benzene are not detected in monitoring wells across 16th street. Quarterly groundwater monitoring data at two monitoring wells show that the down gradient concentrations across 16th Street are generally non detect since July 1993 except for a few fluctuation occurring between January 1997 and January 1998 indicating that the plume of dissolved hydrocarbons is stable. Soil vapor and groundwater geochemical measurements show that biological degradation of hydrocarbons is occurring. Evidence of bio-degradation in conjunction with slow groundwater movement at the site support the conclusion that the plume of dissolved hydrocarbons is stable and not migrating.

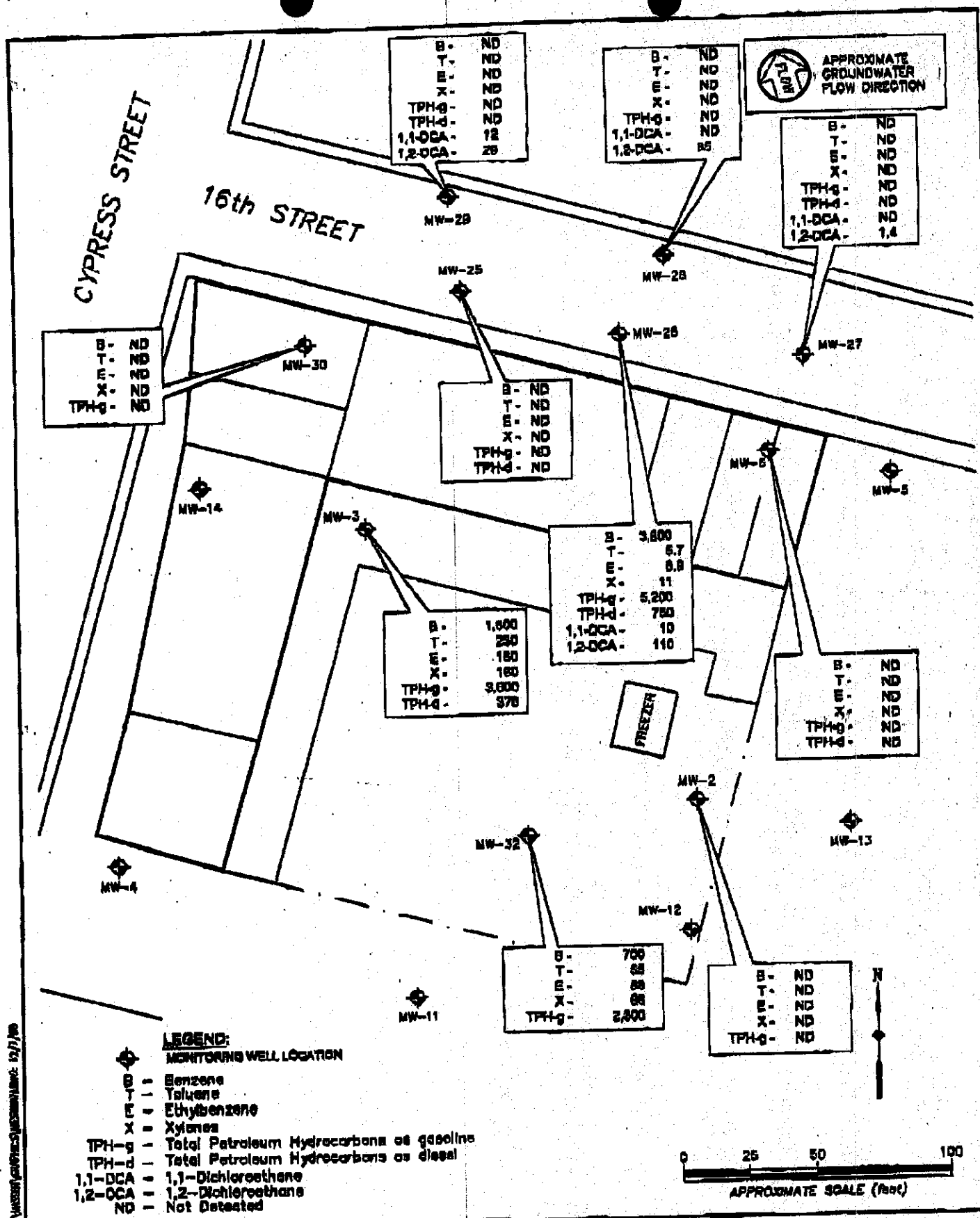
FUTURE PLANS FOR SITE CLOSURE:

The multi-phase extraction system will be operated until no LPH is detected in any of the wells or to a point where no further extraction is feasible. Though it is difficult to determine the exact time it will take to achieve the objective, based on the progress made by the multi-phase extraction system to date, the system may be shut down within 6-12 months.

Whether or not additional remediation will be required after the LPH is removed will be determined by a risk assessment. The risk assessment will evaluate the possible pathways humans and ecological

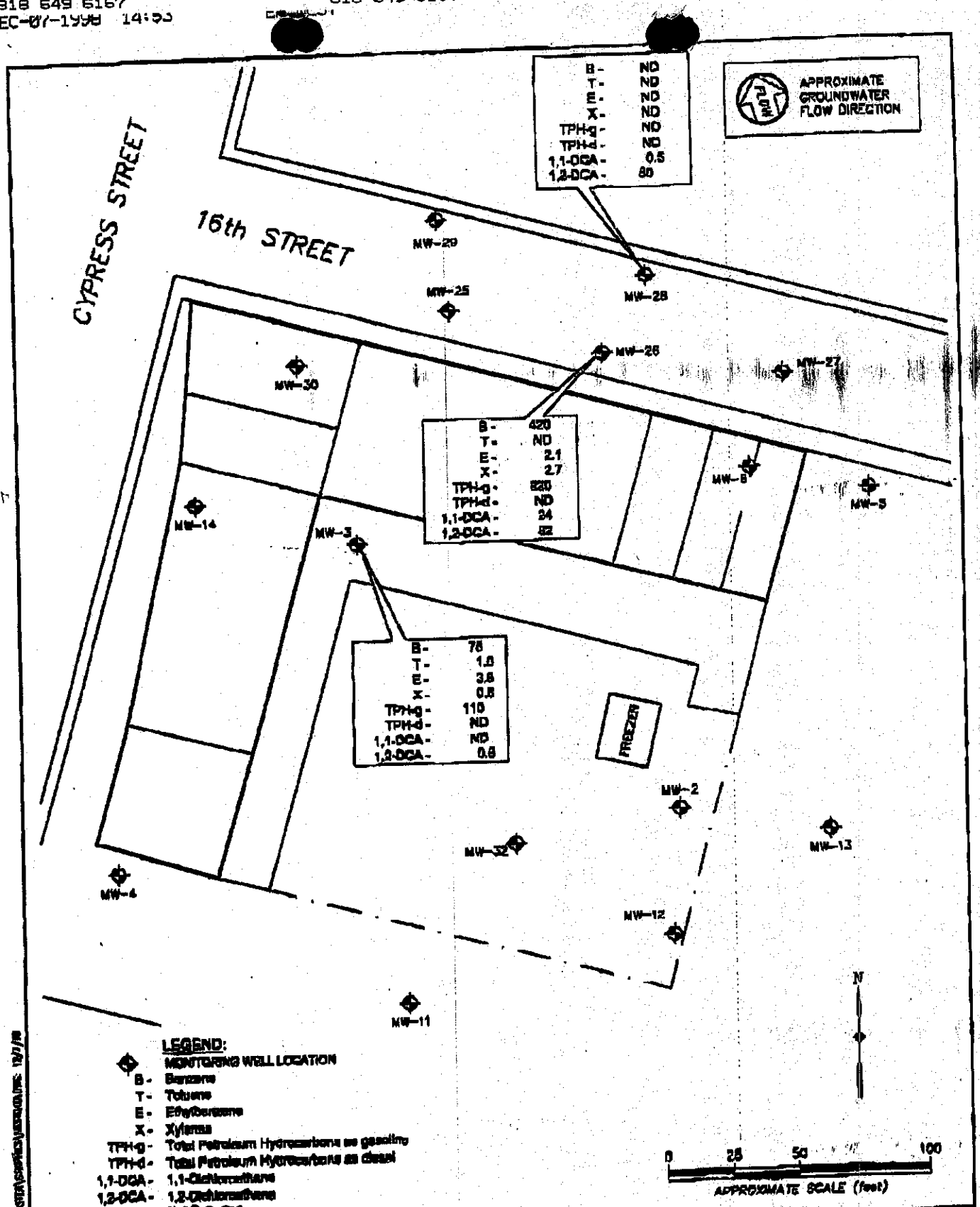
receptors may be exposed to. If there are possible routes of exposure, conservative estimates will be made to determine if humans or ecological receptors could be put at risk due to exposure. If the risk posed by the site is acceptable, a closure request will be prepared and submitted for approval; otherwise, additional remediation will be conducted to eliminate the unacceptable risk.

We have scheduled a meeting (8 December 1998) with the Alameda County Health Department to brief them on the status of the site and to discuss how to proceed with the risk assessment and ultimately closure of the site.



EA ENGINEERING, SCIENCE, AND TECHNOLOGY

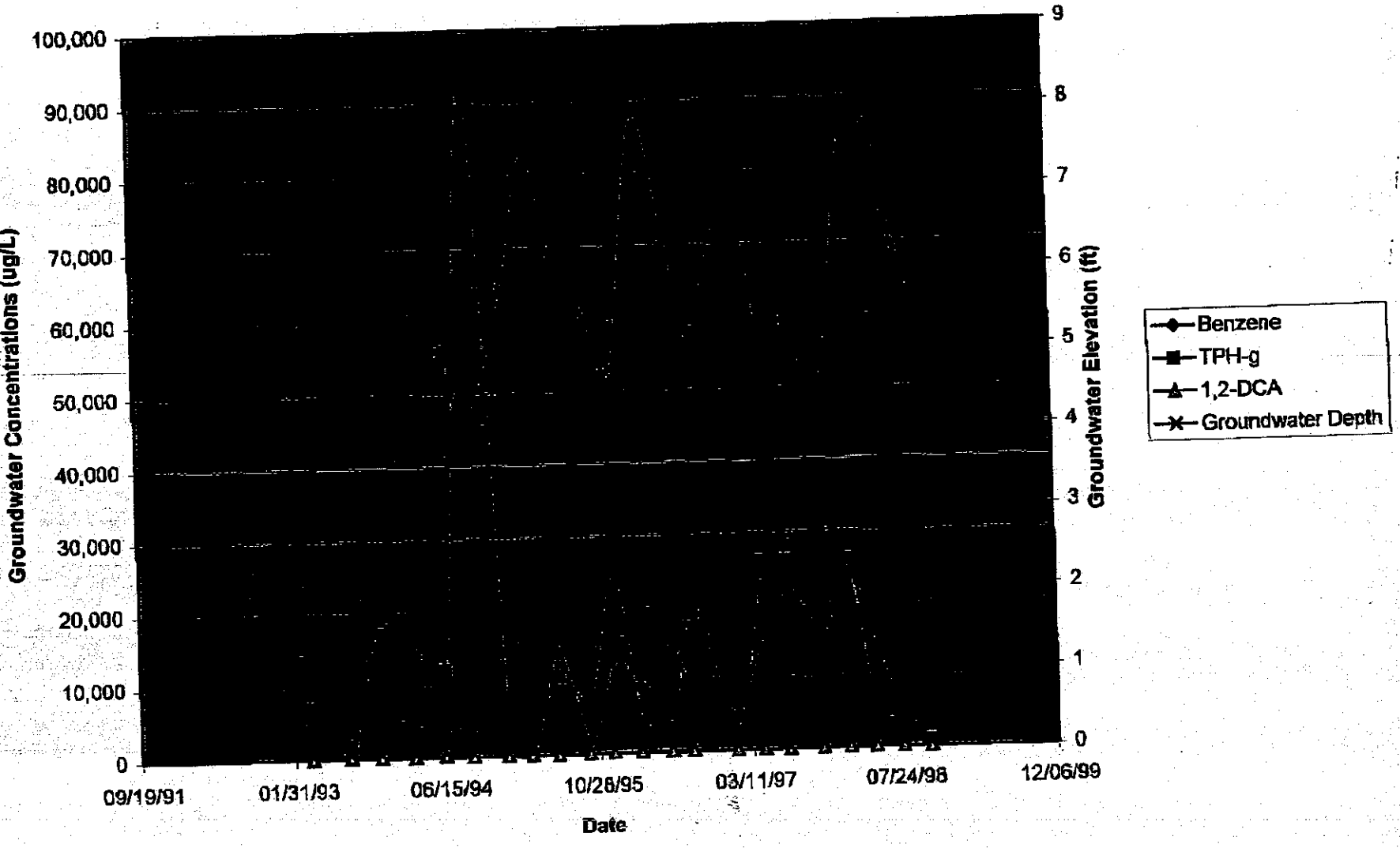
Figure 5. Groundwater sampling analytical results (ug/L), Nestle Facility, Oakland, California. 22 July 1998.



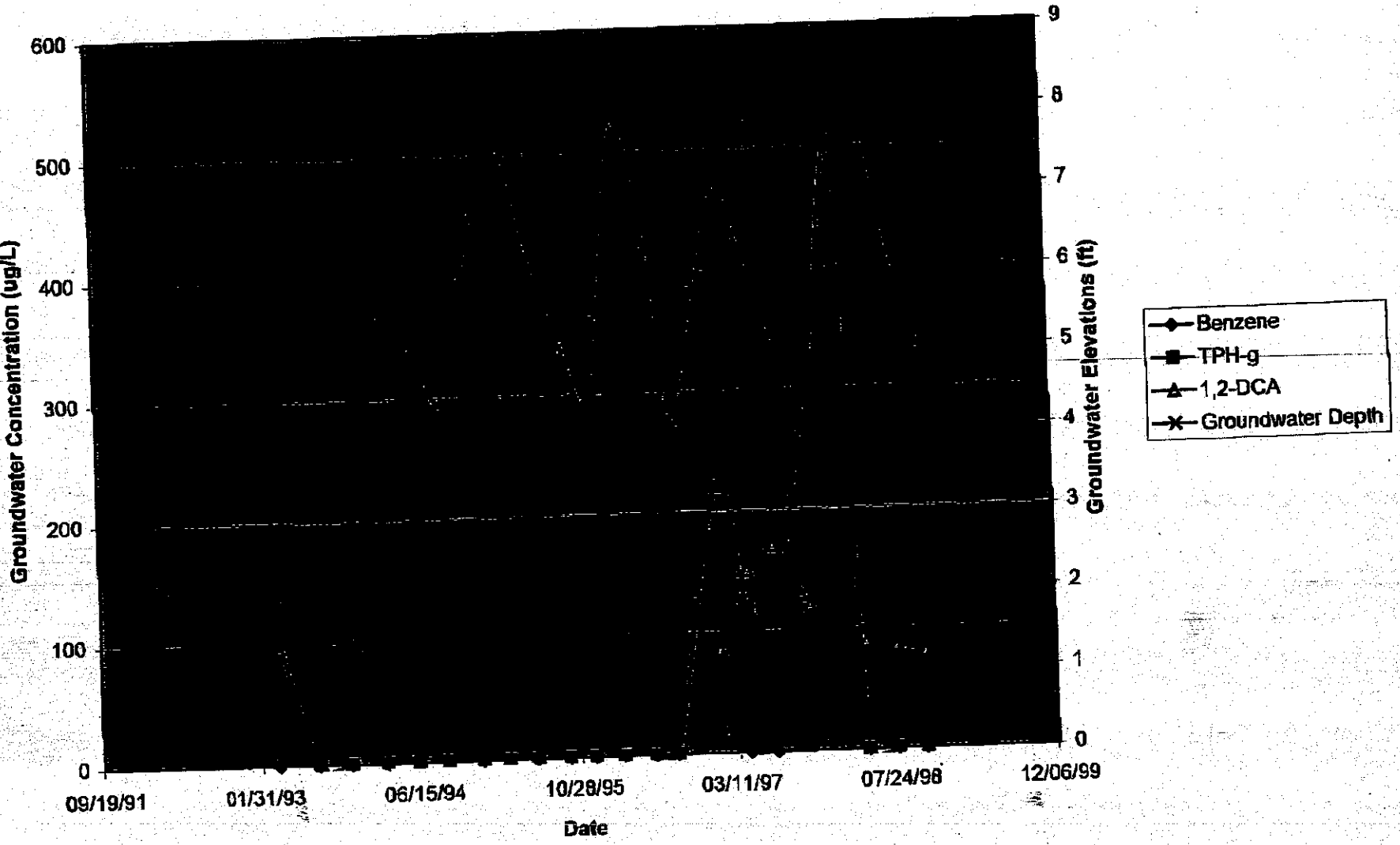
EA ENGINEERING, SCIENCE, AND TECHNOLOGY

Figure 6. Groundwater sampling analytical results (ug/L), Nestle Facility, Oakland, California. 21 October 1998.

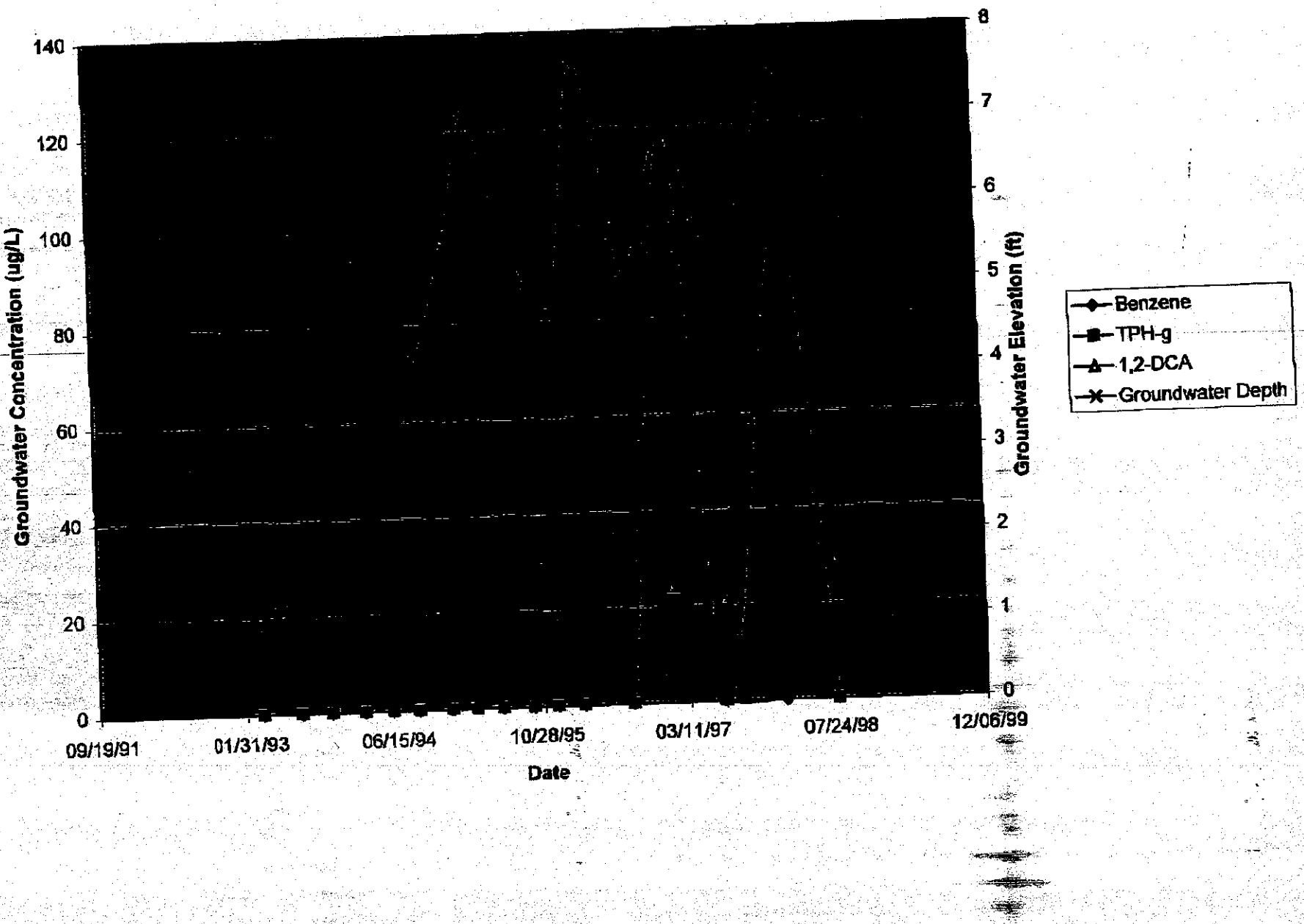
MW 26 GROUNDWATER CONCENTRATIONS AND ELEVATIONS



MW 28 GROUNDWATER CONCENTRATIONS AND ELEVATIONS



MW 29GROUNDWATER CONCENTRATIONS AND ELEVATIONS



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

March 13, 1998

STID 3779

Binayak Acharya
Nestle USA, Inc.
800 North Brand Blvd.
Glendale, CA 91203

re: Former Carnation Dairy Site, 1310-14th St., Oakland, CA 94607

Dear Mr. Acharya:

Since the last correspondence from this office, dated March 25, 1997 by Jennifer Eberle, this office has received and reviewed Quarterly Monitoring Reports, dated March, 1997, 6 June 1997, and August 1997, by EA Engineering, Science, and Technology for the above site. The following are comments concerning these reports:

1. You were requested to include a "conclusions" section in future reports. I could not find one. A " recommendations" section is also important for the reason noted in item number 2.

2. This office is getting inquiries as to what is needed, what is required for development or sale of the property, and how soon can the site obtain closure. Rather than this office act as your consultant and steer the course of this project, it is better for both of us if you render an opinion as to what the data means and give us insight into what you intend to do. We can then comment on the acceptability of what you propose.

3. It seems that most of the remaining petroleum contamination is around MW-3, MW-26 (under the street), and MW-32. This is over a fairly large area, although only MW-26 has high concentrations.

4. It was mentioned in the last letter that the general options for case closure are remediation or a successful risk assessment.

This site will be overseen by Larry Seto, who you may call with any questions at (510) 567-6774.

Sincerely,

Thomas F. Peacock, Manager
Division of Environmental Protection

c: Walter Carey, Nestle USA, Inc. 60 Boardman Rd., New Milford, 06776
Doug Oram, EA Engineering, Science, and Technology, 3468 Mt. Dia

blo Blvd., Suite B-100, Lafayette, CA 94549
LeRoy Griffin, City of Oakland Fire Dept., Haz Mat Div.
Dick Pantages, Chief - files

EA Engineering, Science, and Technology

3468 Mt. Diablo Boulevard
Suite B-100
Lafayette, CA 94549
Telephone: 510-283-7077
Fax: 510-283-3894

29 September 1997

STID
3779

Carnation

Jennifer Eberle
Hazardous Materials Specialist
Alameda County Health Agency
1131 Harbor Bay Parkway, 2nd Floor
Alameda, California 94502

RE: Quarterly Monitoring Report for the Nestle Oakland Facility at
1310 14th Street, Oakland, California

Dear Ms. Eberle:

Attached is the Third Quarter Monitoring Report for the above-referenced site. If you have any questions I can be reached at (510) 283-7077.

Sincerely,

Douglas Cram
Project Manager

DEO/dh 60966.01.Q797

Enclosure
cc: Binayak Acharya, Nestle USA, Inc.

97 OCT -2 PM 3:24
ENVIRONMENTAL PROTECTION

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

PERMIT SERVICES DIVISION

TOXIC SECTION

FAX COVER MEMO

Date 5/6/97

TO: JENNIFER EBERLY Fax No. (510) 337-9335

FROM: ROBERT CAVE

(415) 749-5048 /FAX: (415) 749-4949

MESSAGE: HERE'S THE RELEVENT SECTION (REG. 2-1-412) THE REQUIREMENT IS ALSO STATED IN THE CALIFORNIA HEALTH AND SAFETY CODE SECTION 42301.6. I'VE INCLUDED A COPY OF THAT SECTION TAKEN FROM MY 1994 EDITION OF "CALIFORNIA AIR POLLUTION CONTROL LAWS" PUBLISHED BY CALEPA AIR RESOURCES BOARD

NUMBER OF PAGES TO FOLLOW 2

with a reasonable schedule of compliance, as determined by the state board or the district.

(d) (1) Any article, machine, equipment, or contrivance which is located within a district which is designated by the state board as a nonattainment area for any national ambient air quality standard, and for which an authority to construct is issued on or after January 1, 1988, shall comply with any district regulation which is adopted after December 31, 1982, and which requires a reduction in emissions of any air pollutant, including any precursor of an air pollutant, which interferes with the attainment of the standard, from that article, machine, equipment, or contrivance consistent with a reasonable schedule of compliance, as determined by the district.

(2) In determining a schedule of compliance under this subdivision, the district shall consider the extent to which the proposed schedule will adversely affect the ability of the facility owner or operator to amortize the capital costs of pollution control equipment purchased within the preceding five years.

(Amended by Stats. 1987, Ch. 602, Sec. 1.)

42301.6. (a) Prior to approving an application for a permit to construct or modify a source which emits hazardous air emissions, which source is located within 1,000 feet from the outer boundary of a schoolsite, the air pollution control officer shall prepare a public notice in which the proposed project or modification for which the application for a permit is made is fully described. The notice may be prepared whether or not the material is or would be subject to subdivision (a) of Section 25536, if the air pollution control officer determines and the administering agency concurs that hazardous air emissions of the material may result from an air release, as defined by Section 44303. The notice may be combined with any other notice on the project or permit which is required by law.

(b) The air pollution control officer shall, at the permit applicant's expense, distribute or mail the public notice to the parents or guardians of children enrolled in any school that is located within one-quarter mile of the source and to each address within a radius of 1,000 feet of the proposed new or modified source at least 30 days prior to the date final action on the application is to be taken by the officer. The officer shall review and consider all comments received during the 30 days after the notice is distributed, and shall include written responses to the comments in the permit application file prior to taking final action on the application.

(1) Notwithstanding Section 49073 of the Education Code, or any other provision of law, the information necessary to mail notices required by this section shall be made available by the school district to the air pollution control officer.

(2) Nothing in this subdivision precludes, at the discretion of the air pollution control officer and with permission of the school, the distribution of the notices to the children to be given to their parents or guardians.

(c) Notwithstanding subdivision (b), an air pollution control officer may require the applicant to distribute the notice if the district had such a rule in effect prior to January 1, 1989.

(d) The requirements for public notice pursuant to subdivision (b) or a district rule in effect prior to January 1, 1989, are fulfilled if the air pollution control officer or applicant responsible for giving the notice makes a good faith effort to follow the procedures prescribed by law for giving the notice, and, in these circumstances, failure of any person to receive the notice shall not affect the validity of any permit subsequently issued by the officer.

(e) Nothing in this section shall be deemed to limit any existing authority of any district.

(f) An applicant for a permit shall certify whether the proposed source or modification is located within 1,000 feet of a schoolsite. Misrepresentation of this fact may result in the denial of a permit.

(g) The notice requirements of this section shall not apply if the air pollution control officer determines that the application to construct or modify a source will result in a reduction or equivalent amount of air contaminants, as defined in Section 39013, or which are hazardous air emissions.

(h) As used in this section:

(1) "Hazardous air emissions" means emissions into the ambient air of air contaminants which have been identified as a toxic air contaminant by the state board or by the air pollution control officer for the jurisdiction in which the project is located. As determined by the air pollution control officer, hazardous air emissions also means emissions into the ambient air from any substances identified in subdivisions (a) to (f), inclusive, of Section 44321 of the Health and Safety Code.

(2) "Acutely hazardous material" means any material defined pursuant to subdivision (a) of Section 25532.

(Amended by Stats. 1991, Ch. 1183, Sec. 14.)

42301.7. (a) If the air pollution control officer determines there is a reasonably foreseeable threat of a release of an air contaminant from a source within 1,000 feet of the boundary of a school that would result in a violation of Section 41700 and impact persons at the school, the officer shall, within 24 hours, notify the administering agency and the fire department having jurisdiction over the school.

(b) The administering agency may, in responding to a reasonably foreseeable threat of a release, do any of the following:

(1) Review the facility's risk management and prevention plan prepared pursuant to Section 25534 to determine whether the program should be modified, and, if so, require submission of appropriate modifications. Notwithstanding any other provision of law, the administering agency may order modification and implementation of a revised risk management and prevention plan at the earliest feasible date.

(2) If the facility has not filed a risk management and prevention plan with the administering agency, require the preparation and submission of a plan to the administering agency pursuant to Section

2-1-411 **Permit to Operate, Final Action:** The APCO shall take final action to approve, approve with conditions, or disapprove a permit to operate a facility subject to this rule within 60 days after the initial date of the start-up period of the new or modified source. This time period may be extended upon the written request of the applicant stating the reasons why further start-up time is needed. In no case shall the APCO allow the start-up period to be greater than 180 days. All conditions, specific or implied, of the authority to construct are in effect during the entire start-up period.

411.1 Notwithstanding the above, final action taken on permits issued pursuant to Rule 6 of this Regulation shall be in accordance with the provisions of Section 2-6-410.

(Adopted October 19, 1983; Amended July 17, 1991, November 3, 1993)

2-1-412 **Public Notice, Schools:** Prior to approving an application for an authority to construct a new or modified source which emits any substance into the ambient air which is on the list required to be prepared pursuant to subdivision (a) of Section 25532 and Section 44321 of the Health and Safety Code and which is located within 1000 feet from the outer boundary of a school, the APCO shall:

412.1 Prepare a public notice in which the proposed new or modified source, and the proposed emissions, are fully described.

412.2 Distribute the notice, prepared in accordance with subsection 2-1-412.1 at the expense of the applicant, to the parents of children in any school within one-quarter mile of the source and to each address within a radius of 750 feet from the outer property line of the proposed new or modified source. This notice shall be distributed at least 30 days prior to the date final action on the application is to be taken by the APCO. The APCO shall review and consider all comments received during the 30 days after the notice is distributed, and shall include written responses to the comments in the permit application file prior to taking final action on the application.

(Adopted November 1, 1989)

2-1-413 **Portable Equipment Operated Within the District:** Any person required to obtain an authority to construct and permit to operate under Sections 2-1-301 and 302 for a portable source can elect to receive a single portable permit which will allow the source to operate anywhere in the District, provided the APCO approves the permit, and the source meets the definition of portable equipment set forth in Section 2-1-220. Such a source is subject to the standard filing, initial and permit to operate fees in Regulation 3.

(Adopted June 7, 1995)

2-1-414 **Loss of Exemption, Public Nuisance:** Any source subject to Section 2-1-317 shall be subject to permit conditions deemed necessary by the District to minimize the potential for future violations. If the owner/operator can demonstrate that the source has neither received a public nuisance violation nor received a confirmed complaint for a two year period after the permit was issued, then the owner/operator may submit a written petition to the APCO to remove the permit requirement. Such a petition is subject to APCO approval.

(Adopted June 7, 1995)

2-1-415 **Source Pre-Certification Procedure:** Any person may submit a written request to pre-certify a source, for the purposes of qualifying the source for the Accelerated Permitting Program. Such a request will be evaluated within 60 days of receipt of the information listed below. The APCO may also independently pre-certify a source. The APCO shall maintain a list of pre-certified equipment, and shall make this list available to industry through the Public Information & Education Division. A pre-certification request shall include all of the following:

415.1 a complete description of the source, including make, model number, rated capacity and emission calculations at maximum operating rate;

415.2 applicable BACT requirements;

415.3 proposed permit conditions governing operation of the source; and

415.4 applicable fees, as described in Regulation 3, Section 323.

(Adopted June 7, 1995)

2-1-416 **Temporary Amnesty for Unpermitted Sources:** The APCO has the authority to declare an amnesty period, during which the District may waive all or part of the

NESTLÉ USA, INC.

Nestlé

QUALITY ASSURANCE LABORATORY
P.O. BOX 1516
6525 EITERMAN ROAD
DUBLIN, OH 43017-6516
TEL (614) 791-9144
FAX (614) 793-6353

March 26, 1997

cc: Doug Oram

Binayak Acharya
Nestlé USA, Inc.
800 North Brand Blvd.
Glendale, CA 91203

RE: WATER SAMPLES FROM OAKLAND, CA

Dear Binayak:

Per our conversation, estimated concentration levels for 1,2 - Dichloroethane have been established for 97JAN682-004 and 97JAN682-015. These levels were calculated based on the standards and internal standards from that days run and the detector was not overloaded with the compound.

NQAL #	Sample ID	Estimated Conc. (ug/L)
97JAN682-004	MW26	120
97JAN682-015	E7	250

If you have any questions please feel free to call.

Sincerely,

John R. Heuser, Ph.D.
Manager Contaminant Chemistry

JRH:frm
n:/frank/cover/1997/oakland/jrn682a.doc

MAR-26-1997 14:10 FROM

FACSIMILE MESSAGE

EA Engineering, Science, and Technology
3468 Mt. Diablo Boulevard, Suite 100
Lafayette, California 94549
Tel: (510) 283-7077
Fax: (510) 283-3894

DATE: 3/26/97

DELIVER TO:

FAX NO: 367-9535

Name: Jennifer Eberle

Company/Department:

Phone:

SENT BY:

Name: Doug Cram

Company/Department:

Phone (if different from above):

Fax (if different from above):

Project No: 60966.01 Task No: 000 x1 Dept:

NO. PAGES (INCLUDING TRANSMITTAL SHEET) 2

IF YOU DO NOT RECEIVE ALL PAGES CLEARLY, CALL THE SENDER AT THE PHONE NUMBER LISTED.

SUBJECT:

Brief Message:

Jennifer: Here is a copy of the a letter from Nestles lab - Re reporting results of 1,2-DCA in well mw26 and E7. Sorry for the inconvenience.

Doug

☐ ORIGINAL FAX TO PROJECT FILE

☐ RETURN FAX TO SENDER

EA Offices

ANCHORAGE ATLANTA BALTIMORE BOSTON CHARLOTTE CHICAGO DALLAS FAIRBANKS LINCOLN LOS ANGELES NEWARK NEW YORK SAN ANTONIO SAN FRANCISCO SEATTLE WASHINGTON, DC WEST PALM BEACH

EA Engineering, Science, and Technology

3468 Mt. Diablo Boulevard
Suite B-100
Lafayette, CA 94549
Telephone: 510-283-7077
Fax: 510-283-3894

7 March 1997

Jennifer Eberle
Hazardous Materials Specialist
Alameda County Health Agency
1131 Harbor Bay Parkway, 2nd Floor
Alameda, California 94502

RE: Quarterly Monitoring Report for the Nestle Oakland Facility at 1310 14th Street, Oakland, California

Dear Ms. Eberle:

Attached is the First Quarter Monitoring Report for the above-referenced site. If you have any questions I can be reached at (510) 283-7077.

Sincerely,

Douglas Oram
Project Manager

DEO/ja 60966.01.Q397

Enclosure
cc: Binayak Acharya

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

March 25, 1997
STID 3779

Binayak Acharya
Nestle USA, Inc.
800 North Brand Blvd.
Glendale CA 91203

RE: Former Carnation Dairy Site, 1310-14th St., Oakland CA 94607

Dear Mr. Acharya,

Since my last letter to Nestle, dated 4/9/96, the following documents have been received in this office:

1) "Report of Quarterly Sampling and Analysis," prepared by EA Engineering, dated April 1996;

2) "Draft Interim Product Recoverability Report," prepared by EA Engineering, dated May 1996;

3) "Product Recoverability and Vapor Extraction/Air Sparging Pilot Test Report," prepared by EA Engineering, dated July 1996;

4) "2nd Quarter 1996 Groundwater Monitoring Report," prepared by EA Engineering, dated July 1996;

5) letter from EA Engineering, dated 9/26/96 (re selection of a product recovery system);

6) "3rd Quarter 1996 Groundwater Monitoring Report," prepared by EA Engineering, dated October 1996;

7) transmittal from EA Engineering, dated 11/7/96 (scientific papers re micropurging);

8) fax from Earth Engineers, dated 11/4/96 (scientific paper re micropurging);

9) fax from Earth Engineers, dated 11/4/96 (letter from Earth Engineers dated 11/4/96 re effect of Carnation/Nestle site on 1350-16th St. site);

10) fax from Earth Engineers, dated 11/17/96 (letter from Earth Engineers dated 11/17/96 re micropurging);

11) letter from EA Engineering, dated 11/27/96 (re amended quarterly sampling schedule);

12) "4th Quarter 1996 Groundwater Monitoring Report," prepared by EA Engineering, dated December 1996;

13) fax from yourself, dated 1/8/97 (re project schedule);

14) fax from Earth Engineers, dated 3/16/97 (lab report for MW-28 sampling in 1996); and

15) "1st Quarter 1997 Monitoring Report," prepared by EA Engineering, dated March 1997.

In addition, I met with EA Engineering representatives, yourself, and others during site visits on 7/16/96, 10/10/96, and 10/31/96, and I prepared field reports for each visit.

During a telecon with Doug Oram of EA Engineering on 3/25/97, he indicated that the **multi-phase extraction system** is being built at present, and should be onsite within a month. He also indicated that the permitting is not yet complete. **Note that we are behind schedule**, as per your 1/8/97 fax. Doug Oram also indicated that **the former waste oil UST does not appear to be the source of the HVOCs,** (as we expected) as per the 1st quarter HVOC results. The source of the HVOCs remains unknown. **(Please include a "conclusions" section in future reports.)**

It was noted that the concentrations of 1,2-DCA in wells MW-26 and E-7 were reported as >50 and >120 ppb, respectively. This is a most unusual way of reporting results. As you know, the presence of this particular constituent has been a source of controversy between Nestle and the adjacent property owner. In an attempt to define the 1,2-DCA plume, **you are therefore requested to quantify the concentrations of all HVOCs in future sampling events. In addition, please include isoconcentration maps for 1,2-DCA in future quarterly reports.**

In response to Doug Oram's inquiry about how to manage the solvent plume with concentrations in excess of MCLs, please be advised that EPA's Preliminary Remediation Goals (PRGs) apply to drinking water. Since groundwater in the site vicinity is not used for drinking water, the PRGs are no more applicable than MCLs. Therefore, your options for the **groundwater solvent plume** would be remediation and/or risk assessment. The GSI software used for determining hydrocarbon RBSLs or SSTLs via the ASTM guidance can also determine solvent RBSLs or SSTLs.

If you have any questions about this letter, please contact me at 510-567-6761.

Sincerely,

Jennifer Eberle
Hazardous Materials Specialist

cc: Walter Carey, Nestle USA, Inc., 60 Boardman Rd., New Milford CT 06776
Doug Oram, EA Engineering, Science, and Technology, 3468 Mt. Diablo Blvd., Suite B-100, Lafayette CA 94549
J. Eberle/file

je.3779-B

Nestlé

800 North Brand Blvd.
Glendale, California 91203
(818) 549-6000

Fax Cover Sheet

DATE: JANUARY 8, 1997

TO: Jennifer Eberle **FAX:** (510) 337-9335

From: Binayak Acharya **Tel:** (818) 549-5948
Fax: (818) 549-6157

Ref.: Project schedule, Nestlé's Oakland Facility

Jennifer;

Per our telephone conversation, I am faxing you a copy of the project schedule(Installation of Multiphase extraction system) prepared by EA Engineering for your information.

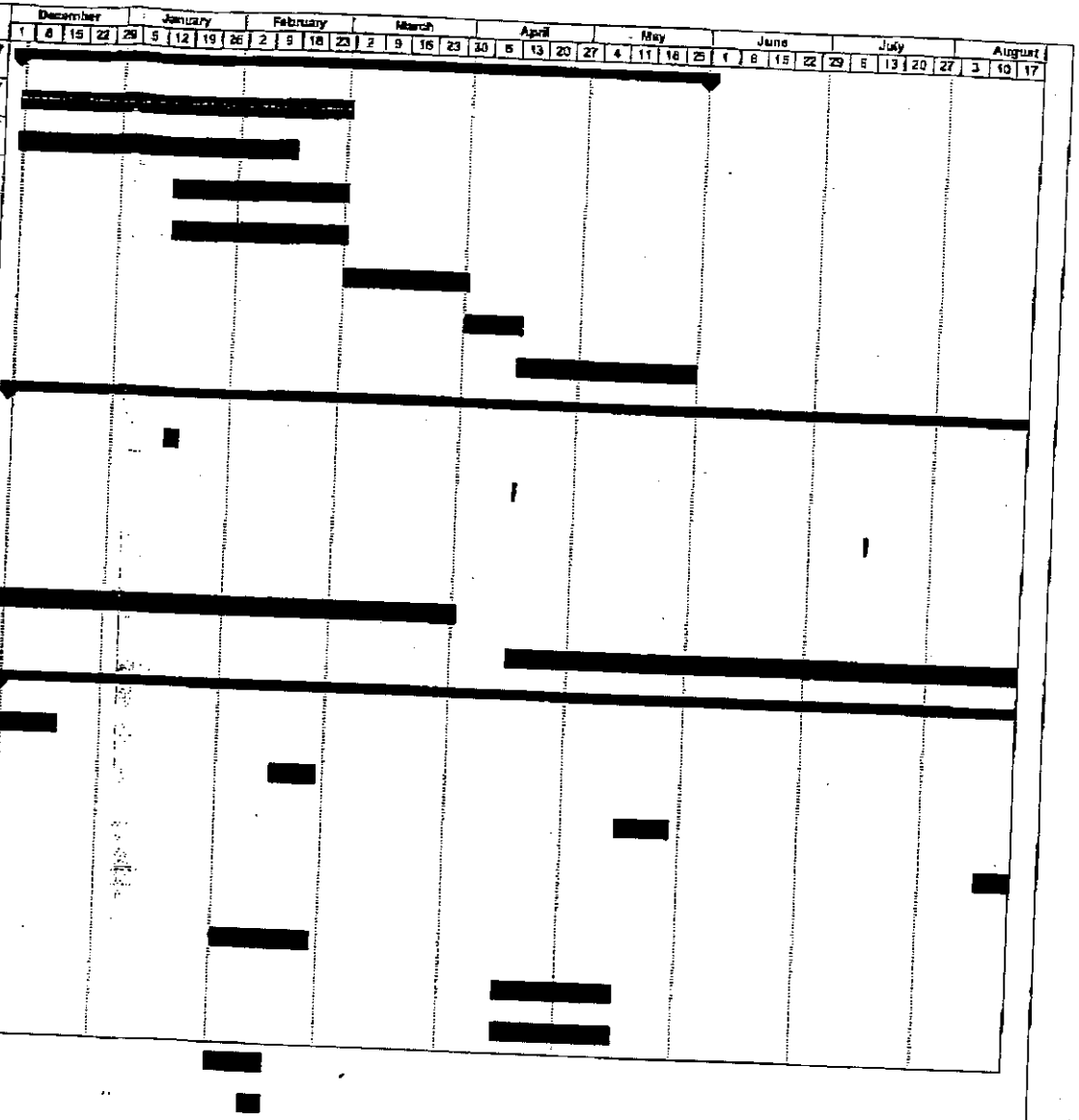
Please let me know, if you have nay question.

Thank you.

Number of pages including cover sheet: 2

Please contact Carolyn Vezeau (818) 549-6339 or the sender if there are problems with the transmission of this fax.

ID	Task Name	Duration	Start	Finish
1	**System Design, Specification, Permitting, Procurement, Installation, and Startup**	178d	12/5/96	5/31/97
2	design	87d	12/5/96	3/1/97
3	permitting	73d	12/5/96	2/15/97
4	procurement	46d	1/15/97	3/1/97
5	specification	46d	1/15/97	3/1/97
6	installation	32d	3/1/97	4/1/97
7	startup	15d	4/1/97	4/15/97
8	startup report	47d	4/15/97	5/31/97
9	**System Operation, Maintenance, and Monitoring**	392d	12/5/96	12/31/97
10	1st quarterly groundwater monitoring	4d	1/15/97	1/18/97
11	2nd quarterly groundwater monitoring	1d	4/15/97	4/15/97
12	3rd quarterly groundwater monitoring	1d	7/15/97	7/15/97
13	4th quarterly groundwater monitoring	1d	10/15/97	10/15/97
14	weekly maintenance of passive skimmers	118d	12/5/96	4/1/97
15	multiphase system O&M	261d	4/15/97	12/31/97
16	**Monthly, Quarterly and Annual Reporting**	356d	12/5/96	11/26/97
17	4th quarterly 1996	15d	12/6/96	12/20/96
18	1st quarterly groundwater monitoring	12d	2/15/97	2/26/97
19	2nd quarterly groundwater monitoring	14d	5/15/97	5/28/97
20	3rd quarterly groundwater monitoring	13d	8/15/97	8/27/97
21	4th quarterly groundwater monitoring	12d	11/15/97	11/26/97
22	natural attenuation report	26d	2/1/97	2/26/97
23	BAAQMD startup report	31d	4/15/97	5/15/97
24	EBMUD startup report	31d	4/15/97	5/15/97
25	**Inventory and Abandonment of Wells**	15d	2/1/97	2/15/97
26	**Drum Inventory and Removal**	6d	2/10/97	2/15/97



EA Engineering, Science, and Technology

ENVIRONMENTAL PROTECTION
96 DEC -3 PM 1:1[illegible]

3468 Mt. Diablo Boulevard
Suite B-100
Lafayette, CA 94549
Telephone: 510-283-7077
Fax: 510-283-3894

27 November 1996

Ms. Jennifer Eberle
Alameda County Health Agency
Department of Environmental Protection
1131 Harbor Bay Parkway, 2nd Floor
Alameda, California 94502

looks good!

RE: Amended quarterly sampling schedule

Dear Jennifer:

This letter is to document our conversation on 26 November 1996. During this conversation I conveyed Nestle's request to switch the wells to be sampled during the 4th quarter of 1996 and the 1st quarter of 1997. This request was made so that the nine wells normally sampled during the 1st and 3rd quarters could be sampled for HVOCs during the 4th quarter of 1996. You said that you would like to keep the sampling schedule the way it is so that the greater number of wells is sampled during the 1st and 3rd quarters, when the groundwater is highest and lowest. To accommodate both our needs, we agreed to not conduct groundwater sampling during the 4th quarter of 1996 and move the 1st quarter sampling from February to January 1996. We will still produce a Quarterly Monitoring Report for the 4th quarter of 1996, which will document the NAPL recovered by the skimmers.

During the 1st quarter of 1997 the following wells will be sampled and analyses will be done:

semi
Q
semi
semi
Q
?
Q
semi

Well	BTEX	TPH-g	TPH-d	HVOCs
MW-2	X	X	X	X
MW-3	X	X	X	X
MW-6	X	X	X	X
MW-25	X	X	X	X
MW-26	X	X	X	X
MW-27	X	X	X	X
MW-28	X	X	X	X
MW-29	X	X	X	X

Well	BTEX	TPH-g	TPH-d	HVOCs
MW-30	X	X	X	X
MW-32	X	X	X	X
MW-23				X
V-15				X
V-64				X
V-66				X
E-7				X
PR-54				X
Well-232				X

A map showing the location of these wells is attached.

The analysis of HVOCs in all wells except MW-26 and MW-32 will be done once. Any additional monitoring of HVOCs may be discussed based on the 1st quarter 1997 results.

A proposed schedule for 1997 quarterly monitoring is shown below:

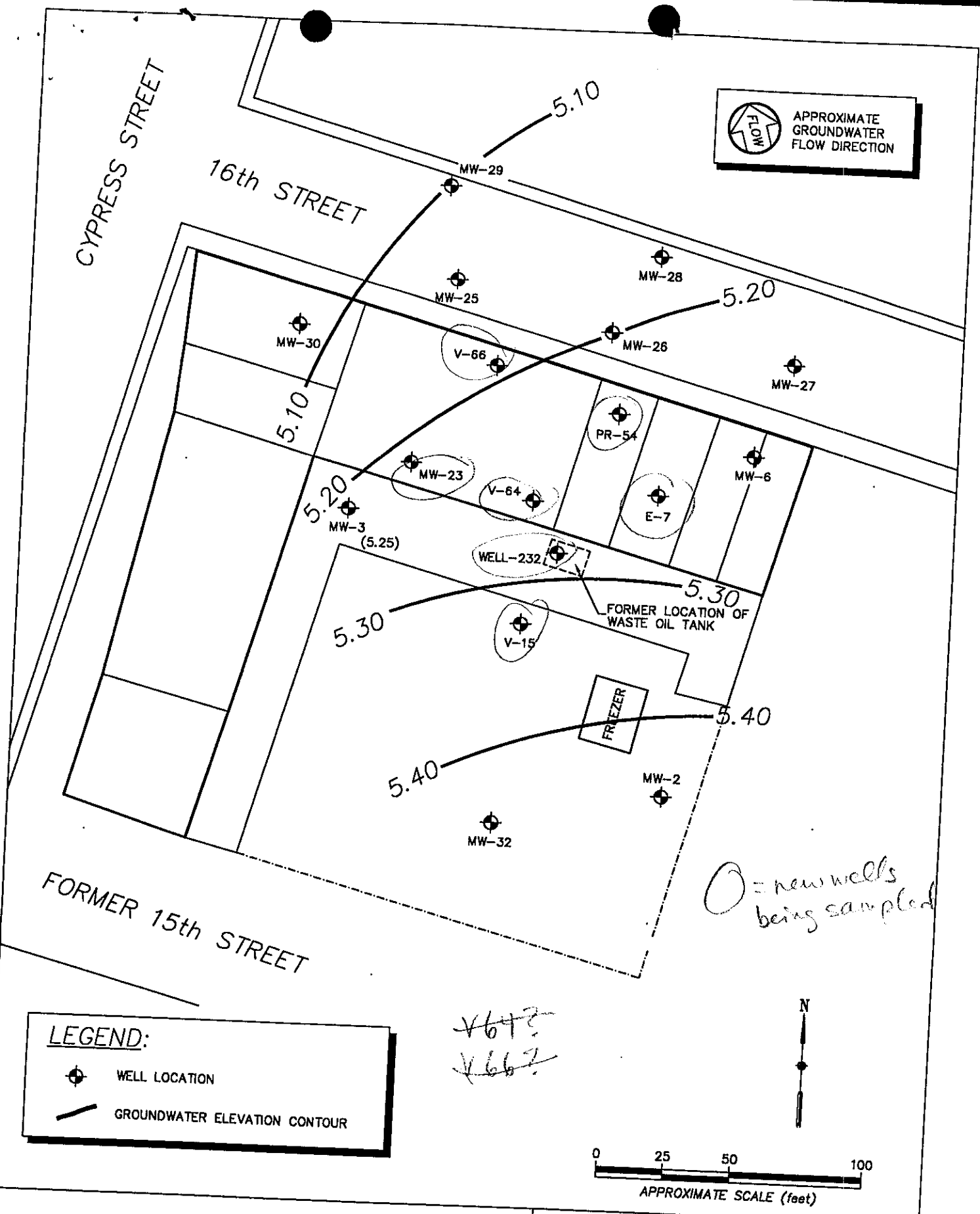
Quarter	Groundwater Sampling	Report submittal
1st	15 January 1	26 February 2
2nd	15 April 4	28 May 5
3nd	15 July 7	27 August 8
4th	15 October 10	26 November 11

Please contact Binayak Acharya or me if you have any questions.

Sincerely,

Doug Oram
Project Manager

Enclosure
cc: Binayak Acharya



Location of wells to be sampled for HVOCs during first quarter of 1997.

EA ENGINEERING, SCIENCE, AND TECHNOLOGY

PROJECT NO.: 60966.01.0008	DATE: 4/16/96
FILE NAME: newsite.dwg	REVIEWED BY: C. MARTING

- Fax Cover Sheet -

Date: 11/17/96

Pages: 1

To: Jennifer Eberle

Fax Phone: 510-337-9335

From: Mark Armstrong RG REA RPG

Subject:

Earth Engineers

1534 Plaza Lane, #199, Burlingame, CA 94010 [redacted]

tel (800) 692 0787
fax (800) 692 0787

November 17, 1996

Ms. Jennifer Eberle
Hazardous Materials Specialist
Alameda County Health Care Services Agency
1131 Harbor Bay Parkway, #250
Alameda, CA 94502-6577

Subject: Micropurging, Carnation/Nestle Site, Oakland, California (Earth Engineers file reference 1049.003)

Dear Jennifer:

Micropurging is the process of removing fluids slowly from a well to reduce mixing of the stagnant water and formation water. By slowing purging a well, laminar flow is maintained, and turbulent flow does not mix stagnant water and formation water. After reviewing all the articles you mentioned in *Ground Water Journal* and *Ground Water Monitoring Review*, it is still my opinion that not purging a well is inappropriate for this site. Micropurging requires specific well design and characteristics, which are not in place at MW-28. MW-28 has a long screen interval and has a four-inch diameter. All articles you had me review indicated that this methodology was not acceptable by governmental regulatory agencies. Micropurging is a process used to reduce the cost of disposal of purge water and is not appropriate to be used unless the well is designed and maintained so that micropurging produces results that represent formation fluids.

I believe Earth Engineers has made our point clear that we want good science to prevail. MW-28 was not designed for micropurging; therefore, the county should deny EA's request to micropurge or not purge MW-28 prior to sampling.

Sincerely,

R. Mark Armstrong, RG, REA, RPG
Principal

- Fax Cover Sheet -

Date: 11/4/96

Pages: 4

To: Ms. Jennifer Eberle

Fax Phone: 510-337-9335

From: Mark Armstrong RG REA RPG

Subject: Carnation/Nestle site

The groundwater article that I referred to can be found in the Ground Water Journal, January-February 1990, page 68. If you do not have access to this article, I will copy and fax it to you.

Earth Engineers

1534 Plaza Lane, #199, Burlingame, CA 94010

tel (800) 692-0787
fax (800) 692-0787

November 4, 1996

Ms. Jennifer Eberle
Hazardous Materials Specialist
Alameda County Health Care Services Agency
1131 Harbor Bay Parkway, #250
Alameda, CA 94502-6577

Subject: Effect of Carnation/Nestle Site on 1350 16th Street site (Earth Engineers file reference 1049.003)

Dear Jennifer:

Enclosed are the most recent groundwater sampling results, which indicate that 55 parts per billion (ppb) 1,2-dichloroethane (1,2-DCA) are present in the groundwater in MW-28 on the Carnation/Nestle site. During sampling, slightly less than three well volumes were purged from the well. This indicates that contamination emanating from the Carnation/Nestle site has impacted the Blake property at 1350 16th Street in Oakland. Therefore, there is not only a stigma attached to the 1350 16th Street property because of its proximity to the Carnation/Nestle release, but there is a factual probability that contamination has emanated from the Carnation/Nestle property to the 1350 16th Street property.

Laboratory analysis detected 9 ppb and 55 ppb 1,2-DCA in the groundwater in MW-28 in January 1996 and July 1996, respectively. This indicates a disturbing trend. The groundwater in the area is not used as a drinking water source. However, soil vapors could migrate upward through the soil and become entrapped in the occupied Reefer Depot office building and could endanger the long-term health of Earth Engineers client's employees.

1,2-DCA is also known as ethylene dichloride. The 1,2-DCA could be a degradation product through dehalogenation of cis- or trans-1,2-dichloroethene (1,2-DCE). These chemicals could have been reduced through dehalogenation from trichloroethylene (TCE), which could have been reduced from perchloroethylene (PCE). PCE is also known as tetrachloroethylene. Therefore, the source chemical of the 1,2-DCA could be any of numerous compounds.

The 1,2-DCA will reduce through dehalogenation to either vinyl chloride or chloroethane. The American Conference of Industrial Hygienists and others report the following information regarding vinyl chloride:

- Substance identified by other sources as a suspected or confirmed carcinogen.
- Confirmed human carcinogen. The agent is carcinogenic to humans based on the weight of evidence from epidemiologic studies of, or convincing clinical evidence in, exposed humans (75-01-4) (1980).
- At any detectable concentration, a Self-Contained Breathing Apparatus (SCBA) should be used.

The American Conference of Industrial Hygienists and others report the following information regarding 1,2-DCA:

- Substance identified by other sources as a suspected or confirmed carcinogen.
- At any detectable concentration, a Self-Contained Breathing Apparatus (SCBA) should be used.

Chemicals that degrade to 1,2-DCA have been found in monitoring wells on the Carnation/Nestle site. No chemical use at the 1350 16th Street site would indicate that the 1,2-DCA emanates from the 1350 16th Street site. The 1,2-DCA found in MW-28 most probably emanates from the Carnation/Nestle site across the street from the 1350 16th Street site.

A typical Regional Water Quality Control Board (RWQCB) Order would require submittal of a technical report defining the vertical and lateral extent of pollution down to the concentration at or below typical cleanup standards for soil and groundwater. The typical standards required for cleanup are the maximum contaminant levels (MCLs). The MCL for 1-2 DCA is 5 ppb U.S. EPA and 0.5 ppb Cal-DHS.

The Alameda County Water District Groundwater Protection Program "Groundwater Monitoring Guideline" February 1990 Revision states on page 28 in section 8.1.2 Definition of the Horizontal and Vertical Extent of Groundwater Contamination, both On-Site and Off-Site:

> Floating product and dissolved constituents plumes must be defined. Definition of contamination should be presented in plume maps for each constituent. "Zero lines" should be established based on current detection limits.

Because MW-28 has in the past and is now detecting contamination, the "zero line" has not been established by Carnation/Nestle. Therefore, please enforce this regulation.

As you know, Carnation/Nestle has again changed consultants to EA Engineering Science and Technology (EA). My recent discussion with Doug Orem, an employee of EA, indicated that they proposed to use minimal purging techniques. My understanding is that EA proposes to purge less than a gallon from MW-28 prior to sampling. Studies reported in *Ground Water Journal* and other technical journals have led to regulations at the local level (RWQCB) and the U.S. EPA level regarding the purging and sampling of wells.

Volatile organic compounds (VOCs) evaporate into the space between the top of the groundwater and the well cap. This reduces the overall concentration of the VOCs in the stagnant water in the well. During purging, groundwater mixes with the stagnant water in the well bore, increasing the concentration of the VOCs, if present. After purging approximately three well volumes, a 90 percent mixing factor exists between the stagnant water and the groundwater. If the groundwater is not purged from the well, a lower than true concentration of VOCs will be reported in the sampling analysis. Correct sampling methods are crucial in obtaining repeatable, consistent data. If you could supply documentation from a well-known and well-regarded source such as The National Ground Water Association or the U.S. EPA, Earth Engineers would be happy to review it. However, until the County or EA can prove the validity of low-flow purging, we would implore the County to require EA to purge a minimum of four well volumes before sampling. In fact, the Alameda County Water District Groundwater Protection Program "Groundwater Monitoring Guideline" February 1990 Revision states on page 19 in section 6.3 Groundwater Sampling and Testing: Groundwater sampling for laboratory analysis shall be done in the following manner:

> 6.3.2 Purging The well shall be bailed or pumped (see "Sampling") to remove four to ten well volumes immediately preceding each sampling incident.

To determine the "zero line," reliable data must be obtained; therefore, correct purging protocol must be followed. Please enforce this regulation.

As you know, Earth Engineers has already expressed concerns regarding the time it has taken Carnation/Nestle to remove floating product from the subsurface on their property. The floating product is a continual source of dissolved

constituents in the groundwater plume. Alameda County Water District Groundwater Protection Program "Groundwater Monitoring Guideline" February 1990 Revision states on page 29 in section 8.1.5 Development of a Remediation Plan:

a. All free product must be removed with an appropriate remediation system. Immediate implementation is expected; any delays must be explained using appropriate technical justification. Often, free product removal systems are considered interim/emergency procedures.

For the last six years, Carnation/Nestle has allowed floating free product to reside on their property. By allowing this, property values of properties surrounding the Carnation/Nestle site have been impacted. Earth Engineers finds no technical justification for Carnation/Nestle's six-year delay in removing floating free product from their property.

The property value at 1350 16th Street has been damaged because of the magnitude of the release that has been detected at the Carnation/Nestle site and the amount of time that it has taken to delineate and begin to remediate this contamination. Earth Engineers therefore implores the County to require Carnation/Nestle to expedite the removal and monitoring of the unauthorized release for which Carnation/Nestle is responsible.

Sincerely,

R. Mark Armstrong, RG, REA, RPG
Principal

Enclosures

cc: Blake Properties
Charles Lane, Esq.
EA Engineering Science and Technology
Carnation/Nestle

white -env.health
yellow -facility
pink -files

ALAMEDA COUNTY, DEPARTMENT OF ENVIRONMENTAL HEALTH

1131 Harbor Bay Pkwy.
Suite 250
Alameda, CA 94502-6577
(510) 567-6700

Hazardous Materials Inspection Form

II,III

Site ID # ____ Site Name former Carnation Today's Date 10/31/96

Site Address 1310-14th St.

City Oakland Zip 94607 Phone ____

____ MAX AMT stored > 500 lbs, 55 gal., 200 cft.?

Inspection Categories:
- ____ I. Haz. Mat/Waste GENERATOR/TRANSPORTER
- ____ II. Business Plans, Acute Hazardous Materials
- ____ III. Underground Tanks

Calif. Administration Code (CAC) or the Health & Safety Code (HS&C) Doug Oram

II.A BUSINESS PLANS (Title 19)

___	1. Immediate Reporting	2703
___	2. Bus. Plan Stds.	25503(b)
___	3. RR Cars > 30 days	25503.7
___	4. Inventory Information	25504(a)
___	5. Inventory Complete	2730
___	6. Emergency Response	25504(b)
___	7. Training	25504(c)
___	8. Deficiency	25505(a)
___	9. Modification	25505(b)

II.B ACUTELY HAZ. MAT'LS

___	10. Registration Form Filed	25533(a)
___	11. Form Complete	25533(b)
___	12. RMPP Contents	25534(c)
___	13. Implement Sch. Req'd? (Y/N)	___
___	14. OffSite Conseq. Assess.	25524(c)
___	15. Probable Risk Assessment	25534(d)
___	16. Persons Responsible	25534(g)
___	17. Certification	25534(f)
___	18. Exemption Request? (Y/N)	25536(b)
___	19. Trade Secret Requested?	25538

III. UNDERGROUND TANKS (Title 23)

General

___	1. Permit Application	
___	2. Pipeline Leak Detection	25284 (H&S)
___	3. Records Maintenance	25292 (H&S)
___	4. Release Report	2712
___	5. Closure Plans	2651
		2670

Monitoring for Existing Tanks

___ 6. Method
1) Monthly Test
2) Daily Vadose
Semi-annual gndwater
One time soils
3) Daily Vadose
One time soils
Annual tank test
4) Monthly Gndwater
One time soils
5) Daily Inventory
Annual tank testing
Cont pipe leak det
Vadose/gndwater mon.
6) Daily Inventory
Annual tank testing
Cont pipe leak det
7) Weekly Tank Gauge
Annual tank tsting
8) Annual Tank Testing
Daily Inventory
9) Other ____

___	7. Precis Tank Test Date: ____	2643
___	8. Inventory Rec.	2644
___	9. Soil Testing.	2646
___	10. Ground Water.	2647

New Tanks

___	11. Monitor Plan	2632
___	12. Access. Secure	2634
___	13. Plans Submit Date: ____	2711
___	14. As Built Date: ____	2635

Rev 6/88

Comments: 10:10 arrived on site. Met George Swanson, Mr. Nori Endow. He retired in 86. They used Safety Kleen system for ~20yrs, & had their own parts cleaner system prior to that. Disposed waste solvent into waste oil UST, which was installed when they built the bldg. The bay to the east had another Safety Kleen system, & existing AST (used for kerosene, as he remembers). Larger (~1,000 gal) AST in this bay used for motor oil.

Large bay: 3 pipes leading underground used for hydraulic oil → lifts.

check soil results for 8010s re waste oil UST.

10:35 left site

II, III

Contact: ____

Title: ____

Signature: ____

Inspector: ____

Signature: ____

white -env.health
yellow -facility
pink -files

ALAMEDA COUNTY, DEPARTMENT OF ENVIRONMENTAL HEALTH

1131 Harbor Bay Pkwy
Alameda CA 94502
510/567-6700

Hazardous Materials Inspection Form

II, III

Site ID # _____ Site Name former Carnation Today's Date 10/10/96

Site Address 1310 - 14th St.

City Oakland Zip 94607 Phone _____

_____ MAX AMT stored > 500 lbs, 55 gal., 200 cft.?

Inspection Categories:

____ I. Haz. Mat/Waste GENERATOR/TRANSPORTER
____ II. Hazardous Materials Business Plan, Acutely Hazardous Materials
____ III. Underground Storage Tanks

* Calif. Administration Code (CAC) or the Health & Safety Code (HS&C)

10:00 arrived onsite

Comments: Met Binayak, D. Orana + Gino DiMaggio (chief engineer) who worked here 30 ~~yrs~~. GD: Sump in wash station is still connected to sewer. Water in sump; used to wash trucks; last used 1989. Cabinet shop: for storage (refrigerated cabinets). GD: New sewer line put in ~1987*. GD: Sumps in machine work bay + lube rack were blocked off (grouted) when they removed waste oil UST. Existing solvent wash ~~rack~~ ~~AST~~ station Call Mr. Nori Endow - Mechanics Supervisor, Berkeley. The solvent station has 3 2" vertical pipes going into ground, ~1' above ground. May be a hydraulic lift reservoir. GD: Waste oil UST + drains leading to it inst. ~1960. But he also remembers parts cleaning here w/solvents. Paint room has ~4 drums partly full of motor oil, + several empty drums. EBMUD monitored them; had a device that cd sample effluent hourly, located in sewer nr ~~14th St~~ center of site.

11:53 left site

* ~6-7' bgs

II, III

Contact Binayak Archaya - Nestle

Title Sr. Env. Engs.

Signature _____

Inspector J. Eberle

Signature J. Eberle

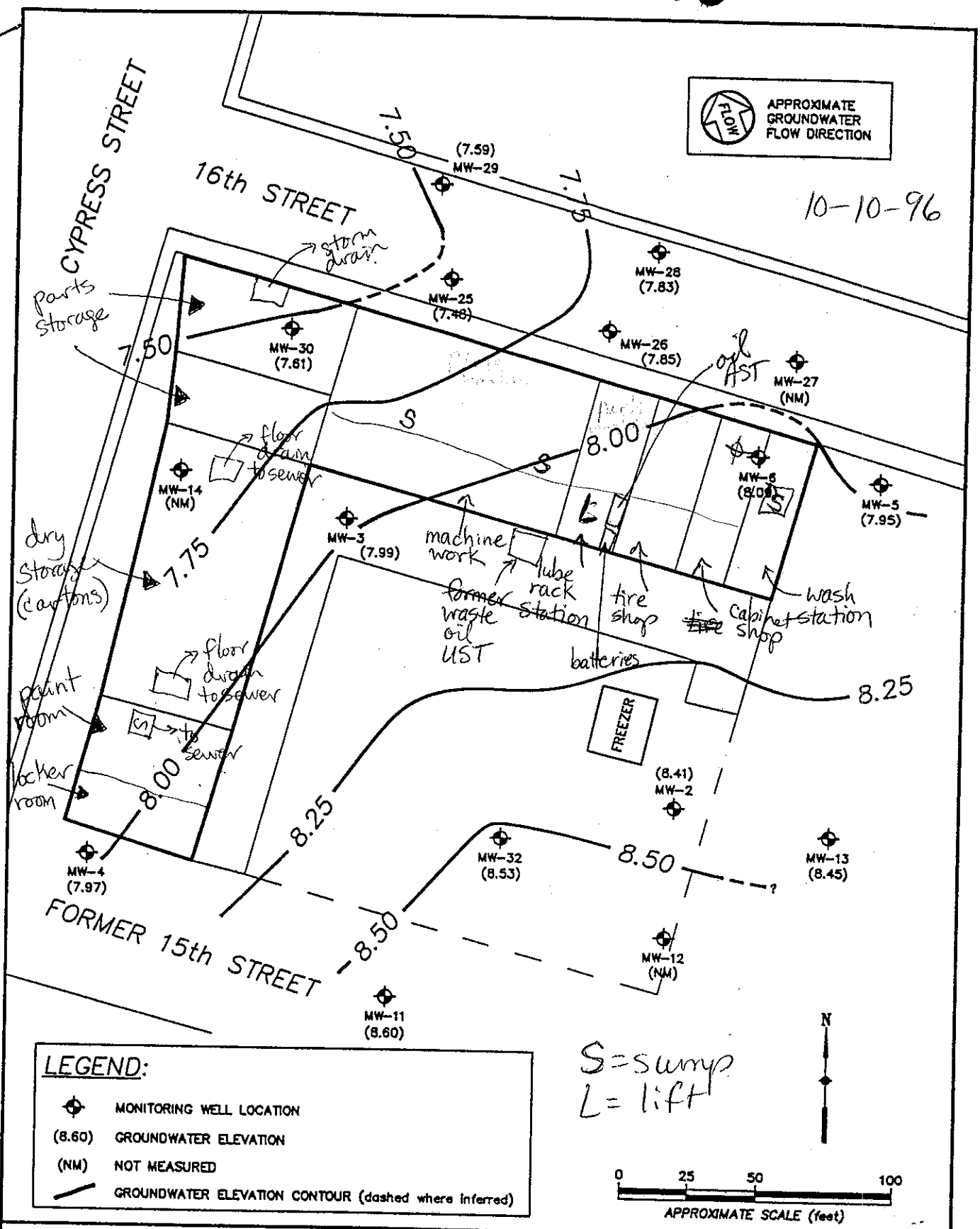


FIGURE 4.
GROUNDWATER ELEVATIONS IN WELLS
SAMPLED FOR DISSOLVED HYDROCARBONS
NESTLE FACILITY, OAKLAND, CALIFORNIA
12 MARCH 1996

EA® EA ENGINEERING, SCIENCE, AND TECHNOLOGY

PROJECT NO.	DATE
60966.01.0008	4/16/96
FILE NAME: NEST-296.DWG	REVIEWED BY: C. MARTING

Solvents?

white -env.health
yellow -facility
pink -files

ALAMEDA COUNTY, DEPARTMENT OF ENVIRONMENTAL HEALTH

1131 Harbor Bay Pkwy
Alameda CA 94502
510/567-6700

Hazardous Materials Inspection Form

II, III

Site ID # _____ Site Name former Carnation Today's Date 7/16/96

Site Address 1310 - 14th St.

City Oakland Zip 94607 Phone _____

_____ MAX AMT stored > 500 lbs, 55 gal., 200 cft.?

Inspection Categories:

____ I. Haz. Mat/Waste GENERATOR/TRANSPORTER
__✓__ II. Hazardous Materials Business Plan, Acutely Hazardous Materials
__✓__ III. Underground Storage Tanks

* Calif. Administration Code (CAC) or the Health & Safety Code (HS&C)

Comments:

10:02 arrived onsite. Met Ken Legg onsite (of EA).

Doug Oram instructed him to put a skimmer in PR64 instead of E5, due to lack of FP in E5. He already put skimmers in EO, PR20 + PR21. Ken says the skimmers cost ~$340 (1" skimmer) + ~$560 (4" skimmer). He already installed two 1" skimmers in PR20 + PR64. 10:30 Ken just repaired the cap to the 4" skimmer + installed it in E-O. 10:40 Purged well PR21 to get the FP out. There is a 24-hr in a small booth on 16th St. entrance. 10:47 looked at MWs in 16th St.

EA Engineering, Science, and Technology

EA West
3468 Mt. Diablo Boulevard
Suite B-100
Lafayette, CA 94549
Telephone: 510-283-7077
Fax: 510-283-3894

Charles K. Legge

10:56 left site

Contact Ken Legge
Title EA Engineering
Signature _____

II, III

Inspector Jennifer Eberle
Signature _____

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY
DAVID J. KEARS, Agency Director

Alameda County Environmental Health Div.
Mail Code: 430-4580
Environmental Protection Services
1131 Harbor Bay Parkway, Room 250
Alameda CA 94502-6577

April 9, 1996
STID 3779

Binayak Acharya
Nestle USA, Inc.
800 North Brand Blvd.
Glendale CA 91203

RE: Former Carnation Dairy Site, 1310-14th St., Oakland CA 94607

Dear Mr. Acharya,

Since my last letter to Nestle, dated 4/28/95, the following documents have been received in this office:

1) "Vapor Extraction Monitoring Report," dated February 1995, prepared by Park

2) "First Quarter 1995 Groundwater Monitoring Report," dated June 1995, prepared by Park

3) "Second Quarter 1995 Groundwater Monitoring Report," dated August 1995, prepared by Park

4) "Third Quarter 1995 Groundwater Monitoring Report," dated November 1995, prepared by Park

5) letter from EA, dated 12/8/95, regarding schedule of submittal of quarterly reports

6) letter from EA, dated 1/31/96, regarding accomplishments and future events

7) "Report of Quarterly Sampling and Analysis," dated February 1996, prepared by EA

8) "Workplan to Perform Additional Site Activities," dated March 1996, prepared by EA

This letter is being written to document our 1.5 hour long conference call today, with your consultant Doug Oram of EA Engineering, Science, and Technology. First, we discussed the results of the recent free product recovery testing, performed by EA. **As we agreed, a report on free product recovery testing will be submitted to me by the first week of May, 1996.** We also discussed future free product recovery activities. **We agreed to remove free product directly, by peristaltic pump, on a weekly basis, beginning next week, for a period of four consecutive weeks. A report will be submitted to me after four consecutive weeks,** at which time we will discuss any changes to the frequency of free product removal, as well as any other changes.

Second, we discussed the recent air sparging/vapor extraction (AS/VE) pilot test, performed by EA. **As we agreed, a report on the AS/VE testing will also be submitted to me by the first week of May, 1996.**

Third, we discussed the possibility of utilizing bioslurping technology in the future. This may or may not occur simultaneously with AS and VE.

Fourth, **we agreed to replace the well box on MW-27 and sample this well next quarter (June 1996), for TPHg, TPHd, BTEX, and HVOCs (by 8010).** If results are ND, we will wait until the first quarter 1997 to resample MW-27.

Fifth, **we agreed to the following modified sampling frequency: quarterly in MW3, MW26, and MW28. Semi-annually (first and third quarters) in MW2, MW6, MW25, MW29, MW30, and MW32.** The frequency for MW27 will be established after data is generated. The reasons for modifying the sampling frequency are 1) we have had quarterly data since 3/93 in these wells, 2) additional quarterly data will not gain much more insight into these wells, and 3) all but MW32 have been either ND, below MCLs, or trace concentrations.

Sixth, I urged you to contact the SWRCB Clean Up Fund in advance of remediation implementation, in order to verify eligibility for reimbursement. I understand that you are in Category D. You may contact Steve Marquez at 916-227-0746, or Chris Stevens at 916-227-4519 of the Clean Up Fund.

Allow me to reiterate that **free product removal is the primary concern of this agency.** If you have any questions about this letter, please contact me at 510-567-6761.

Sincerely,

Jennifer Eberle
Hazardous Materials Specialist

cc: Walter Carey, Nestle USA, Inc., 60 Boardman Rd., New Milford CT 06776
Doug Oram, EA Engineering, Science, and Technology, 3468 Mt. Diablo Blvd., Suite B-100, Lafayette CA 94549
Acting Chief/file

je.3779-A

EA Engineering, Science, and Technology

3468 Mt. Diablo Boulevard
Suite B-100
Lafayette, CA 94549
Telephone: 510-283-7077
Fax: 510-283-3894

31 January 1996

Ms. Jennifer Eberle
Hazardous Materials Specialist
Alameda County Health Agency
1131 Harbor Bay Parkway
2nd Floor
Alameda, California 94502

3779

Reference: Vapor Extraction Monitoring Activity Update
1310 14th Street, Oakland, California 94607

Dear Ms. Eberle:

Following is a summary of work which has been accomplished and is scheduled concerning the referenced site. This summary is in accordance with our previous conversations with you in December 1995.

Accomplishments:

- Week of 4 December 1995 - EA conducted NAPL recovery tests.
- Week of 11 December 1995 - EA conducted quarterly sampling.

Future Events:

- Week of 26 February 1996 - Quarterly Report to be submitted to the Alameda County Health Agency.
- Week of 4 March 1996 - EA is planning a vapor extraction and air sparging pilot test.

Any deviations from the schedule due to unavoidable circumstances will be reported to you immediately for a reasonable extension. If you have any questions regarding the schedule please call me at (510) 283-7077.

Sincerely,

Mark C. Litzau
Project Manager

cc: Binayak Acharya (Nestle USA, Inc.)
Project File

EA Engineering, Science, and [redacted]nology

3468 Mt. Diablo Boulevard
Suite B-100
Lafayette, CA 94549
Telephone: 510-283-7077
Fax: 510-283-3894

8 December 1995

Ms. Jennifer Eberle
Hazardous Materials Specialist
Alameda County Health Agency
1131 Harbor Bay Parkway
2nd Floor
Alameda, California 94502

Reference: Vapor Extraction Monitoring Report Schedule
1310 14th Street, Oakland, California 94607

Dear Ms. Eberle:

As we discussed in our meeting on Friday, 1 December, following is a revised schedule for submitting quarterly ground water monitoring reports for the referenced site. In response to your request to see the results in a more timely manner, the reporting date has been reduced. Any deviation from the schedule due to unavoidable circumstances will be reported to you immediately for a reasonable extension.

Quarter	Sampling Date	Reporting Date
Fourth 1995	Week of 18 December	Week of 26 February
First 1996	Week of 11 March	Week of 29 April
Second 1996	Week of 10 June	Week of 29 July
Third 1996	Week of 9 September	Week of 28 October
Fourth 1996	Week of 16 December	Week of 27 January (1997)

If you have any questions regarding the schedule please call me at (510) 283-7077.

Sincerely,

Mark C. Litzau
Project Manager

cc: Binayak Acharya (Nestle USA, Inc.)
Project File

Earth Engineers

P.O. Box 64[redacted] Millbrae, CA 94030

tel (800) 692-0787
fax (800) 692-0787

May 8, 1995

works for Container Care 1350-16th St.

Ms. Jennifer Eberle
Hazardous Materials Specialist
Alameda County
Health Care Services Agency
1131 Harbor Bay Parkway, #250
Alameda, CA 94502-6577

Subject: Carnation/Nestle Site, 1310 14th Street, Oakland
(Earth Engineers file reference 1049.001)

Dear Ms. Eberle:

We find it inappropriate that a release was detected in 1989, floating product was detected, and the floating product has not been directly removed from the subject site. We understand that vapor extraction is indirectly removing the floating product from the subject site.

The Tri-Regional Water Quality Control Board's recommendations indicate that floating product should be directly removed when found. It has always been Earth Engineers policy to remove floating product by directly pumping the floating product on a daily basis. The length of time that floating product has remained on the subject site has me concerned about the length of time that it will take to remove the material from the subject site. I understand that there may be concerns about sending a person to the site and having them operate a pump to remove the floating product, but these concerns can be mitigated with proper health and safety controls. The cost of disposal of the fluids removed should have little bearing on when the fluids are removed.

Sincerely,

R. Mark Armstrong
California Registered Geologist #6134
California Registered Environmental Assessor #03713

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY
DAVID J. KEARS, Agency Director

RAFAT A. SHAHID, DIRECTOR
DEPARTMENT OF ENVIRONMENTAL HEALTH
State Water Resources Control Board
Division of Clean Water Programs
UST Local Oversight Program
1131 Harbor Bay Parkway
Alameda, CA 94502-6577
(510) 567-6700

April 28, 1995
STID 3779

Attn: Walter Carey
Nestle USA, Inc.
60 Boardman Rd.
New Milford CT 06776

Re: Former Carnation Dairy site, 1310-14th St., Oakland CA 94607

Dear Mr. Carey,

The last quarterly report which has been received in this office is for the Third Quarter 1994, prepared by Park Environmental, dated December 1994. The cover letter for this report was dated 1/31/95; the report was received in our office on 2/6/95. This report documents monitoring and sampling activities for 8/31/94. As you can see, the time between sampling and report receipt is nearly 5.5 months. At least one additional sampling event has elapsed during 5.5 months. **You are therefore requested to submit quarterly reports on a more timely basis, specifically no later than 3 months after future sampling events.**

The last Vapor Extraction System update submitted to our office was dated 5/19/94, and included the period from 10/93 to 4/94. As you know, free floating product still exists on the groundwater table. The average thickness measured during the 8/31/94 event was 0.41 feet, as per the December 1994 Park report. **Please submit another Vapor Extraction System (VES) update within 30 days, or by May 28, 1995.** I understand that this update has already been drafted, and is currently being reviewed by Nestle USA. Therefore, I believe 30 days is more than adequate, or at least a reasonable deadline. **The VES update need not include AQMD reports. However, it should include data on the change in free product thickness over time. It should also include amounts of product removed over time. This was illustrated graphically in the 5/19/94 VES update.**

I discussed these issues with Dick Zipp of Park Environmental just today. He agreed that it would not be a problem to comply with these requests.

If you have any questions, you may contact me directly at 510-567-6761.

Sincerely,

Jennifer Eberle
Hazardous Materials Specialist

cc: Dick Zipp, Park Environmental, 8084 Old Auburn Rd, Suite E, Citrus Heights CA 95610
Vinayak Acharya, Nestle USA, 800 North Brand Blvd, Glendale CA 91203
Bill Raynolds, Acting Chief/file

je.3779

Park
Environmental

ALCO
HAZMAT
94 FEB 10 PM 2:14

February 8, 1994

5008.J11

Ms. Jennifer Eberle
Alameda County Health Care Services (ACHCS)
Department of Environmental Health
Hazardous Materials Division
80 Swan Way, Room 200
Oakland, CA 94621

Re: Vapor Extraction System Status
Carnation Company
1310 14th Street
Oakland, CA

Dear Ms. Eberle:

Park Environmental Corporation (**Park**) has received from the Bay Area Air Quality Management District (AQMD) the Authority to Construct and Permit to Operate the ACHCS approved vapor extraction system (ACHCS letter dated March 3, 1993), for the above referenced site. The AQMD permit number is 11804 and a copy of the permit is enclosed with this transmittal.

The vapor extraction piping has been installed at the site to the existing wells as described in **Park's** February 10, 1993 Workplan. **Park** installed the 600cfm thermal oxidation machine on December 19, 1993 and began the heating and system start-up activities at that time. The system installed had operating difficulties, which could not be remedied by January 11, 1994. On January 19, 1994, **Park** instructed the vapor extraction system manufacturer to remove the equipment, which was done immediately.

On February 5, 1994, a new 600cfm thermal oxidizing vapor extraction system was connected to the existing electrical system and vapor piping. **Park** anticipates performing start-up procedures and a complete operating system by February 11, 1994.

As required by the AQMD permit, all conditions will be met and reported. Copies of AQMD required information as well as required status reporting will be forwarded to the ACHCS after the first month of system operation.

4231 Pacific Street • Suite 7 ⁂ Rocklin, CA 95677 TEL:916-784-7400 800-753-7401 FAX: 916-784-7496

If you have any questions regarding this transmittal, please contact us at our Rocklin office at 916/652-3861.

Sincerely,
Park Environmental Corporation

Peter Frank
Project Geologist

Richard J. Zipp, R.G., C.E.G.
Principal Hydrogeologist

PF:laa

cc: Binayak Acharya
Nestle USA, Inc.
Glendale, CA

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

November 16, 1993

Peter Frank
Park Environmental Corp.
2140 Professional Drive, Suite 130
Roseville, CA 95661

Application Number: *11804*
Equipment Location:
1310 14th St.
Oakland, CA

Gentlemen:

This is your Authority to Construct the following:

S-1 **Soil Vapor Extraction System consisting of a 600 cfm max capacity vacuum blower, and ancillary equipment, abated by A-1, Retox 600 Regenerative Thermal Oxidizer, 600 cfm**

Operation of this equipment will be subject to the attached specific conditions.

Please See Attached Condition #10420

Notification

Please notify the District by letter at least **three days** before the initial operation of the equipment is to take place so that we may observe the equipment in operation and verify conformance with the Authority to Construct. Operation includes any **start-up** of the source for testing or other purposes. Operation of equipment without prior written notification to the District or beyond the start-up period without a Permit to Operate may result in enforcement action.

Start-Up Period

After receipt of the start-up letter required above, this Authority to Construct authorizes operation during the start-up period from the date of initial operation noted in your start-up letter until the Permit to Operate is issued, up to a maximum of 60 days. **All conditions (specific or implied) of the Authority to Construct are in effect during the start-up period.**

Fees

District Regulation 3 requires a fee for each new Permit to Operate. You will be invoiced upon receipt of your start-up letter. No permits will be issued until all outstanding fees are paid.

Implied Conditions

In the absence of specific permit conditions to the contrary, the throughputs, fuel and material consumptions, capacities, and hours of operation described in your permit application will be considered maximum allowable limits. A new permit will be required before any increase in these parameters, or change in raw material handled, may be made.

Expiration

In accordance with Regulation 2-1-407, this Authority to Construct expires two years from the date of issuance unless substantial use of the authority has begun.

Correspondence

Please include your application number with any correspondence with the District regarding this matter. If you have any questions on this matter, please call **Robert E. Cave, Air Quality Engineer Assistant (415) 749-5114.**

Very truly yours,

Milton Feldstein
Air Pollution Control Officer

by John A. Swanson
Permit Services Division

JAS:REC:sap

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

November 24, 1993

COPY

Peter Frank
Park Environmental Corp.
2140 Professional Drive, Suite 130
Roseville, CA 95661

Application Number: *11804*
Equipment Location:
1310 14th St.
Oakland, CA

Gentlemen:

Attached is your Permit to Operate the following:

S-1 **Soil Vapor Extraction System consisting of a 600 cfm max capacity vacuum blower, and ancillary equipment, abated by A-1, Retox 600 regenerative Thermal Oxidizer, 600 cfm**

All Permits should be posted in a clearly visible and accessible place on or near the equipment to be operated, or kept available for inspection at any time.

Operation of this equipment in violation of District Regulations or any permit conditions is subject to penalty action.

In the absence of specific permit conditions to the contrary, the throughputs, fuel and material consumptions, capacities and hours of operation described in your permit application will be considered maximum allowable limits. A new permit will be required before any increase in these parameters, or change in raw material handled may be made.

Please include your permit number with any correspondence with the District. If you have any questions on this matter, please call **Robert E. Cave, at (415) 749-5114.**

Very truly yours,

Milton Feldstein
Air Pollution Control Officer

by John A Swanson
Permit Services Division

JAS:REC:sap
Attachments

939 ELLIS STREET • SAN FRANCISCO, CALIFORNIA 94109 • (415) 771-6000 • FAX (415) 928-8560

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

PERMIT TO OPERATE No. 11804

PLANT No. 9081

SOURCE No. 1

Park Environmental Corporation

IS HEREBY GRANTED A PERMIT TO OPERATE THE FOLLOWING EQUIPMENT:

Soil Vapor Extraction System consisting of a 600 cfm max capacity vacuum blower, and ancillary equipment, abated by A-1, Retox 600 Regenerative Thermal Oxidizer, 600 cfm

LOCATED AT: 1310 14th Street
Oakland, CA

CONDITIONS: [X] YES [ ] NO *(All permit conditions must be complied with at all times *)*

If YES, See Attached *Condition No.* 10420

MILTON FELDSTEIN
AIR POLLUTION CONTROL OFFICER

Date November 24, 1993

By John A Swanson
Permit Services Division

EXPIRATION DATE November 24, 1994

THIS PERMIT DOES NOT AUTHORIZE ANY VIOLATION OF THE RULES AND REGULATIONS OF THE BAAQMD OR THE HEALTH AND SAFETY CODE OF THE STATE OF CALIFORNIA. THIS PERMIT IS NOT TRANSFERABLE TO ANOTHER PERSON WITHOUT APPROVAL FROM THE DISTRICT.

* *Compliance with conditions contained in this permit does not mean that the permittee is currently in compliance with District Rules and Regulations. It is the responsibility of the permittee to have knowledge of and be in compliance with all District Rules and Regulations.*

1. Precursor Organic Compound (POC) emissions from Source S-1 shall be abated by either Abatement device A-1, Thermal Oxidizer during all periods of operation.
2. The POC destruction efficiency of Abatement device A-1 shall be maintained at a minimum of 98.5% by weight for inlet POC concentrations greater than or equal to 3000 ppmv (measured as C1). For inlet concentrations below 3000 ppmv and greater than or equal to 1000 ppmv, a minimum destruction efficiency of 97% shall be maintained. For inlet concentrations below 1000 ppmv, a minimum destruction efficiency of 90% shall be maintained. The minimum destruction efficiency of 90% shall be waived if total emissions from the operation are less than 1 pound per day POC and benzene emissions are less than 0.02 pounds per day.
3. A-1 shall be properly maintained and kept in good operating condition at all times. Benzene emissions shall not exceed 0.6 pounds per day. The minimum operating temperature of A-1 shall not be less than 1400 degrees Fahrenheit.
4. To determine compliance with Condition Number 3, A-1 shall be equipped with continuous measuring and temperature recording instrumentation consisting of at least 1 temperature probe in A-1 and at least one recording device, which will continuously record temperature.
5. The measuring and recording instrumentation to be installed and the specific placement within A-1 in condition number 4, is subject to the prior approval of the Source Test Section of the District Technical Division.
6. The temperature data collected from the temperature recorder shall be maintained in a file which shall be available for District inspection for a period of at least 2 years following the date on which such data are recorded.
7. Within ten days of startup, the operator of this source, shall conduct an efficiency test to determine the weight percent reduction of Precursor Organic Compound (POC) emissions through A-1, as well as the Benzene emission rate. As part of this test the POC inlet and outlet concentrations of A-1, and the benzene outlet concentration shall be determined. These results shall be used to calculate the POC destruction efficiency and the Benzene emission rate in pounds per day. All test results and calculations shall be provided to the District within 30 days after testing has occurred. All source test methods used shall be subject to the prior approval of the Source Test Section of the District Technical Division.
8. The operator of this source shall maintain the following records for each day of operation of the source:
   a. Hours and time of operation.
   b. Each emission test, analysis or monitoring results logged in for the day of operation they were taken.

   Such records shall be retained and made available for inspection by the District for two years following the

9. Any exceedance of conditions number 2 and/or 3 shall be reported to the Permits Division with the log as well as the corrective action taken. In addition, an exceedance of conditions number 2 and/or 3 shall be submitted to the District Enforcement Section at the time it occurs. The submittal shall detail the corrective action taken and shall include the data showing the exceedance as well at the time of occurrence.
10. Upon final completion of the remediation project, the operator of Source S-1 shall notify the district within two weeks of decommissioning the operation.

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY
DAVID J. KEARS, Agency Director

RAFAT A. SHAHID, ASST. AGENCY DIRECTOR

DEPARTMENT OF ENVIRONMENTAL HEALTH
State Water Resources Control Board
Division of Clean Water Programs
UST Local Oversight Program
80 Swan Way, Rm 200
Oakland, CA 94621
(510) 271-4530

March 3, 1993
STID 3779

Walter Carey
Nestle USA Inc.
100 Manhattanville Rd.
Purchase NY 10577

RE: Carnation Dairy
1310-14th St.
Oakland CA 94607

Dear Mr. Carey,

We are in receipt of a letter from Park Environmental (Park) dated 2/16/93, requesting a modification of the quarterly groundwater monitoring program. This proposal involves the quarterly sampling of MW3, MW25, MW26, MW27, MW28, MW29, MW30, and MW32. Most of these wells (MW25 through MW29) are downgradient wells in 16th St. These wells are important in gauging offsite migration of the free product plume. In order to assess the dissolved constituents more accurately, we request that you add the following wells to the sampling matrix: MW2, MW5, MW6, MW7, MW8, MW13, MW14, MW22, MW23, and MW24. Several of these wells contained free product last quarter, and therefore will not in effect be part of the analytical work. Those wells included MW7, MW8, MW22, and MW24. For some reason, MW2 and MW23 were not included in Table 1, Groundwater Measurements of the 12/12/92 "Quarterly Groundwater Monitoring Report" by Park. The reason these wells were not sampled is that they may not have been located, according to a phone conversation between Peter Frank of Park and myself on 2/25/93. Therefore, this may in effect reduce the additional number of wells to be analyzed to four: MW5, MW6, MW13, and MW14.

VOCs have been detected in wells MW26 (downgradient) and MW32 (upgradient). The VOC plume must be fully defined, which may involve adding wells to the VOC sampling matrix in the future. This was discussed with Peter Frank on 2/25/93.

We are also in receipt of a "Workplan for Soil and Groundwater Remediation" by Park, dated 2/10/93. As you know, this workplan involves the use of vapor extraction with thermal oxidation for impacted soil and groundwater. Additional information was received by fax on 2/2/93 from Peter Frank of Park. This information included a time schedule for remedial activities and a piping layout map of the anticipated VES system. **With this additional information, the workplan is acceptable for implementation.**

If you have any questions, please contact me at 510-271-4530.

Sincerely,

Jennifer Eberle
Hazardous Materials Specialist

cc: Richard Zipp, Park Environmental, 2140 Professional Dr., Suite 130, Roseville CA 95661
Rich Hiett, RWQCB
Ed Howell/File

je

Park Environmental
2140 PROFESSIONAL DRIVE
SUITE 130
ROSEVILLE, CA 95661

FAX TRANSMITTAL

TO: Ms. Jennifer Eberle

FAX #: 510 569 4757

FROM: Peter Frank

PARK ENVIRONMENTAL CORPORATION
2140 PROFESSIONAL DRIVE, SUITE 130
ROSEVILLE, CA 95661

TEL: (916)782-8980 OR 1-800-753-7401
FAX: (916)784-7496

THIS TRANSMITTAL CONTAINS A TOTAL OF 4 PAGES INCLUDING THIS COVER SHEET.

IF YOU HAVE ANY QUESTIONS PLEASE CONTACT US AT THE ABOVE NUMBER.

COMMENTS: Per Your request — Wet Copy to follows by Mail

Park
Environmental

March 2, 1993

Ms. Jennifer Eberle
Hazardous Materials Division
DEPARTMENT OF ENVIRONMENTAL HEALTH
80 Swan Way, Room 200
Oakland, California 94601

5008J1

RE: Addendum for the Remediation Workplan
Dated February 10, 1993
Carnation Company Facility
1310 14th Street
Oakland, California

Dear Ms. Eberle:

Pursuant to your telephone conversation on February 25, 1993, with Mr. Peter Frank from our Roseville office, **Park Environmental Corporation (Park)** is submitting the additional information requested by your office. Please find enclosed with this transmittal letter the Projected Schedule of Remedial Activities, the Approximate Vapor Extraction System Set-Up diagram, and the necessary signatures and professional stamp required for workplan approval.

Following your approval and acceptance of the VES workplan, **Park** will begin the construction and permitting process. Your prompt approval will also allow **Park** to meet the projected work schedule enclosed with this letter.

Should you have any questions regarding the site, please contact our Roseville office at (916) 784-7400.

Sincerely,

PARK ENVIRONMENTAL CORPORATION

Peter Frank
Project Geologist

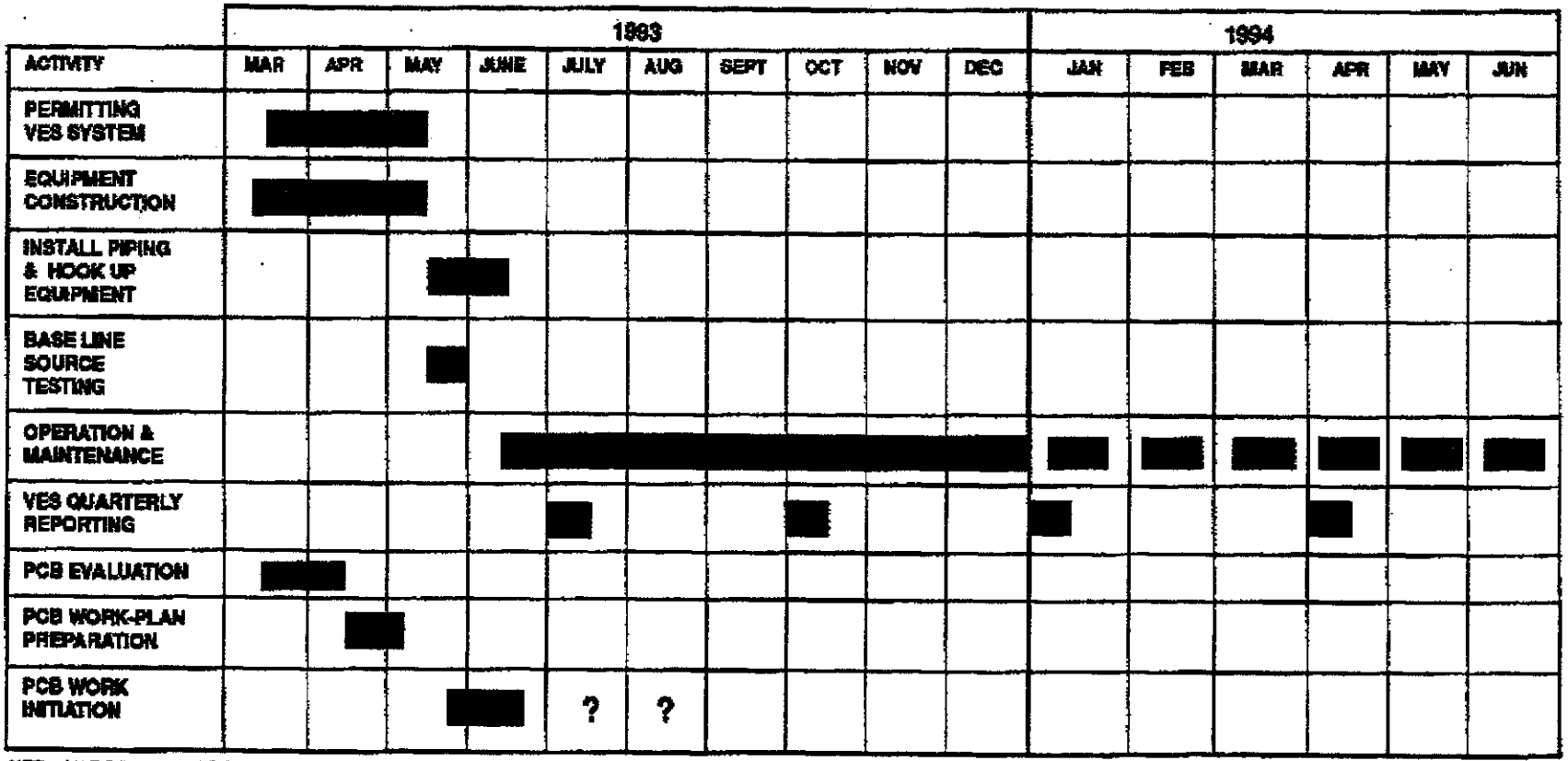
Richard J. Zipp, R.G., C.E.G.
Principal Hydrogeologist

REGISTERED GEOLOGIST
RICHARD J. ZIPP
No. 3611
STATE OF CALIFORNIA

PF/RJZ:mjm

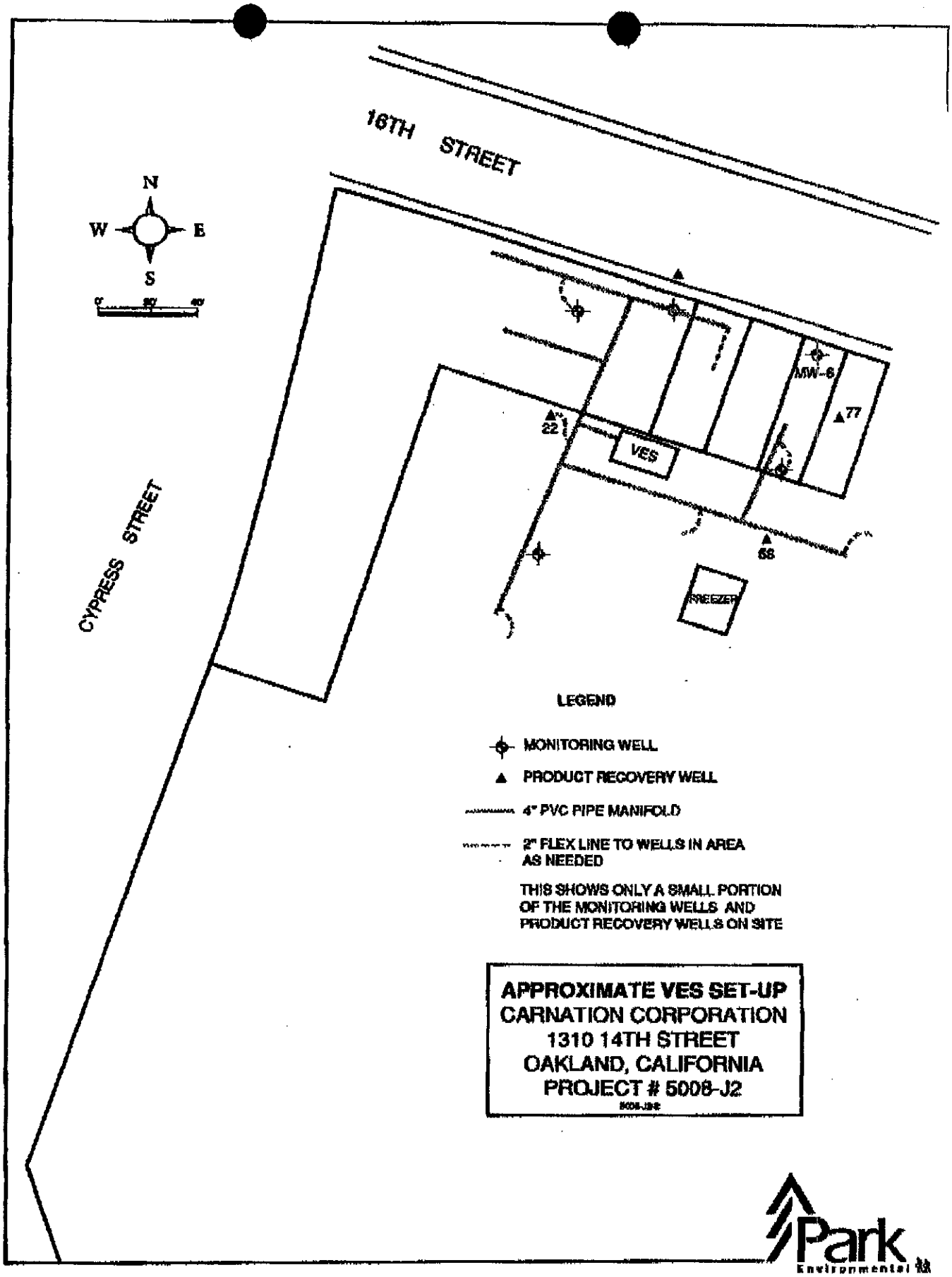
CC: Walter Carey, Nestle USA, Inc.
Binayak Acharya, Nestle USA, Inc.

PROJECTED SCHEDULE OF REMEDIAL ACTIVITIES
CARNATION DAIRY FACILITY
1310 14TH STREET
OAKLAND, CALIFORNIA



VES = VAPOR EXTRACTION SYSTEM

Park Environmental
Leaving A Clean Environment


16TH STREET
CYPRESS STREET
N
W
E
S
MW-6
77
22
VES
68
FREEZER
LEGEND
MONITORING WELL
PRODUCT RECOVERY WELL
4" PVC PIPE MANIFOLD
2" FLEX LINE TO WELLS IN AREA AS NEEDED
THIS SHOWS ONLY A SMALL PORTION OF THE MONITORING WELLS AND PRODUCT RECOVERY WELLS ON SITE
APPROXIMATE VES SET-UP
CARNATION CORPORATION
1310 14TH STREET
OAKLAND, CALIFORNIA
PROJECT # 5008-J2
Park
Environmental

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY
DAVID J. KEARS, Agency Director

RAFAT A. SHAHID, ASST. AGENCY DIRECTOR

DEPARTMENT OF ENVIRONMENTAL HEALTH
State Water Resources Control Board
Division of Clean Water Programs
UST Local Oversight Program
80 Swan Way, Rm 200
Oakland, CA 94621
(510) 271-4530

March 1, 1993
STID 3779

Walter Carey
Nestle USA Inc.
100 Manhattanville Rd.
Purchase NY 10577

RE: Carnation Dairy
1310-14th St.
Oakland CA 94607

Dear Mr. Carey,

We are in receipt of a letter from Park Environmental (Park) dated 2/16/93, requesting a modification of the quarterly groundwater monitoring program. This proposal involves the quarterly sampling of MW3, MW25, MW26, MW27, MW28, MW29, MW30, and MW32. Most of these wells (MW25 through MW29) are downgradient wells in 16th St. These wells are important in gauging offsite migration of the free product plume. In order to assess the dissolved constituents more accurately, we request that you add the following wells to the sampling matrix: MW2, MW5, MW6, MW7, MW8, MW13, MW14, MW22, MW23, and MW24. Several of these wells contained free product last quarter, and therefore will not in effect be part of the analytical work. Those wells included MW7, MW8, MW22, and MW24. For some reason, MW2 and MW23 were not included in Table 1, Groundwater Measurements of the 12/12/92 "Quarterly Groundwater Monitoring Report" by Park. The reason these wells were not sampled is that they may not have been located, according to a phone conversation between Peter Frank of Park and myself ~~and~~ on 2/25/93. Therefore, this may in effect reduce the additional number of wells to be analyzed to four: MW5, MW6, MW13, and MW14.

VOCs have been detected in wells MW26 (downgradient) and MW32 (upgradient). The VOC plume must be fully defined, which may involve adding wells to the sampling matrix in the future. This was discussed with Peter Frank on 2/25/93.

We are also in receipt of a "Workplan for Soil and Groundwater Remediation" by Park, dated 2/10/93. As you know, this workplan involves the use of vapor extraction with thermal oxidation for impacted soil and groundwater. As was discussed with Peter Frank of Park on 2/25/93, we would like a time schedule for the individual items outlined in the scope of work (section 3.1). We would also like a schematic map outlining the initial piping connections of the system. This was also discussed with Peter Frank on 2/25/93. The workplan will be accepted for implementation upon the satisfactory submittal of this information.

If you have any questions, please contact me at 510-271-4530.

Sincerely,

Jennifer Eberle
Hazardous Materials Specialist

cc: Richard Zipp, Park Environmental, 2140 Professional Dr., Suite 130, Roseville CA 95661
Rich Hiett, RWQCB
Ed Howell/File

je

Park
Environmental

93 FEB 18 PM 1:30

February 16, 1993

3779

1137J3

Ms. Jennifer Eberle
Hazardous Materials Division
Department of Environmental Health
80 Swan Way, Room 200
Oakland, CA 94601

RE: REQUEST FOR MODIFICATION OF QUARTERLY GROUNDWATER MONITORING PROGRAM CARNATION COMPANY 1310 14TH STREET OAKLAND, CALIFORNIA

Dear Ms. Eberle:

Park Environmental Corporation (Park) has been authorized by Nestle USA, Inc. to continue the quarterly groundwater monitoring program at Carnation Oakland facility. As agreed to at the September 17, 1992, meeting, we have prepared a recommendation for the future quarterly groundwater and water level monitoring program. **Park** requests that the following Scope of Services be substituted for the original Harding Lawson Work Plan and verbally modified over a number of quarterly events.

Scope of Services

- o Measure depths to groundwater in all previously surveyed monitoring wells to evaluate direction of groundwater flow and gradient;
- o Measure free product levels in all monitoring wells containing free product and adjacent wells to verify free product plume definition;
- o Purge and sample groundwater from monitoring wells MW-3, MW-25, MW-26, MW-27, MW-28, MW-29, MW-30, and MW-32; MW-14? MW-2, MW-5, MW-6, MW23, MW24
- o Analyze groundwater samples for Total Petroleum Hydrocarbon (TPH) compounds as gasoline and diesel, and benzene, toluene, ethylbenzene and total xylenes (BTEX) using Methods modified

why not all MW's? are the others NP?

FP (ft)
2 ?
13 No 5 No
14 No 6 No
7 .67
8 .46
22 2.80
23 ?
24 2.04

1137J3

P/(Nestle told them to omit q 1st qtr last QM).

same 2 as Oct 92 QM

must delineate extent of VOC plume which we know exists in MWs 26 + 32.

8015 and 8020, or equivalent. In addition monitoring wells MW-26 and MW-32 will be analyzed for halogenated volatile compounds using EPA Method 8010;

- o Prepare a quarterly monitoring report presenting the findings. This report will include, but is not limited to: a groundwater flow direction map showing water elevations and/or potentiometric surfaces; a free product plume delineation map with product thicknesses; all field measurements; and a tabulation of the analytical test results; and copies of the certified laboratory test results.

These changes set forth a monitoring program that will provide satisfactory monitoring while maintaining cost effectiveness. **Park** requests approval of this proposed scope of work. We anticipate performing the first quarter sampling and groundwater measurements the last week of February or the first week of March. that doesn't give us much time!

Please contact our Roseville office at (916) 784-7400 if you have any questions regarding this submittal. We will contact you at least 48 hours prior to beginning the quarterly program.

Sincerely,

PARK ENVIRONMENTAL CORPORATION

Peter Frank
Project Geologist

Richard J. Zipp, R.G., C.E.G.
Principal Hydrogeologist

RJZ:mjm

cc: Mr. Walter Carey, Nestle USA, Inc.
Mr. Binayak Acharya Nestle USA, Inc.

Park Environmental
2140 PROFESSIONAL DRIVE
SUITE 130
ROSEVILLE, CA 95661

FAX TRANSMITTAL

TO: Ms. Jennifer Eberle
Alameda County

FAX #: 510 569-4757

FROM: Dick Ziph

PARK ENVIRONMENTAL CORPORATION
2140 PROFESSIONAL DRIVE, SUITE 130
ROSEVILLE, CA 95661

TEL: (916)782-8980 OR 1-800-753-7401
FAX: (916)784-7496

THIS TRANSMITTAL CONTAINS A TOTAL OF _____PAGES INCLUDING THIS COVER SHEET.

IF YOU HAVE ANY QUESTIONS PLEASE CONTACT US AT THE ABOVE NUMBER.

COMMENTS:

Park
Environmental

93 JAN 15 PM 12:30

January 13, 1993

Ms. Jennifer Eberle
Alameda County
Department of Environmental Health
80 Swan Way, Room 200
Oakland, CA 94621

1137J1

RE: GROUNDWATER ELEVATION MAP
CARNATION COMPANY
1310 14TH STREET
OAKLAND, CALIFORNIA

Dear Ms. Eberle:

After your telephone call on January 12, 1993 I reviewed the water level data and the Groundwater Elevation Map prepared by **Park**. I also reviewed several of HLA's Quarterly Monitoring Reports for comparison.

Several differences between HLA's and **Park's** data are quite apparent after a review of these documents. Depths to groundwater, and hence groundwater elevations, are about the lowest they have been on site since HLA measurements began on April 16, 1991. The groundwater high beneath 16th Street reported by HLA in a number of their Quarterly Reports was not present on October 19, 1992, when **Park** measured the depths to groundwater at the site. In fact, MW-28 and MW-29 had the lowest groundwater elevations of any measured wells in the northern portion of the site. Nor was there an apparent low along the western side of the property.

The direction of groundwater flow is to the north with a gradient of 0.0016. The difference in groundwater elevation across the site was only 0.63 feet. There are no apparent anomalies to the northerly flow of the groundwater. Whether or not this is the result of the lower groundwater elevations will be evaluated during future measurements.

Numerous well boxes could not be opened to allow for measurements to be made. During the next quarterly monitoring **Park** will make an effort to measure MW-15 and MW-16 to see if they indicate any different flow than that measured during our October 19, 1992 report. At this time we do not have any reason to believe that our Groundwater Elevation Map requires any revision.

1137J1

2140 Professional Drive ⁂ Suite 130 ⁂ Roseville, CA 95661 **TEL:916-782-8980** 1-800-753-7401 FAX 916-784-7496

During my review I noted that our figure had an error on it when compared to the data table. The elevation of 4.07 next to MW-14 should have been by MW-3. MW-14 was dry when measured. The change does not alter the flow direction or gradient.

Mr. Walt Carey advised **Park** that a water line leak had been identified and repaired in the vicinity of the plant this past summer or fall. Possibly the removal of this recharge source has returned the site flow pattern to the present more normal configuration.

Should you or your hydrogeologist have any further questions regarding our submittal, please contact me at **Park's** Roseville office at (916) 784-7400.

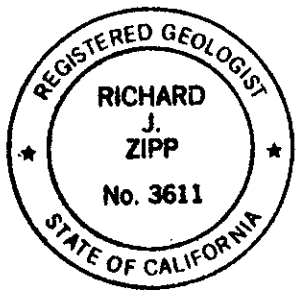
donde?

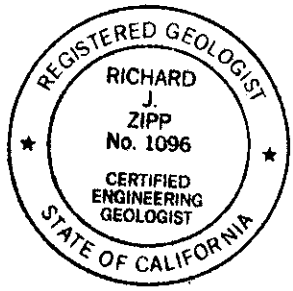
Sincerely,

PARK ENVIRONMENTAL CORPORATION

Richard J. Zipp, R.G., C.E.G.
Principal Hydrogeologist

RJZ:mjm





ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY
DAVID J. KEARS, Agency Director

RAFAT A. SHAHID, ASST. AGENCY DIRECTOR

DEPARTMENT OF ENVIRONMENTAL HEALTH
State Water Resources Control Board
Division of Clean Water Programs
UST Local Oversight Program
80 Swan Way, Rm 200
Oakland, CA 94621
(510) 271-4530

December 18, 1992

STID 3779

Walter Carey
Nestle USA Inc.
100 Manhattanville Rd.
Purchase NY 10577

RE: Carnation Dairy
1310-14th St.
Oakland CA 94607

Dear Mr. Carey,

We have received the "Quarterly Groundwater Monitoring Report," prepared by Park Environmental, dated 12/12/92. Up to 2.8 feet of floating product was detected in a groundwater plume which appears to be limited onsite. However, BTEX was detected in the offsite, downgradient monitoring wells located in 16th St. Unfortunately, TPH as gasoline and diesel **were not analyzed** in any of the wells. We had agreed to this during our meeting with Richard Zipp and Rich Hiett on 9/17/92, since we agreed to analyze groundwater as per the 5/16/91 "Work Plan" prepared by Harding Lawson Associates. Since the free product appears to be mostly gasoline with some diesel (learned as per a telephone conversation between myself and Dick Zipp today), it is important to determine the extent of dissolved gasoline and diesel. Therefore, you are directed to analyze all wells which do not contain free product for TPH as gasoline and diesel in future rounds of sampling beginning with the next quarterly sampling event.

The 12/12/92 Quarterly Report states that groundwater flow is to the north. Please submit a potentiometric surface map which plots out the various groundwater elevation points and contours, **within 14 days or by January 1, 1993.** Please include this map with future quarterly reports.

During our meeting of 9/17/92, we also agreed to submittal of a remediation workplan. During my telephone conversation with Richard Zipp on 11/13/92 and again today, he indicated that a pilot test for a soil vapor extraction system had been conducted, and that the results would be submitted within 2 or 3 weeks (from 11/13). Since I have not received any report, we request that the results from the VES pilot study be submitted to me **within 14 days** or **by January 1, 1993.** In addition, we request that the remediation workplan be submitted **within 30 days or by January 18, 1992.** This case is a high priority for our agency due to the abundance of free product present in groundwater.

Please be advised that this is a formal request for technical reports pursuant to California Water Code Section 13267(b). Any extensions of the stated deadlines, or modifications of the required tasks, must be confirmed in writing by either this agency or the RWQCB.

Please submit a cover letter signed by a Nestle representative when you submit reports from your consultant.

All work should adhere to a) the Tri-Regional Board Staff Recommendations for Preliminary Evaluation and Investigation of Underground Tank Sites, dated 8/10/90; b) the State WAter Resources Control Board LUFT Field Manual; and c) Article 11 of Title 23, California Code of Regulations. Reports and proposals must be submitted **under seal** of a California-Registered Geologist, -Certified Engineering Geologist, or -Registered Civil Engineer. All reports and documents pertaining to this investigation should also be sent to:

Rich Hiett
San Francisco Bay Region
Regional Water Quality Control Board
2101 Webster St., Ste 500
Oakland CA 94612

If you have any questions, please contact me at 510-271-4530.

Sincerely,

Jennifer Eberle
Hazardous Materials Specialist

cc: Richard Zipp, Park Environmental, 2140 Professional Dr., Suite 130, Roseville CA 95661
Rich Hiett, RWQCB
Ed Howell/File

je

Nestlé Food Company

800 NORTH BRAND BLVD.
GLENDALE, CA 91203
TEL. (818) 549-6339
FAX (818) 549-5551

91 JUL 17 AM 11:32

Technical Service Division
Environmental Affairs

July 12, 1991

Dennis J. Byrne
Senior Hazardous Material Specialist
Alameda County
Department of Environmental Health
80 Swan Way, Rm. 200
Oakland, CA 94621

RE: **DEPOSIT CHECK FOR COUNTY OVERSIGHT:**
CARNATION FACILITY
1310 14TH STREET, OAKLAND
PROJECT #346B

Dear Mr. Byrne,

Please find attached a deposit check for $2,000 (Project #346B). This deposit is made in response to your letter dated June 21, 1991.

It is understood this deposit is authorized by Section 3-141.6 of the Ordinance Code of the County of Alameda and is used to offset the costs incurred by County employees in the pursuit of their oversight responsibilities.

Please send me monthly invoices detailing the debits against the balance of the deposit in this account.

Sincerely,

Richard Flaget
Environmental Affairs

RF/sd
R088

Date: 5/15/91
Time:

HARDING LAWSON ASSOCIATES
Engineering and Environmental Services

200 Rush Landing Road
P.O. Box 578
Novato, California 94945

ADDRESSEE'S FAX PHONE #: 568-3706 HLA FAX #: (415) 892-1586

TO: MS. KATHERINE CHESICK

FROM: BRUCE SCHEIBACH

SUBJECT: CARWATER SCHEDULE

HLA JOB NO.: NON-CHARGEABLE:

NUMBER OF PAGES (INCLUDING THIS SHEET): 2

COPIES TO:

1.
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INSTRUCTIONS/REMARKS: PLEASE REVIEW AND GIVE ME A CALL AT 899-7819.

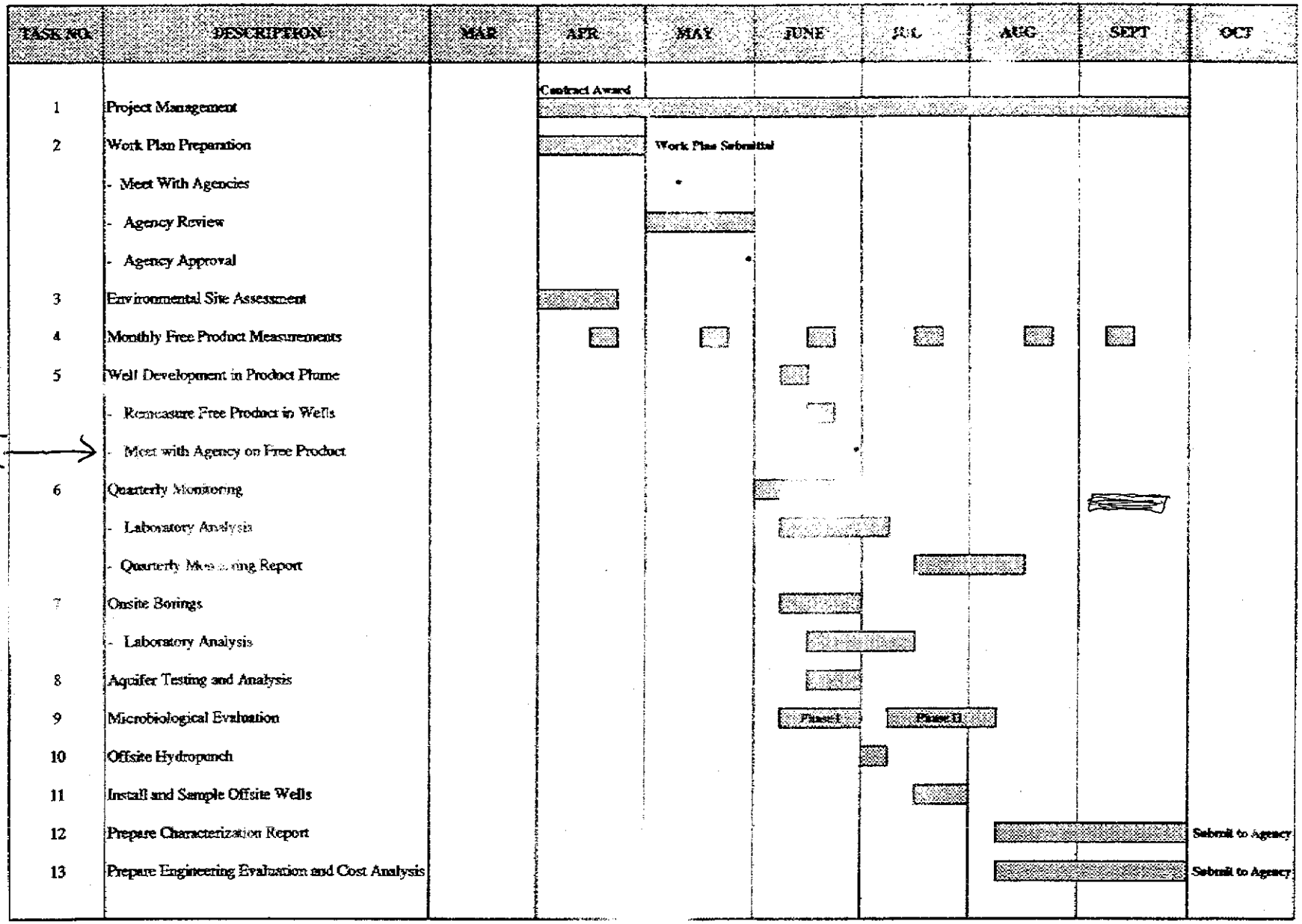
****

IF YOU DO NOT RECEIVE ALL PAGES, PLEASE CALL (415) 892-0821

Received/Sent by:

CARNATION OAKLAND FACILITY
PROJECT SCHEDULE
HLA CLIENT NO. 20294

REVISED: 5/15/91



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1991 SCHEDULE

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY
DAVID J. KEARS, Agency Director

DEPARTMENT OF ENVIRONMENTAL HEALTH
Hazardous Materials Program
80 Swan Way, Rm. 200
Oakland, CA 94621
(415)

Certified Mailer #: P 367 604 379

May 8, 1991

Mr. Merle Wood, Senior Attorney
Carnation Corporate Offices
800 North Brand Blvd.
Glendale, California 91203

Subject: **Remediation of Free Product at the Carnation Property located at 1310 14th Street in Oakland, California 94607**

Dear Mr. Wood:

This is to confirm our agreement for Carnation's handling of free product at the above site. As you are aware, we reached this agreement in the May 6, 1991 meeting at the Alameda County Hazardous Materials Division. This meeting was attended by Messrs. Bruce Scheibach and Daniel Craig of HLA, by Messrs. James Person and Richard Flaget of Carnation, by yourself, and by me.

In this meeting, HLA presented a contour map of free product measured at the Carnation site in April 1991. The map showed up to 5 feet of free product are present on site. Despite this information, free product characterization was addressed only in a minor fashion in the workplan presented at the meeting. Development of a free product remediation plan was not addressed in the plan at all. Therefore, we agreed that HLA would revise their workplan to address characterization of, and development of a remediation plan for, the free product at the site. This workplan must be submitted to our office by May 20, 1991.

The free product characterization is to include pumping and redevelopment of site wells and product recovery points to ensure sufficient entry of free product for accurate measurement, and determination and monitoring of the free product thickness and extent.

Because HLA believes free product to be contained by a building foundation and therefore to not be migrating, and because free product has not been detected off-site to date, we will not require the immediate initiation of free product remediation at this time. However, the workplan shall present a contingency plan for free product removal/control. This contingency plan must be implemented **immediately** in the event free product is found to be migrating or is detected off-site.

ROBERT BEIN, WILLIAM FROST & ASSOCIATES
1981 N. Broadway, Suite 235
Walnut Creek, California 94596

LEGAL DESCRIPTION
DEED RESTRICTION AREA

That certain parcel of land situated in the City of Oakland, County of Alameda, State of California described as follows:

Being a portion of Lots 4 through 23 and a portion Kirkham Street of the Scotchler Tract and Vicinity, Oakland, as shown on a map thereof filed in Book 7 of Maps at Page 21 on December 10, 1874 in the Office of the County Recorder of Alameda County more particularly described as follows:

BEGINNING at the intersection of said Kirkam Street and the northwest corner of lot 17, in block 584, as shown on the map of "Re-division of Blocks 584, 585, 601, 153 and 580-A, City of Oakland, County of Alameda, California", filed May 1, 1885, in Book 4 of Maps, at Page 25, in said office of the County Recorder;

Thence, along the northerly line of said Kirkham Street and said lots 13, 12, 11, 10, 9, 8, 7, 6 and 5, North 72°53'28" West 292.25 feet to the northwest corner of said lot 5, said point also being the northeasterly corner of that certain parcel of land described in the deed to the State of California, recorded May 12, 1955 in Volume 7658, of Official Records at Page 299, in said office of the County Recorder;

Thence, continuing along said northerly line of Kirkham Street, North 72°53'28" West 8.64 feet;

Thence, along said State of California parcel, along a non-tangent 1240 foot radius curve to the right, through a central angle of 2°59'04" to the easterly line of the parcel of land described in the deed to the State of California, recorded August 12, 1955 in Book 7749, of Official Records at Page 447, as Instrument Number AK-86901, in said office of the County Recorder;

Thence, along last said State of California parcel (7749 OR 447), along a non-tangent 1240 foot radius curve to the right from a tangent that bears South 10°54'36" West to the south line of said lot 22, said southerly line also being the north line of 15th Street, as shown on said map of the Scotchler Tract (7 M 21);

Thence, along said northerly line of 15th Street and the easterly prolongation of said north line, South 74°03'30" East 285.05 feet to the easterly line of said Kirkham Street;

Thence, along said easterly line, North 15°56'30" West 209.50 feet to the **POINT OF BEGINNING.**

EXHIBIT attached and by this reference made a part hereof.

Patrick J. Tami, L.S. 5816

C:\MyFiles\Office\Wpwin\legal2.wpd

April 19, 2000 (4:28PM)

g. All uses and development of the Burdened Property shall be consistent with any applicable Board Order or Risk Management Plan, each of which is hereby incorporated by reference including future amendments thereto. All uses and development shall preserve the integrity of any cap, any remedial measures taken or remedial equipment installed, and any groundwater monitoring system installed on the Burdened Property pursuant to the requirements of the ACHA, unless otherwise expressly permitted in writing by the ACHA. Any development of the Burdened Property will maintain a surface cap of the soil, exclusive of minor landscape areas, by buildings or paved surfaces.

h. No Owners or Occupants of the Property or any portion thereof shall drill, bore, otherwise construct, or use a well for the purpose of extracting water for any use, including but not limited to, domestic, potable, or industrial uses, unless expressly permitted in writing by the Board.

3.1.1 Notifications/Access/Non Aggravation

a. The Owner shall notify the ACHA of each of the following: (1) The type, cause, location and date of any disturbance to any cap, any remedial measures taken or remedial equipment installed, and of the groundwater monitoring system installed on the Burdened Property pursuant to the requirements of the ACHA, which could affect the ability of such cap or remedial measures, remedial equipment, or monitoring system to perform their respective functions and (2) the type and date of repair of such disturbance. Notification to the ACHA shall be made by registered mail within ten (10) working days of both the discovery of such disturbance and the completion of repairs;

b. The Covenantor agrees that the ACHA, and/or any persons acting pursuant to ACHA orders, shall have reasonable access to the Burdened Property for the purposes of inspection, surveillance, maintenance, or monitoring, as provided for in Division 7 of the Water Code.

c. No Owner or Occupant of the Burdened Property shall act in any manner that will aggravate or contribute to the existing environmental conditions of the Burdened Property. All use and development of the Burdened Property shall preserve the integrity of any capped areas.

3.2 Enforcement. Failure of an Owner or Occupant to comply with any of the restrictions, as set forth in paragraph 3.1, shall be grounds for the ACHA, by reason of this Covenant, to have the authority to require that the Owner modify or remove any Improvements constructed in violation of that paragraph. Violation of the Covenant shall be grounds for the ACHA to file civil actions against the Owner as provided by law.

3.3 Notice in Agreements. After the date of recordation hereof, all Owners and Occupants shall execute a written instrument which shall accompany all purchase agreements or leases relating to the property. Any such instrument shall contain the following statement:

The land described herein contains hazardous materials in soils and in the ground water under the property, and is subject to a deed restriction dated as of _____, 200_,

A map showing the properties visited is included, along with photographs of these properties. Please feel free to contact Brent Searcy at ETIC Engineering with any questions about the door-to-door well survey conducted for the Nestlé facility.

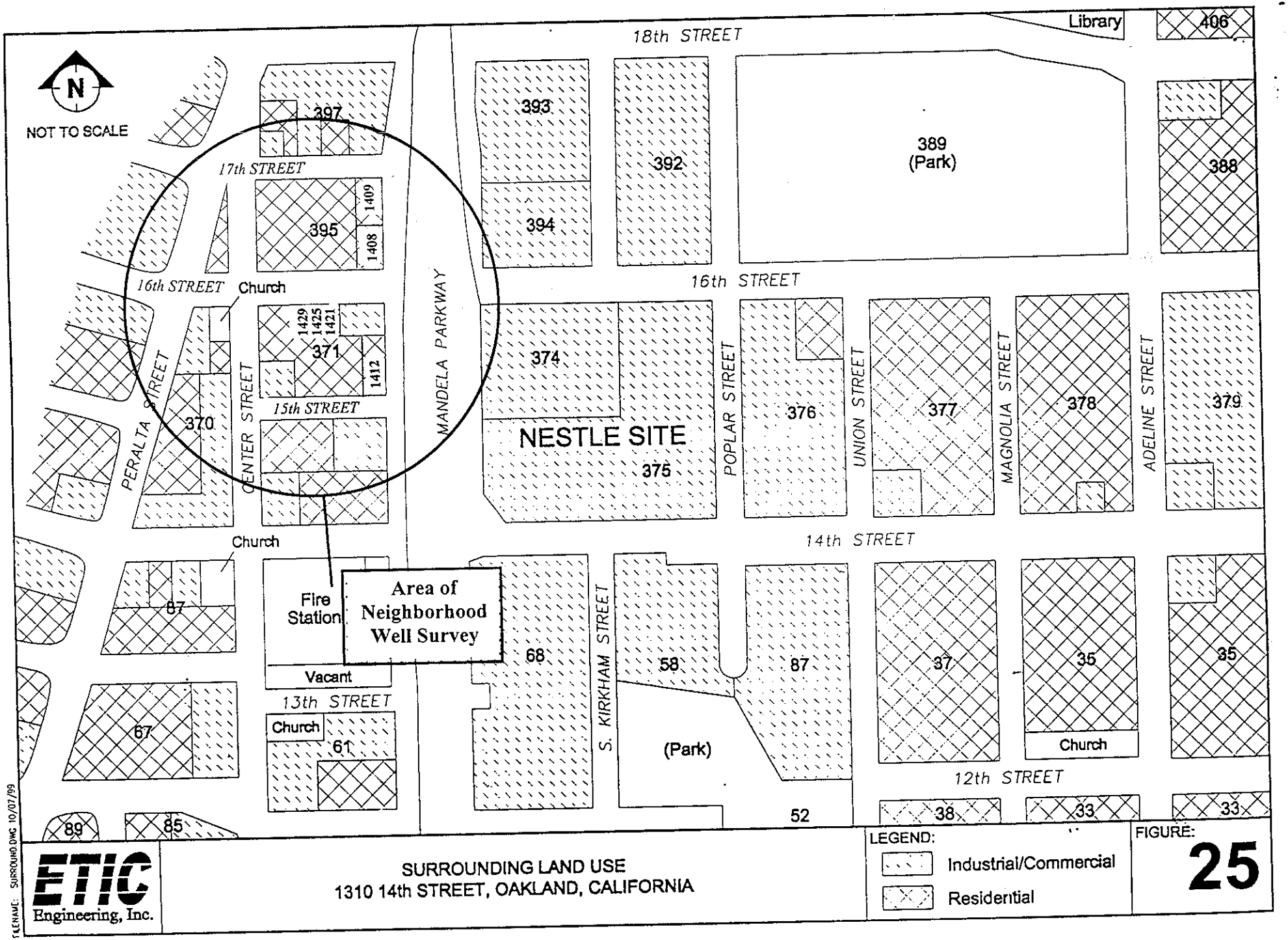
Sincerely,

Brent Searcy

Brent Searcy
Project Engineer

BS/dh

Enclosures

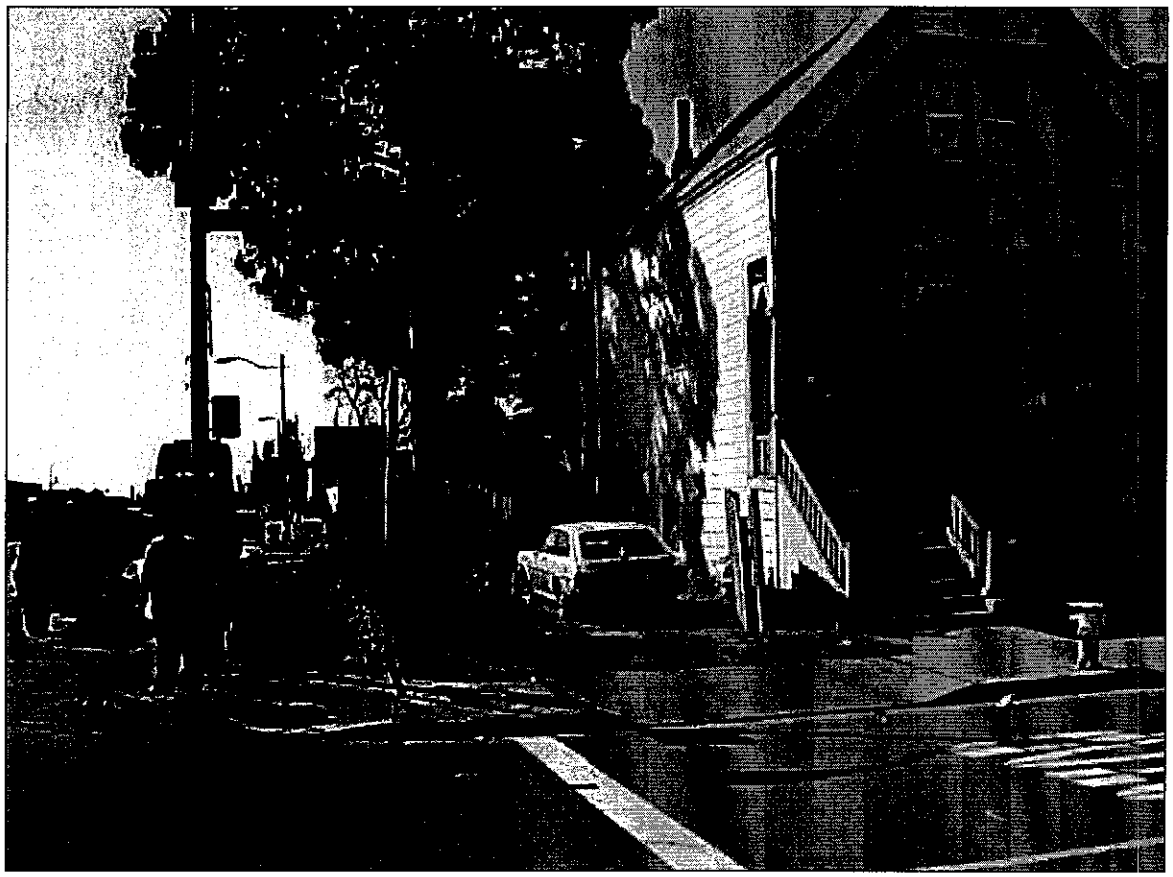


ETIC Engineering, Inc.

SURROUNDING LAND USE
1310 14th STREET, OAKLAND, CALIFORNIA

FIGURE: 25

FILENAME: SURROUND.DWG 10/07/99



1409 17th Street, Oakland CA

ETIC
Engineering, Inc.

00 JUL 32 PM 3:43

ENVIRONMENTAL PROTECTION

25 July 2000

Lawrence Seto
Senior Hazardous Materials Specialist
Alameda County Health Agency
1131 Harbor Bay Parkway, 2nd Floor
Alameda, CA 94502

RE: Status report for the remedial action being conducted at the former Nestle facility located at 1310 14th Street, Oakland, California

Dear Mr. Seto:

As we approach some of the milestones of the remedial action being conducted at the former Nestle facility, we would like to update everyone on the status of the project.

Closure Schedule

At a meeting with the Alameda County Health Agency (ACHA) and the Regional Water Quality Control Board (RWQCB) on 2 November 1999, it was determined that the site conditions satisfy the criteria of a low-risk soil and groundwater case with respect to petroleum hydrocarbons. It was also determined that the low HVOC concentrations do not warrant any remediation. The time estimated to close the hydrocarbon portion of the environmental case was approximately one year, and two years was estimated for the solvent portion provided that existing trends in groundwater concentrations are maintained.

For the remediation of hydrocarbon impacts to the site, it was determined that the multi-phase extraction system would be operated through the first two quarters of 2000. At the end of the fourth quarter, groundwater monitoring results will be reviewed. If no increase or "rebound" of the groundwater hydrocarbon concentrations are observed during the two quarters of monitoring after the remediation system is shut down (end of June 2000), then the hydrocarbon portion of the case can be closed provided deed restrictions and a risk management plan are put in place.

For the solvent portion of the environmental case, it was determined that groundwater concentrations will be monitored for two years on a quarterly basis. At the end of two years if the current trends in groundwater concentrations are maintained, then the solvent portion of the environmental case can be closed with the appropriate deed restrictions and risk management plan in place.

Remediation System Operation & Maintenance and Groundwater Monitoring

The multi-phase extraction system has continued to be operated during the first two quarters of 2000. During this time two groundwater monitoring events have been conducted. The report covering these two monitoring events will be sent to the ACHA the week of 24 July 2000. Per the November 1999 meeting, the remediation system was shut down at the end of June 2000. Quarterly monitoring for the 3rd and 4th quarters will be conducted in August and November 2000.

Deed Restriction

As part of the sale of the property which was recently completed, Covenants and Environmental Restrictions were established for the northwest portion of the property based on an example provided by the RWQCB. The Covenants and Environmental Restrictions, which were reviewed by the ACHA, RWQCB, and the Oakland City Attorney's Office, were signed by Leroy Griffin of the City of Oakland Fire Services during the week of 5 June 2000. These covenants are currently being recorded on the deed for the property. A copy of the covenants will be included with a Draft Risk Management Plan.

144 Mayhew Way, Walnut Creek, CA 94596 • *Phone:* 925.977.7914 • *Fax:* 925.977.7915 • *License No.* 624022

California Regional Water Quality Control Board
San Francisco Bay Regional Water Quality Control Board

Winston H. Hickox
Secretary for Environmental Protection

Internet Address: http://www.swrcb.ca.gov
1515 Clay Street, Suite 1400, Oakland, California 94612
Phone (510) 622-2300 FAX (510) 622-2460

Gray Davis
Governor

TO: Larry Seto
FROM: Roger Brewer, RWQCB-SF, Toxics Cleanup Division
DATE: July 6, 2000

SUBJECT: Review of response to comments regarding Risk Assessment for Nestle USA, Inc. Facility, 1310 14th Street, Oakland

I reviewed ETIC's June 27, 2000, response to our comments on the draft risk assessment for the Nestle - Oakland site. They seem to be on track with respect to most of our comments. We really won't be able to adequately review their responses, however, until we've seen their "final" site characterization report and risk management plan. Chuck Headlee and I both don't see any need to meet with them again until we receive drafts of these documents and we would like to cancel the scheduled July 14th meeting.

Based on their letter, the only lingering comments and questions I have are as follows:

Comment/Response 1:
Depth to groundwater information needs to be provided in same table as well designs. The design of several of the wells they selected to use for future monitoring purposes is also apparently not known (see their Table 33). If this is true, we certainly can't rely on data from these wells to make any decisions. They could attempt to find out how the wells are designed (e.g., depth should be easy enough, down-hole camera may be of some use, etc.). The adequacy of the remaining wells for monitoring of impacted groundwater should be reviewed. Based on what they presented there don't seem to be enough wells outside of the full perimeter of the plume (e.g., east, west and south sides of the plume). Wells CC-1 and CC-2 should also be monitored on a regular basis, since they are the downgradient most wells.

Comment/Response 8:
They are focusing on the wrong point to prove their argument about leaching concerns for residual petroleum in vadose-zone soil. The fact that there are no existing downgradient groundwater water supply wells doesn't mean impacts to groundwater quality can be ignored. The main points they should stress (if applicable) are: 1) impacted vadose-zone soil in the release areas has been remediated (though this needs to be described and discussed in much more detail); 2) the main mass of residual petroleum left in place at the site is already in contact with groundwater and groundwater data is thus reflective of leaching impacts, and 3) concentrations of chemicals of concern are degrading below levels of concern before impacted groundwater migrates a significant distance offsite.

Comment/Response 9:
They seem to be proposing that they NOT quantitatively evaluate risk to construction/trench workers as I suggested in my original comment. They instead intend to address this concern in the Risk Management Plan to be prepared for the site. If this is the case, they need to justify this in their final document and the adequacy of the Risk Management Plan will need to be very carefully evaluated.

Comment/Response 10:

The URF they quote for MTBE (2.6×10^{-7} $(ug/m^3)^{-1}$) needs to be rechecked. I'm not sure what the assumed 50 percent uptake rate is based on. The OEHHA document I have (referenced in my original comment) gives a URF of 4.5×10^{-8} $(ug/m^3)^{-1}$. Using the methodology described in the USEPA Region IX PRGs document, this translates into an inhalation cancer slope factor of 1.6×10^{-4} $(mg/kg\text{-}d)^{-1}$. OEHHA also presents an oral cancer slope factor for MTBE of 1.8×10^{-3} $(mg/kg\text{-}d)^{-1}$. This needs to be considered as well in development of soil cleanup levels or calculation of risk. As ETIC correctly notes, the resulting cleanup numbers (or calculated risks) MTBE direct-exposure concerns probably won't have a significant impact on evaluation of overall cleanup actions or calculated risks at the site. This still should be included, however, in order to document that it was considered.

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

May 24, 2000

Mr. Leroy Griffin
City of Oakland Fire Services
1605 Martin Luther King
Oakland, CA 94612
STID 3779

RE: Nestle USA, 1310 14th Street, Oakland, CA 94607

Dear Mr. Griffin:

Enclosed is a copy of a Covenant and Environmental Restriction of Property (CERPR) Restriction) for the above site prepared by Nestle USA for your review and comments. Four (4) underground fuel storage tanks and associated piping were removed in December 1988. One (1) 1,000 gallon used-oil tank was removed in January 1989. The soil and groundwater has been impacted with TPH(gas), TPH(diesel), BTEX, MTBE and 1,2-dichloroethane.

The original parcel has been subdivided into two parcels (see enclosed site map). The impacted parcel comprises approximately one-quarter of the original parcel, and has its own assessor parcel number.

Nestle USA has a pending sale for the above parcels, and has requested the City of Oakland to review the CERPR as soon as practical. If the City of Oakland would like to sign the document, and be identified as the lead agency in the document instead of Alameda County, this is acceptable to this office.

If you have any questions, please contact Mr. Binayak Acharya with Nestle USA at (818) 549-5948 or me at (510) 567-6774.

5.3 Partial Invalidity. If any portion of the Restrictions or terms set forth herein is determined to be invalid for any reason, the remaining portion shall remain in full force and effect as if such portion had not been included herein.

5.4 Article Headings. Headings at the beginning of each numbered article of this Covenant are solely for the convenience of the parties and are not a part of the Covenant.

5.5 Recordation. This instrument shall be executed by the Chief of Hazardous Materials of the ACHA. This instrument shall be recorded by the Covenantor in the County of _____ within ten (10) days of the date of execution.

5.6 References. All references to Code sections include successor provisions.

5.7 Construction. Any general rule of construction to the contrary notwithstanding, this instrument shall be liberally construed in favor of the Covenant to effect the purpose of this instrument and the policy and purpose of the Water Code. If any provision of this instrument is found to be ambiguous, an interpretation consistent with the purpose of this instrument that would render the provision valid shall be favored over any interpretation that would render it invalid.

IN WITNESS WHEREOF, the parties execute this Covenant as of the date set forth above.

Covenantor: NESTLE USA, INC.

By: _____

Title: Vice President

Date: May 15, 2000

Agency: Alameda County Health Agency
Division of Environmental Protection

By: _____

Title: Chief of Hazardous Materials

ARTICLE II
DEFINITIONS

2.1 ACHA. "ACHA" shall mean the Alameda County Health Agency and shall include its successor agencies, if any.

2.2 Board. "Board" shall mean the California Regional Water Quality Control Board for the San Francisco Bay Region and shall include its successor agencies, if any.

2.3 Improvements. "Improvements" shall mean all buildings, roads, driveways, regradings, and paved parking areas, constructed or placed upon any portion of the Burdened Property.

2.4 Occupants. "Occupants" shall mean Owners and those persons entitled by ownership, leasehold, or other legal relationship to the exclusive right to use and/or occupy all or any portion of the Burdened Property.

2.5 Owner or Owners. "Owner" or "Owners" shall mean the Covenantor and/or its successors in interest, who hold title to all or any portion of the Burdened Property.

ARTICLE III
DEVELOPMENT, USE AND CONVEYANCE OF THE BURDENED PROPERTY

3.1 Restrictions on Development and Use. Covenantor promises to restrict the use of the Burdened Property as follows:

a. Development of the Burdened Property shall be restricted to industrial, commercial or office space;

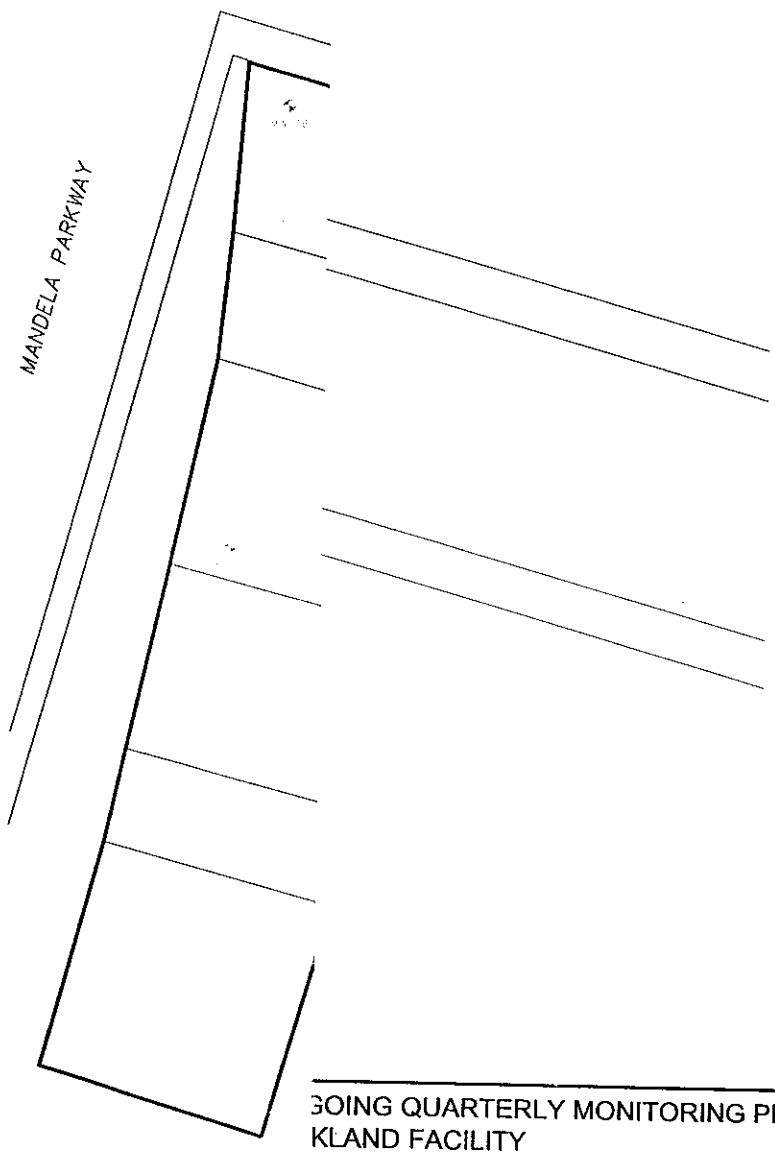
b. No residence for human habitation shall be permitted on the Burdened Property;

c. No hospitals shall be permitted on the Burdened Property;

d. No schools for persons under 21 years of age shall be permitted on the Burdened Property;

e. No day care centers for children or day care centers for Senior Citizens shall be permitted on the Burdened Property;

f. No Owners or Occupants of the Burdened Property or any portion thereof shall conduct any excavation work on the Burdened Property, unless expressly permitted in writing by the ACHA. Any contaminated soils brought to the surface by grading, excavation, trenching, or backfilling shall be managed by Covenantor or his agent in accordance with all applicable provisions of local, state and federal law;



LEGEND:

WELLS SAMPLED AS PART OF ONGOING QUARTERLY MONITORING PLAN

REMEDIATION SYSTEM VACUUM PIPING

N

0 20 40

Scale (feet)

GOING QUARTERLY MONITORING PLAN
KLAND FACILITY
OAKLAND, CALIFORNIA
MAY 2000

FIGURE:
33

FILENAME: G-WELLS-05CO.DWG 02/15/00

Alameda County Environmental Health

1131 Harbor Bay Pkwy., #250
Alameda CA 94502-6577
Telephone (510) 567-6700 FAX (510) 337-9335

FACSIMILE COVER SHEET

TO: Leroy Griffin

FROM: Larry Seto

DATE: 5-24-00

Total number of pages including cover sheet 15

-NOTES-

faxdoc.doc/n.arreguin/5-11-98

2nd Draft

Recording Requested By:

Nestle USA Inc.
800 North Brand Blvd.
Glendale, California 91203

When Recorded, Mail To:
Ariu Levi, Chief of Hazardous Materials
Alameda County Health Agency
Division of Environmental Protection
1131 Harbor Bay Parkway
Alameda, California 94502

COVENANT AND ENVIRONMENTAL RESTRICTION
ON PROPERTY

Northeast Portion of the Former Carnation Dairy Facility which Occupies
1315-1372 14th Street and 1315-1385 16th Street

This Covenant and Environmental Restriction on Property (this "Covenant") is made as of the ____ day of _____, 2000 by Nestle USA ("Covenantor") who is the Owner of record of that certain property situated at 1315-1372 14th Street and 1315-1385 16th Street, in the City of Oakland, County of Alameda, State of California, which contains a contaminated area which is more particularly described in Exhibit A attached hereto and incorporated herein by this reference (such contaminated area hereinafter referred to as the "Burdened Property"), for the benefit of the Alameda County Health Agency (ACHA), with reference to the following facts:

A. The Burdened Property and groundwater underlying the property contains hazardous materials.

B. Contamination of the Burdened Property. Soil at the Burdened Property was contaminated by releases from petroleum underground storage tanks. These releases resulted in contamination of soil and groundwater with organic chemicals including benzene, toluene, ethylbenzene, xylenes, and 1,2 –dichloroethane, which are hazardous materials as that term is defined in Health & Safety Code Section 25260. Removal of underground storage tanks and remediation of the petroleum hydrocarbons was initiated in January 1988 and is summarized below:

Tank, Line, and Dispenser Removal

Four (4) underground fuel storage tanks and associated piping were removed in December 1988. One (1) 1,000 gallon used-oil tank was removed in January 1989.

Sincerely,

Larry Seto
Sr. Hazardous Materials Specialist

Enclosure (1) (Covenant and Environmental Restriction of Property Restriction)

Cc: Binayak Acharya, Nestle USA, 800 North Brand Blvd., Glendale, CA 91203
Ariu Levi, Chief, Hazardous Materials, Alameda County Environmental Health
Brent Searcy, ETIC, 144 Mayhew Way, Walnut Creek, CA 94596
Files

ARTICLE I
GENERAL PROVISIONS

1.1 Provisions to Run with the Land. This Covenant sets forth protective provisions, covenants, conditions and restrictions (collectively referred to as "Restrictions") upon and subject to which the Burdened Property and every portion thereof shall be improved, held, used, occupied, leased, sold, hypothecated, encumbered, and/or conveyed. The restrictions set forth in Article III are reasonably necessary to protect present and future human health and safety or the environment as a result of the presence of hazardous materials in the subsurface below the Burdened Property. Each and all of the Restrictions shall run with the land, and pass with each and every portion of the Burdened Property, and shall apply to, inure to the benefit of, and bind the respective successors in interest thereof, for the benefit of the ACHA and all Owners and Occupants. Each and all of the Restrictions are imposed upon the entire Burdened Property. Each and all of the Restrictions run with the land pursuant to section 1471 of the Civil Code. Each and all of the Restrictions are enforceable by the California Regional Water Quality Control Board for the San Francisco Bay Region (the "Board").

1.2 Concurrence of Owners and Lessees Presumed. All purchasers, lessees, or possessors of any portion of the Burdened Property shall be deemed by their purchase, leasing, or possession of such Burdened Property, to be in accord with the foregoing and to agree for and among themselves, their heirs, successors, and assignees, and the agents, employees, and lessees of such owners, heirs, successors, and assignees, that the Restrictions as herein established must be adhered to for the benefit of the ACHA and the Owners and Occupants of the Burdened Property and that the interest of the Owners and Occupants of the Burdened Property shall be subject to the Restrictions contained herein.

1.3 Apportionment of Burden Among Multiple Owners. Where ownership of the Burdened Property is held by multiple persons, holding by several titles, the burdens imposed by this Covenant shall be apportioned between them proportionate to the value of the property held by each owner, if such value can be ascertained, and if not, then according to their respective interests in point of quantity. (Cal. Civ. Code, § 1467.)

1.4 Incorporation into Deeds and Leases. Covenantor desires and covenants that the Restrictions set out herein shall be incorporated in and attached to each and all deeds and leases of any portion of the Burdened Property. Recordation of this Covenant shall be deemed binding on all successors, assigns, and lessees, regardless of whether a copy of this Covenant and Agreement has been attached to or incorporated into any given deed or lease.

1.5 Purpose. It is the purpose of this instrument to convey to the ACHA real property rights, which will run with the land, to facilitate the remediation of past environmental contamination and to protect human health and the environment by reducing the risk of exposure to residual hazardous materials.

ARTICLE II
DEFINITIONS

2.1 ACHA. "ACHA" shall mean the Alameda County Health Agency and shall include its successor agencies, if any.

2.2 Board. "Board" shall mean the California Regional Water Quality Control Board for the San Francisco Bay Region and shall include its successor agencies, if any.

2.3 Improvements. "Improvements" shall mean all buildings, roads, driveways, regradings, and paved parking areas, constructed or placed upon any portion of the Burdened Property.

2.4 Occupants. "Occupants" shall mean Owners and those persons entitled by ownership, leasehold, or other legal relationship to the exclusive right to use and/or occupy all or any portion of the Burdened Property.

2.5 Owner or Owners. "Owner" or "Owners" shall mean the Covenantor and/or its successors in interest, who hold title to all or any portion of the Burdened Property.

ARTICLE III
DEVELOPMENT, USE AND CONVEYANCE OF THE BURDENED PROPERTY

3.1 Restrictions on Development and Use. Covenantor promises to restrict the use of the Burdened Property as follows:

a. Development of the Burdened Property shall be restricted to industrial, commercial or office space;

b. No residence for human habitation shall be permitted on the Burdened Property;

c. No hospitals shall be permitted on the Burdened Property;

d. No schools for persons under 21 years of age shall be permitted on the Burdened Property;

e. No day care centers for children or day care centers for Senior Citizens shall be permitted on the Burdened Property;

f. No Owners or Occupants of the Burdened Property or any portion thereof shall conduct any excavation work on the Burdened Property, unless expressly permitted in writing by the ACHA. Any contaminated soils brought to the surface by grading, excavation, trenching, or backfilling shall be managed by Covenantor or his agent in accordance with all applicable provisions of local, state and federal law;

5.3 Partial Invalidity. If any portion of the Restrictions or terms set forth herein is determined to be invalid for any reason, the remaining portion shall remain in full force and effect as if such portion had not been included herein.

5.4 Article Headings. Headings at the beginning of each numbered article of this Covenant are solely for the convenience of the parties and are not a part of the Covenant.

5.5 Recordation. This instrument shall be executed by the Chief of Hazardous Materials of the ACHA. This instrument shall be recorded by the Covenantor in the County of _____ within ten (10) days of the date of execution.

5.6 References. All references to Code sections include successor provisions.

5.7 Construction. Any general rule of construction to the contrary notwithstanding, this instrument shall be liberally construed in favor of the Covenant to effect the purpose of this instrument and the policy and purpose of the Water Code. If any provision of this instrument is found to be ambiguous, an interpretation consistent with the purpose of this instrument that would render the provision valid shall be favored over any interpretation that would render it invalid.

IN WITNESS WHEREOF, the parties execute this Covenant as of the date set forth above.

Covenantor: NESTLE USA, INC.

By: _____

Title: Vice President

Date: May 15, 2000

Agency: Alameda County Health Agency
Division of Environmental Protection

By: _____

Title: Chief of Hazardous Materials

and recorded on _____, 200_, in the Official Records of _____ County, California, as Document No. _____, which Covenant and Restriction imposes certain covenants, conditions, and restrictions on usage of the property described herein. This statement is not a declaration that a hazard exists.

ARTICLE IV
VARIANCE AND TERMINATION

4.1 Variance. Any Owner or, with the Owner's consent, any Occupant of the Burdened Property or any portion thereof may apply to the ACHA for a written variance from the provisions of this Covenant.

4.2 Termination. Any Owner or, with the Owner's consent, any Occupant of the Burdened Property or a portion thereof may apply to the ACHA for a termination of the Restrictions as they apply to all or any portion of the Burdened Property which consent to termination shall not be unreasonably withheld.

4.3 Term. Unless terminated in accordance with paragraph 4.2 above, by law or otherwise, this Covenant shall continue in effect in perpetuity.

ARTICLE V
MISCELLANEOUS

5.1 No Dedication Intended. Nothing set forth herein shall be construed to be a gift or dedication, or offer of a gift or dedication, of the Burdened Property or any portion thereof to the general public.

5.2 Notices. Whenever any person gives or serves any notice, demand, or other communication with respect to this Covenant, each such notice, demand, or other communication shall be in writing and shall be deemed effective (1) when delivered, if personally delivered to the person being served or official of a government agency being served, or (2) three (3) business days after deposit in the mail if mailed by United States mail, postage paid certified, return receipt requested:

If To: "Covenantor"
[Owners name and address]

If To: "ACHA"
Alameda County Health Agency
Division of Environmental Protection
Attention: Chief of Hazardous Materials
1131 Harbor Bay Parkway
Alameda, California 94502

g. All uses and development of the Burdened Property shall be consistent with any applicable Board Order or Risk Management Plan, each of which is hereby incorporated by reference including future amendments thereto. All uses and development shall preserve the integrity of any cap, any remedial measures taken or remedial equipment installed, and any groundwater monitoring system installed on the Burdened Property pursuant to the requirements of the ACHA, unless otherwise expressly permitted in writing by the ACHA. Any development of the Burdened Property will maintain a surface cap of the soil, exclusive of minor landscape areas, by buildings or paved surfaces.

h. No Owners or Occupants of the Property or any portion thereof shall drill, bore, otherwise construct, or use a well for the purpose of extracting water for any use, including but not limited to, domestic, potable, or industrial uses, unless expressly permitted in writing by the Board.

3.1.1 Notifications/Access/Non Aggravation

a. The Owner shall notify the ACHA of each of the following: (1) The type, cause, location and date of any disturbance to any cap, any remedial measures taken or remedial equipment installed, and of the groundwater monitoring system installed on the Burdened Property pursuant to the requirements of the ACHA, which could affect the ability of such cap or remedial measures, remedial equipment, or monitoring system to perform their respective functions and (2) the type and date of repair of such disturbance. Notification to the ACHA shall be made by registered mail within ten (10) working days of both the discovery of such disturbance and the completion of repairs;

b. The Covenantor agrees that the ACHA, and/or any persons acting pursuant to ACHA orders, shall have reasonable access to the Burdened Property for the purposes of inspection, surveillance, maintenance, or monitoring, as provided for in Division 7 of the Water Code.

c. No Owner or Occupant of the Burdened Property shall act in any manner that will aggravate or contribute to the existing environmental conditions of the Burdened Property. All use and development of the Burdened Property shall preserve the integrity of any capped areas.

3.2 Enforcement. Failure of an Owner or Occupant to comply with any of the restrictions, as set forth in paragraph 3.1, shall be grounds for the ACHA, by reason of this Covenant, to have the authority to require that the Owner modify or remove any Improvements constructed in violation of that paragraph. Violation of the Covenant shall be grounds for the ACHA to file civil actions against the Owner as provided by law.

3.3 Notice in Agreements. After the date of recordation hereof, all Owners and Occupants shall execute a written instrument which shall accompany all purchase agreements or leases relating to the property. Any such instrument shall contain the following statement:

The land described herein contains hazardous materials in soils and in the ground water under the property, and is subject to a deed restriction dated as of _____, 200_,

Remedial Actions

Soil Excavation: Between January and March 1989, 1,200 cubic yards of soil were removed in the area of the former underground storage tanks and associated piping. This soil was treated on-site and replaced back in the excavated area.

Liquid Petroleum Hydrocarbon Removal: Liquid petroleum hydrocarbons were removed using a product skimming system from the subsurface during January through March 1989. Approximately 1,800 gallons were removed during this time period.

Soil Vapor Extraction: A soil vapor extraction system operated from January 1994 to December 1995 and removed an estimated 5,200 gallons of hydrocarbon.

Multi-phase Extraction: A multi-phase extraction system has been operating at the site since August 1997. Approximately 10,500 pounds of hydrocarbons have been removed using this system. Thickness of petroleum hydrocarbons decreased since August 1997.

C. Exposure Pathways. The contaminants addressed in this Covenant are present in soil and groundwater on the Burdened Property. Without the mitigation measures which have been performed on the Burdened Property, exposure to these contaminants could take place via the following pathways (onsite workers only):

- Ingestion and dermal contact with surface soils;
- Inhalation of volatile emissions from subsurface soils and groundwater

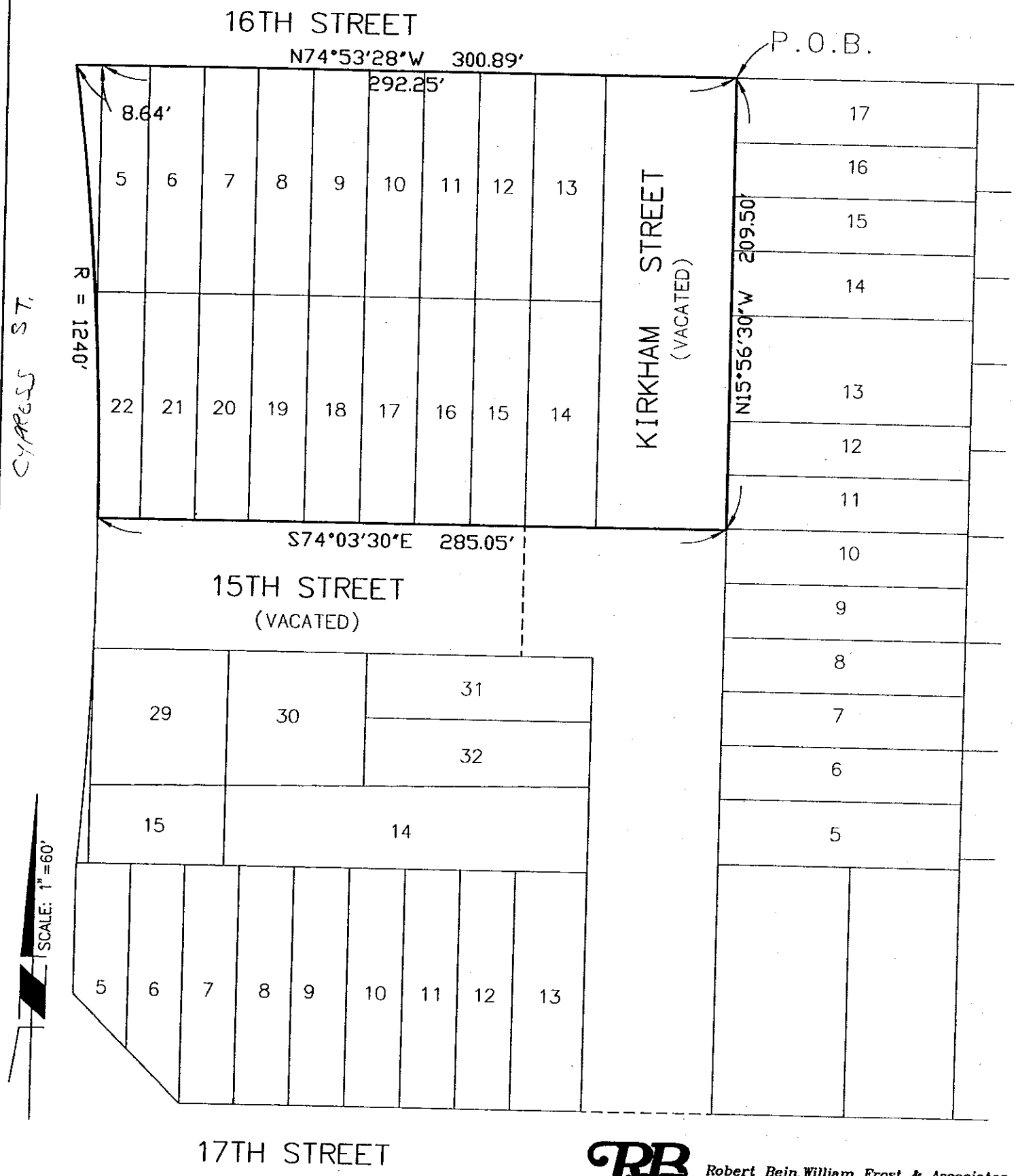
The risk of public exposure to the contaminants has been substantially lessened by the remediation and controls described in part B.

D. Adjacent Land Uses and Population Potentially Affected. The Burdened Property is currently an unused industrial facility and is adjacent to industrial, commercial, and residential land uses.

E. Full and voluntary disclosure to the ACHA of the presence of hazardous materials on the Burdened Property has been made and extensive sampling of the Burdened Property has been conducted.

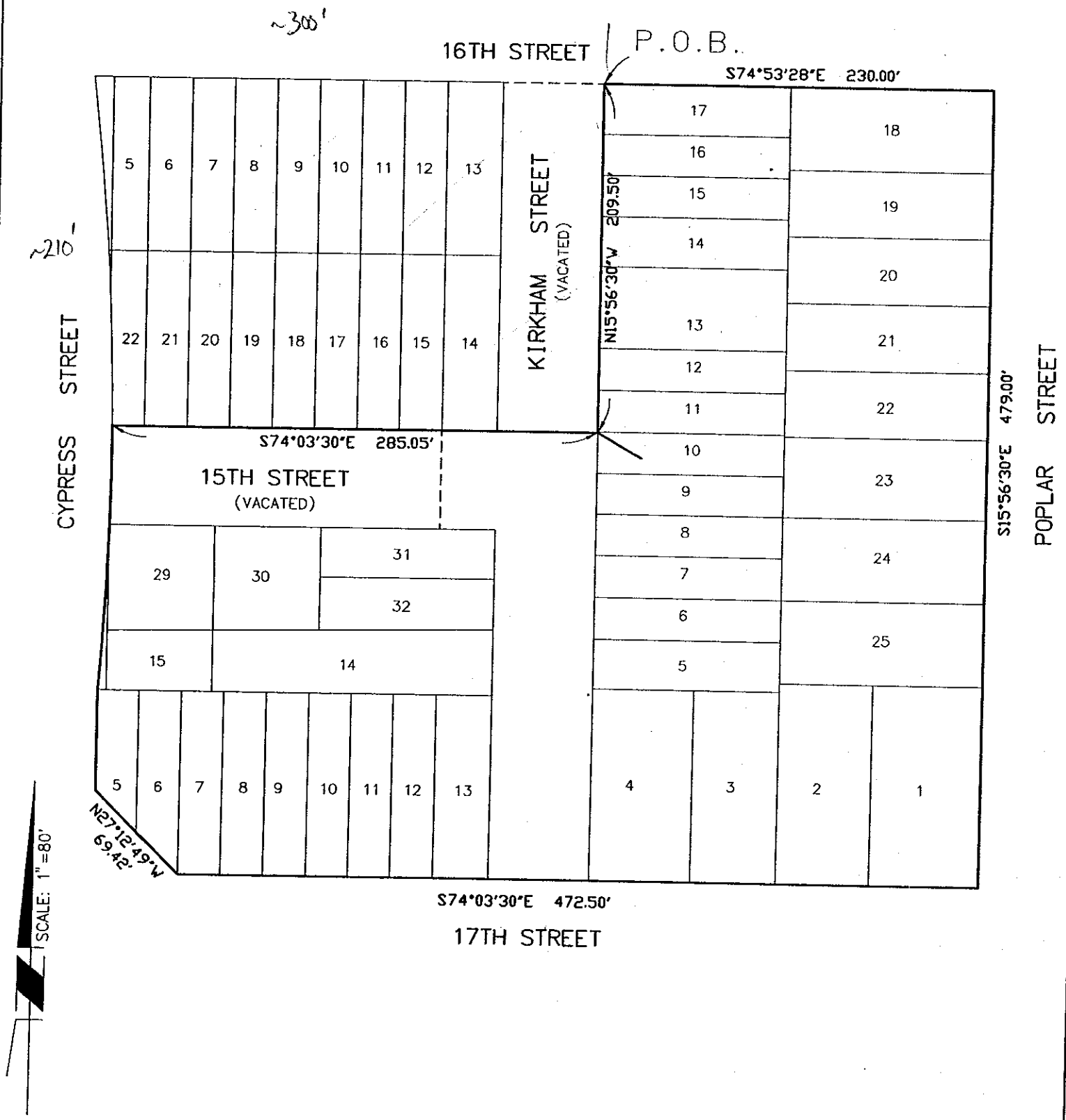
F. Covenantor desires and intends that in order to benefit the ACHA, and to protect the present and future public health and safety, the Burdened Property shall be used in such a manner as to avoid potential harm to persons or property that may result from hazardous materials that may have been deposited on portions of the Burdened Property.

DEED RESTRICTION AREA



Robert Bein, William Frost & Associates
PROFESSIONAL ENGINEERS, PLANNERS & SURVEYORS
1981 NORTH BROADWAY SUITE 235, WALNUT CREEK, CALIFORNIA 94596
(925) 906-1460 FAX (925) 906-1465 WWW.RBF.COM

REMAINDER PARCEL



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ROBERT BEIN, WILLIAM FROST & ASSOCIATES
1981 N. Broadway, Suite 235
Walnut Creek, California 94596

LEGAL DESCRIPTION
REMAINDER PARCEL

That certain parcel of land situated in the City of Oakland, County of Alameda, State of California described as follows:

Being Lots 1 through 25 as shown on the map entitled " Re-subdivision of Blocks 584, 585, 601, 153 and 580-A, City of Oakland, County of Alameda, California", filed May 1, 1885, in Book 4 of Maps, at Page 25 in the Office of the County Recorder of Alameda County

AND IN ADDITION THERETO lots 7, 8, 19, 29, 30, 31 and 32 as shown on the map entitled "Map No. 1 of a portion of the Scotchler Tract and Vicinity, Oakland, as shown on a map thereof filed on December 10, 1874, in Book 7 of Maps, at Page 21 in the Office of the County Recorder of Alameda County.

EXCEPTING THEREFROM all that portion lying within parcel five in the grant deed to the State of California, Recorded August 12, 1955, in Book 7749 of Official Records at Page 447, in the Office of the County Recorder of Alameda County.

ALSO IN ADDITION THERETO lots 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 and 15 in Block 583, as shown on the map entitled "Subdivision of a part of Block 583", filed April 25, 1891, in Book 10 of Maps, at Page 56 in the Office of the County Recorder of Alameda County.

EXCEPTING THEREFROM all that portion lying within the grant deed to the City of Oakland, Recorded November 2, 1961, in Reel 444 of Official Records at Page 880, in the Office of the County Recorder of Alameda County.

ALSO EXCEPTING THEREFROM all that portion lying within the grant deed to the State of California, Recorded July 25, 1934, in Book 3064 of Official Records at Page 276, in the Office of the County Recorder of Alameda County and all that portion lying within the grant deed to the State of California, Recorded August 12, 1955, in Book 7749 of Official Records at Page 447, in the Office of the County Recorder of Alameda County.

ALSO IN ADDITION THERETO that portion of 15th Street as shown on the map entitled "Map of Scotchler Tract, Oakland, as shown on a map thereof filed on November 3, 1870, in Book 2 of Maps, at Page 10 in the Office of the County Recorder of Alameda County lying easterly of the easterly line of the parcel described in the deed Recorded June 18, 1956, in Book 8061 of Official Records at Page 489, in the Office of the County Recorder of Alameda County.

ALSO IN ADDITION THERETO that portion of Kirkham Street as shown on the map entitled "Map of Scotchler Tract, Oakland, as shown on a map thereof filed on November 3, 1870, in Book 2 of Maps, at Page 10 in the Office of the County Recorder of Alameda County lying southerly of the southerly line of lot 14 as shown on said map and its easterly prolongation and the southerly line of lot 13 as shown on the map entitled "Subdivision of a part of Block 583", filed April 25, 1891, in Book 10 of Maps, at Page 56 in the Office of the County Recorder of Alameda County.

EXHIBIT attached and by this reference made a part hereof.

Patrick J. Tami

Patrick J. Tami, L.S. 5816

C:\MyFiles\Office\Wpwin\legal2.wpd

April 19, 2000 (5:08PM)

Remedial Actions

Soil Excavation: Between January and March 1989, 1,200 cubic yards of soil were removed in the area of the former underground storage tanks and associated piping. This soil was treated on-site and replaced back in the excavated area.

Liquid Petroleum Hydrocarbon Removal: Liquid petroleum hydrocarbons were removed using a product skimming system from the subsurface during January through March 1989. Approximately 1,800 gallons were removed during this time period.

Soil Vapor Extraction: A soil vapor extraction system operated from January 1994 to December 1995 and removed an estimated 5,200 gallons of hydrocarbon.

Multi-phase Extraction: A multi-phase extraction system has been operating at the site since August 1997. Approximately 10,500 pounds of hydrocarbons have been removed using this system. Thickness of petroleum hydrocarbons decreased since August 1997.

C. Exposure Pathways. The contaminants addressed in this Covenant are present in soil and groundwater on the Burdened Property. Without the mitigation measures which have been performed on the Burdened Property, exposure to these contaminants could take place via the following pathways (onsite workers only):

- Ingestion and dermal contact with surface soils;
- Inhalation of volatile emissions from subsurface soils and groundwater

The risk of public exposure to the contaminants has been substantially lessened by the remediation and controls described in part B.

D. Adjacent Land Uses and Population Potentially Affected. The Burdened Property is currently an unused industrial facility and is adjacent to industrial, commercial, and residential land uses.

E. Full and voluntary disclosure to the ACHA of the presence of hazardous materials on the Burdened Property has been made and extensive sampling of the Burdened Property has been conducted.

F. Covenantor desires and intends that in order to benefit the ACHA, and to protect the present and future public health and safety, the Burdened Property shall be used in such a manner as to avoid potential harm to persons or property that may result from hazardous materials that may have been deposited on portions of the Burdened Property.

Please feel free to contact Brent Searcy at ETIC Engineering with any questions about the follow-up door-to-door well survey conducted for the Nestlé facility.

Sincerely,

Brent Searcy

Brent Searcy
Project Engineer

BS/dh

Seto, Lawrence, Public Health, EH

From: Brent Searcy[SMTP:BSearcy@eticeng.com]
Sent: Wednesday, June 28, 2000 12:11 PM
To: LSeto@co.alameda.ca.us; Doug Oram; mmj@javaherianconsulting.com; cth@rb2.swrcb.ca.gov; Rdb@rb2.swrcb.ca.gov; binayak.acharya@us.nestle.com
Subject: July 14 Meeting for Nestle West Oakland Site

This message serves as a confirmation of the meeting which will be held Friday July 14th, 10:00am at the RWQCB offices (1515 Clay St. Suite 1400, Oakland, CA).

Attendees for the meeting:

Binayak Acharya (Nestle USA, Inc.)
Roger Brewer (RWQCB)
Chuck Headlee (RWQCB)
Larry Seto (ACHA)
Mehrdad Javaherian (Javaherian Consulting)
Doug Oram (ETIC)
Brent Searcy (ETIC)

A copy of ETIC/Nestle's response to Roger Brewer's May 3, 2000 comments on the Risk Assessment will be mailed to everyone prior to the meeting. Copies of this document were faxed to ACHA and RWQCB yesterday (June 27). Mailed copies should arrive for everyone by the end of this week.

ETIC will also develop and distribute an agenda for the July 14th meeting prior to the meeting.

Please feel free to contact myself or Doug Oram with any questions regarding this upcoming meeting.

Thank you,
Brent Searcy

Brent Searcy
Project Engineer
ETIC Engineering, Inc.
Ph: 925-977-7914
Fax: 925-977-7915

Nestlé USA

500 NORTH BRAND BLVD.
GLENDALE, CA 91203

TEL (818) 549-6000

Nestlé

May 15, 2000

Mr. Ariu Levi
Chief of Hazardous Materials
Alameda County Health Agency
Division of Environmental Protection 1131 Harbor Bay Parkway
Alameda, California 94502

Reference:- Covenant and Environmental Restriction of Property
Nestlé USA, Inc.
1310 14th Street, Oakland, California

Dear Mr. Levi:

Enclosed please find the signed copy (by Nestlé) of the above referenced document for our property in Oakland. Please note that the following corrections have been made to the documents to reflect our original version of this document. Upon making some corrections to this document for some reason the phrases below were inadvertently dropped.

(a) the phrase "**which contains a contaminated area**" is added to the text in page 1, paragraph1, line 4 and
(b) the phrase"**Burdened Property**" is added to the last sentence of item (g) in page 5, paragraph 1, line 7.

The negotiation on the sale of this property is in the final phase; therefore we request your expedited approval of this deed restriction. We would like to thank you for your cooperation in this regard.

Should you have any questions, please call me at (818) 549-5948.

Very truly yours,

Binayak Acharya
Nestlé USA, Inc.

CC:- Celeste Miller – 14
Noelia Marti-Colon – 20
Richard Feldman – 20
Doug Oram - ETIC

Encl.:

ROBERT BEIN, WILLIAM FROST & ASSOCIATES
1981 N. Broadway, Suite 235
Walnut Creek, California 94596

LEGAL DESCRIPTION
REMAINDER PARCEL

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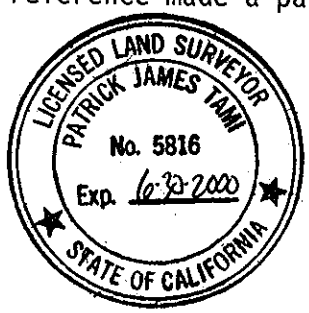

Patrick J. Tami
Patrick J. Tami, L.S. 5816

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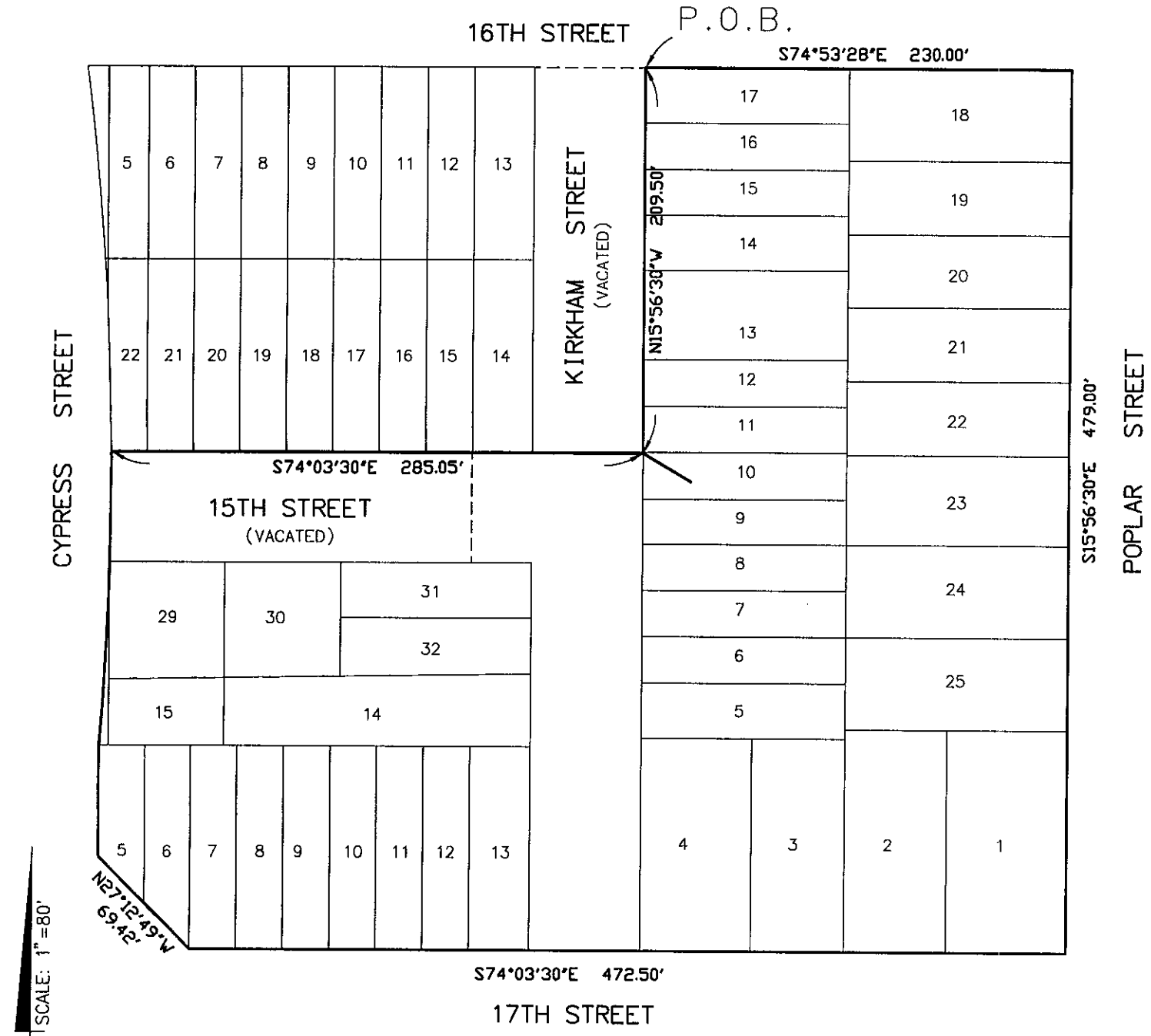
April 19, 2000 (5:08PM)

REMAINDER PARCEL



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(925) 906-1460 FAX (925) 906-1465 WWW.RBF.COM

ROBERT BEIN, WILLIAM FROST & ASSOCIATES
1981 N. Broadway, Suite 235
Walnut Creek, California 94596

LEGAL DESCRIPTION
DEED RESTRICTION AREA

That certain parcel of land situated in the City of Oakland, County of Alameda, State of California described as follows:

Being a portion of Lots 4 through 23 and a portion Kirkham Street of the Scotchler Tract and Vicinity, Oakland, as shown on a map thereof filed in Book 7 of Maps at Page 21 on December 10, 1874 in the Office of the County Recorder of Alameda County more particularly described as follows:

BEGINNING at the intersection of said Kirkam Street and the northwest corner of lot 17, in block 584, as shown on the map of "Re-division of Blocks 584, 585, 601, 153 and 580-A, City of Oakland, County of Alameda, California", filed May 1, 1885, in Book 4 of Maps, at Page 25, in said office of the County Recorder;

Thence, along the northerly line of said Kirkham Street and said lots 13, 12, 11, 10, 9, 8, 7, 6 and 5, North 72°53'28" West 292.25 feet to the northwest corner of said lot 5, said point also being the northeasterly corner of that certain parcel of land described in the deed to the State of California, recorded May 12, 1955 in Volume 7658, of Official Records at Page 299, in said office of the County Recorder;

Thence, continuing along said northerly line of Kirkham Street, North 72°53'28" West 8.64 feet;

Thence, along said State of California parcel, along a non-tangent 1240 foot radius curve to the right, through a central angle of 2°59'04" to the easterly line of the parcel of land described in the deed to the State of California, recorded August 12, 1955 in Book 7749, of Official Records at Page 447, as Instrument Number AK-86901, in said office of the County Recorder;

Thence, along last said State of California parcel (7749 OR 447), along a non-tangent 1240 foot radius curve to the right from a tangent that bears South 10°54'36" West to the south line of said lot 22, said southerly line also being the north line of 15th Street, as shown on said map of the Scotchler Tract (7 M 21);

Thence, along said northerly line of 15th Street and the easterly prolongation of said north line, South 74°03'30" East 285.05 feet to the easterly line of said Kirkham Street;

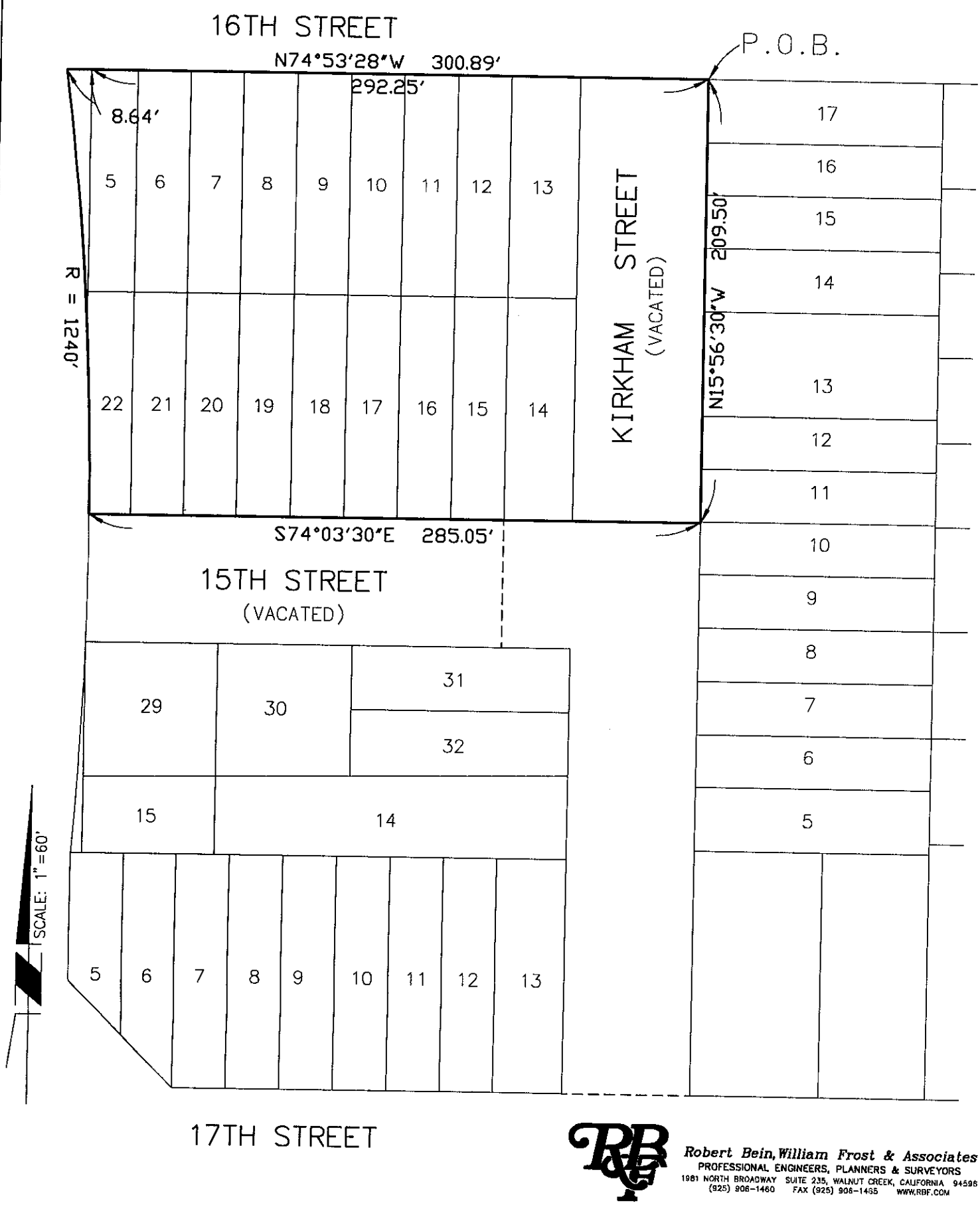
Thence, along said easterly line, North 15°56'30" West 209.50 feet to the **POINT OF BEGINNING.**

EXHIBIT attached and by this reference made a part hereof.

Patrick J. Tami

Patrick J. Tami, L.S. 5816

DEED RESTRICTION AREA



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ETIC Engineering, Inc.

FAX COVER SHEET

To: Larry Seto From: Brent Searcy

Company: Alameda County Env. Health Date: 05/10/00

Fax: 510-337-9335 Pages: 13

Phone: 510-567-6774 CC:

Re: Nestle/Oakland Covenant and Environmental Restriction Document

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ For Your Information

• Comments:

Larry:

This current version of the Covenant and Environmental Restriction Document reflects 2 minor changes suggested by Nestle's legal staff on 04/24/00.

The 2 changes are as follows:

1) Page 1, Paragraph 1, Line 4:
phrase "which contains a contaminated area" added

2) Page 5, Paragraph 1, Line 7:
pharase "Burdened Property" added to last sentence of item (g).

Please forward these changes to the appropriate reviewers at County Council. A hard copy of this current version will follow. -Brent Searcy

Remedial Actions

Soil Excavation: Between January and March 1989, 1,200 cubic yards of soil were removed in the area of the former underground storage tanks and associated piping. This soil was treated on-site and replaced back in the excavated area.

Liquid Petroleum Hydrocarbon Removal: Liquid petroleum hydrocarbons were removed using a product skimming system from the subsurface during January through March 1989. Approximately 1,800 gallons were removed during this time period.

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C. Exposure Pathways. The contaminants addressed in this Covenant are present in soil and groundwater on the Burdened Property. Without the mitigation measures which have been performed on the Burdened Property, exposure to these contaminants could take place via the following pathways (onsite workers only):

- Ingestion and dermal contact with surface soils;
- Inhalation of volatile emissions from subsurface soils and groundwater

The risk of public exposure to the contaminants has been substantially lessened by the remediation and controls described in part B.

D. Adjacent Land Uses and Population Potentially Affected. The Burdened Property is currently an unused industrial facility and is adjacent to industrial, commercial, and residential land uses.

E. Full and voluntary disclosure to the ACHA of the presence of hazardous materials on the Burdened Property has been made and extensive sampling of the Burdened Property has been conducted.

F. Covenantor desires and intends that in order to benefit the ACHA, and to protect the present and future public health and safety, the Burdened Property shall be used in such a manner as to avoid potential harm to persons or property that may result from hazardous materials that may have been deposited on portions of the Burdened Property.

ARTICLE I
GENERAL PROVISIONS

1.1 Provisions to Run with the Land. This Covenant sets forth protective provisions, covenants, conditions and restrictions (collectively referred to as "Restrictions") upon and subject to which the Burdened Property and every portion thereof shall be improved, held, used, occupied, leased, sold, hypothecated, encumbered, and/or conveyed. The restrictions set forth in Article III are reasonably necessary to protect present and future human health and safety or the environment as a result of the presence of hazardous materials in the subsurface below the Burdened Property. Each and all of the Restrictions shall run with the land, and pass with each and every portion of the Burdened Property, and shall apply to, inure to the benefit of, and bind the respective successors in interest thereof, for the benefit of the ACHA and all Owners and Occupants. Each and all of the Restrictions are imposed upon the entire Burdened Property. Each and all of the Restrictions run with the land pursuant to section 1471 of the Civil Code. Each and all of the Restrictions are enforceable by the California Regional Water Quality Control Board for the San Francisco Bay Region (the "Board").

1.2 Concurrence of Owners and Lessees Presumed. All purchasers, lessees, or possessors of any portion of the Burdened Property shall be deemed by their purchase, leasing, or possession of such Burdened Property, to be in accord with the foregoing and to agree for and among themselves, their heirs, successors, and assignees, and the agents, employees, and lessees of such owners, heirs, successors, and assignees, that the Restrictions as herein established must be adhered to for the benefit of the ACHA and the Owners and Occupants of the Burdened Property and that the interest of the Owners and Occupants of the Burdened Property shall be subject to the Restrictions contained herein.

1.3 Apportionment of Burden Among Multiple Owners. Where ownership of the Burdened Property is held by multiple persons, holding by several titles, the burdens imposed by this Covenant shall be apportioned between them proportionate to the value of the property held by each owner, if such value can be ascertained, and if not, then according to their respective interests in point of quantity. (Cal. Civ. Code, § 1467.)

1.4 Incorporation into Deeds and Leases. Covenantor desires and covenants that the Restrictions set out herein shall be incorporated in and attached to each and all deeds and leases of any portion of the Burdened Property. Recordation of this Covenant shall be deemed binding on all successors, assigns, and lessees, regardless of whether a copy of this Covenant and Agreement has been attached to or incorporated into any given deed or lease.

1.5 Purpose. It is the purpose of this instrument to convey to the ACHA real property rights, which will run with the land, to facilitate the remediation of past environmental contamination and to protect human health and the environment by reducing the risk of exposure to residual hazardous materials.

ARTICLE II
DEFINITIONS

2.1 ACHA. "ACHA" shall mean the Alameda County Health Agency and shall include its successor agencies, if any.

2.2 Board. "Board" shall mean the California Regional Water Quality Control Board for the San Francisco Bay Region and shall include its successor agencies, if any.

2.3 Improvements. "Improvements" shall mean all buildings, roads, driveways, regradings, and paved parking areas, constructed or placed upon any portion of the Burdened Property.

2.4 Occupants. "Occupants" shall mean Owners and those persons entitled by ownership, leasehold, or other legal relationship to the exclusive right to use and/or occupy all or any portion of the Burdened Property.

2.5 Owner or Owners. "Owner" or "Owners" shall mean the Covenantor and/or its successors in interest, who hold title to all or any portion of the Burdened Property.

ARTICLE III
DEVELOPMENT, USE AND CONVEYANCE OF THE BURDENED PROPERTY

3.1 Restrictions on Development and Use. Covenantor promises to restrict the use of the Burdened Property as follows:

a. Development of the Burdened Property shall be restricted to industrial, commercial or office space;

b. No residence for human habitation shall be permitted on the Burdened Property;

c. No hospitals shall be permitted on the Burdened Property;

d. No schools for persons under 21 years of age shall be permitted on the Burdened Property;

e. No day care centers for children or day care centers for Senior Citizens shall be permitted on the Burdened Property;

f. No Owners or Occupants of the Burdened Property or any portion thereof shall conduct any excavation work on the Burdened Property, unless expressly permitted in writing by the ACHA. Any contaminated soils brought to the surface by grading, excavation, trenching, or backfilling shall be managed by Covenantor or his agent in accordance with all applicable provisions of local, state and federal law;

g. All uses and development of the Burdened Property shall be consistent with any applicable Board Order or Risk Management Plan, each of which is hereby incorporated by reference including future amendments thereto. All uses and development shall preserve the integrity of any cap, any remedial measures taken or remedial equipment installed, and any groundwater monitoring system installed on the Burdened Property pursuant to the requirements of the ACHA, unless otherwise expressly permitted in writing by the ACHA. Any development of the Burdened Property will maintain a surface cap of the soil, exclusive of minor landscape areas, by buildings or paved surfaces.

h. No Owners or Occupants of the Property or any portion thereof shall drill, bore, otherwise construct, or use a well for the purpose of extracting water for any use, including but not limited to, domestic, potable, or industrial uses, unless expressly permitted in writing by the Board.

3.1.1 Notifications/Access/Non Aggravation

a. The Owner shall notify the ACHA of each of the following: (1) The type, cause, location and date of any disturbance to any cap, any remedial measures taken or remedial equipment installed, and of the groundwater monitoring system installed on the Burdened Property pursuant to the requirements of the ACHA, which could affect the ability of such cap or remedial measures, remedial equipment, or monitoring system to perform their respective functions and (2) the type and date of repair of such disturbance. Notification to the ACHA shall be made by registered mail within ten (10) working days of both the discovery of such disturbance and the completion of repairs;

b. The Covenantor agrees that the ACHA, and/or any persons acting pursuant to ACHA orders, shall have reasonable access to the Burdened Property for the purposes of inspection, surveillance, maintenance, or monitoring, as provided for in Division 7 of the Water Code.

c. No Owner or Occupant of the Burdened Property shall act in any manner that will aggravate or contribute to the existing environmental conditions of the Burdened Property. All use and development of the Burdened Property shall preserve the integrity of any capped areas.

3.2 Enforcement. Failure of an Owner or Occupant to comply with any of the restrictions, as set forth in paragraph 3.1, shall be grounds for the ACHA, by reason of this Covenant, to have the authority to require that the Owner modify or remove any Improvements constructed in violation of that paragraph. Violation of the Covenant shall be grounds for the ACHA to file civil actions against the Owner as provided by law.

3.3 Notice in Agreements. After the date of recordation hereof, all Owners and Occupants shall execute a written instrument which shall accompany all purchase agreements or leases relating to the property. Any such instrument shall contain the following statement:

The land described herein contains hazardous materials in soils and in the ground water under the property, and is subject to a deed restriction dated as of _____, 200_,

and recorded on _____, 200_, in the Official Records of _____ County, California, as Document No. _____, which Covenant and Restriction imposes certain covenants, conditions, and restrictions on usage of the property described herein. This statement is not a declaration that a hazard exists.

ARTICLE IV
VARIANCE AND TERMINATION

4.1 Variance. Any Owner or, with the Owner's consent, any Occupant of the Burdened Property or any portion thereof may apply to the ACHA for a written variance from the provisions of this Covenant.

4.2 Termination. Any Owner or, with the Owner's consent, any Occupant of the Burdened Property or a portion thereof may apply to the ACHA for a termination of the Restrictions as they apply to all or any portion of the Burdened Property which consent to termination shall not be unreasonably withheld.

4.3 Term. Unless terminated in accordance with paragraph 4.2 above, by law or otherwise, this Covenant shall continue in effect in perpetuity.

ARTICLE V
MISCELLANEOUS

5.1 No Dedication Intended. Nothing set forth herein shall be construed to be a gift or dedication, or offer of a gift or dedication, of the Burdened Property or any portion thereof to the general public.

5.2 Notices. Whenever any person gives or serves any notice, demand, or other communication with respect to this Covenant, each such notice, demand, or other communication shall be in writing and shall be deemed effective (1) when delivered, if personally delivered to the person being served or official of a government agency being served, or (2) three (3) business days after deposit in the mail if mailed by United States mail, postage paid certified, return receipt requested:

If To: "Covenantor"
[Owners name and address]

If To: "ACHA"
Alameda County Health Agency
Division of Environmental Protection
Attention: ***(Title?)***
1131 Harbor Bay Parkway
Alameda, California 94502

5.3 Partial Invalidity. If any portion of the Restrictions or terms set forth herein is determined to be invalid for any reason, the remaining portion shall remain in full force and effect as if such portion had not been included herein.

5.4 Article Headings. Headings at the beginning of each numbered article of this Covenant are solely for the convenience of the parties and are not a part of the Covenant.

5.5 Recordation. This instrument shall be executed by the *(Title?)* of the ACHA. This instrument shall be recorded by the Covenantor in the County of _____ _____ within ten (10) days of the date of execution.

5.6 References. All references to Code sections include successor provisions.

5.7 Construction. Any general rule of construction to the contrary notwithstanding, this instrument shall be liberally construed in favor of the Covenant to effect the purpose of this instrument and the policy and purpose of the Water Code. If any provision of this instrument is found to be ambiguous, an interpretation consistent with the purpose of this instrument that would render the provision valid shall be favored over any interpretation that would render it invalid.

IN WITNESS WHEREOF, the parties execute this Covenant as of the date set forth above.

Covenantor: _____

By: _____
Title: _____
Date: _____

Agency: Alameda County Health Agency
Division of Environmental Protection

By: _____
Title: *(Title?)*

Exhibit A

ROBERT BEIN, WILLIAM FROST & ASSOCIATES
1981 N. Broadway, Suite 235
Walnut Creek, California 94596

LEGAL DESCRIPTION
DEED RESTRICTION AREA

That certain parcel of land situated in the City of Oakland, County of Alameda, State of California described as follows:

Being a portion of Lots 4 through 23 and a portion Kirkham Street of the Scotchler Tract and Vicinity, Oakland, as shown on a map thereof filed in Book 7 of Maps at Page 21 on December 10, 1874 in the Office of the County Recorder of Alameda County more particularly described as follows:

BEGINNING at the intersection of said Kirkam Street and the northwest corner of lot 17, in block 584, as shown on the map of "Re-division of Blocks 584, 585, 601, 153 and 580-A, City of Oakland, County of Alameda, California", filed May 1, 1885, in Book 4 of Maps, at Page 25, in said office of the County Recorder;

Thence, along the northerly line of said Kirkham Street and said lots 13, 12, 11, 10, 9, 8, 7, 6 and 5, North 72°53'28" West 292.25 feet to the northwest corner of said lot 5, said point also being the northeasterly corner of that certain parcel of land described in the deed to the State of California, recorded May 12, 1955 in Volume 7658, of Official Records at Page 299, in said office of the County Recorder;

Thence, continuing along said northerly line of Kirkham Street, North 72°53'28" West 8.64 feet;

Thence, along said State of California parcel, along a non-tangent 1240 foot radius curve to the right, through a central angle of 2°59'04" to the easterly line of the parcel of land described in the deed to the State of California, recorded August 12, 1955 in Book 7749, of Official Records at Page 447, as Instrument Number AK-86901, in said office of the County Recorder;

Thence, along last said State of California parcel (7749 OR 447), along a non-tangent 1240 foot radius curve to the right from a tangent that bears South 10°54'36" West to the south line of said lot 22, said southerly line also being the north line of 15th Street, as shown on said map of the Scotchler Tract (7 M 21);

Thence, along said northerly line of 15th Street and the easterly prolongation of said north line, South 74°03'30" East 285.05 feet to the easterly line of said Kirkham Street;

Thence, along said easterly line, North 15°56'30" West 209.50 feet to the **POINT OF BEGINNING.**

EXHIBIT attached and by this reference made a part hereof.

Patrick J. Tami

Patrick J. Tami, L.S. 5816

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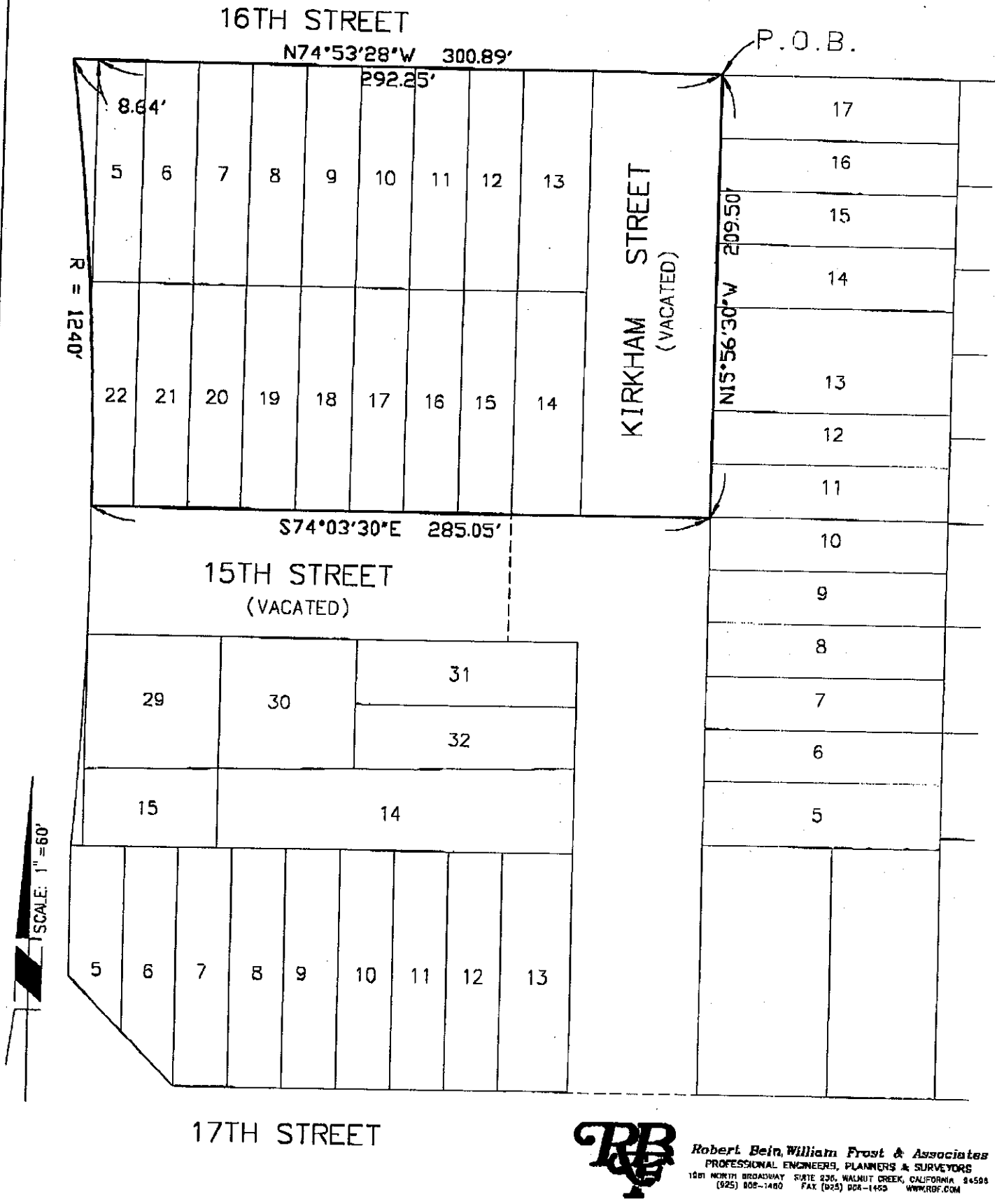
April 19, 2000 (4:28PM)

DEED RESTRICTION AREA



Robert Bein, William Frost & Associates
PROFESSIONAL ENGINEERS, PLANNERS & SURVEYORS
1601 NORTH BROADWAY SUITE 236, WALNUT CREEK, CALIFORNIA 94596
(925) 906-1460 FAX (925) 906-1469 WWW.RBF.COM

ROBERT BEIN, WILLIAM FROST & ASSOCIATES
1981 N. Broadway, Suite 235
Walnut Creek, California 94596

LEGAL DESCRIPTION
REMAINDER PARCEL

That certain parcel of land situated in the City of Oakland, County of Alameda, State of California described as follows:

Being Lots 1 through 25 as shown on the map entitled " Re-subdivision of Blocks 584, 585, 601, 153 and 580-A, City of Oakland, County of Alameda, California", filed May 1, 1885, in Book 4 of Maps, at Page 25 in the Office of the County Recorder of Alameda County

AND IN ADDITION THERETO lots 7, 8, 19, 29, 30, 31 and 32 as shown on the map entitled "Map No. 1 of a portion of the Scotchler Tract and Vicinity, Oakland, as shown on a map thereof filed on December 10, 1874, in Book 7 of Maps, at Page 21 in the Office of the County Recorder of Alameda County.

EXCEPTING THEREFROM all that portion lying within parcel five in the grant deed to the State of California, Recorded August 12, 1955, in Book 7749 of Official Records at Page 447, in the Office of the County Recorder of Alameda County.

ALSO IN ADDITION THERETO lots 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 and 15 in Block 583, as shown on the map entitled "Subdivision of a part of Block 583", filed April 25, 1891, in Book 10 of Maps, at Page 56 in the Office of the County Recorder of Alameda County.

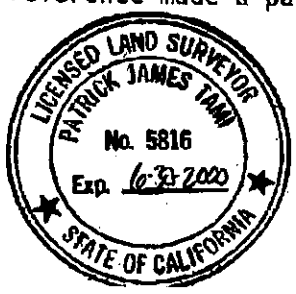
EXCEPTING THEREFROM all that portion lying within the grant deed to the City of Oakland, Recorded November 2, 1961, in Reel 444 of Official Records at Page 880, in the Office of the County Recorder of Alameda County.

ALSO EXCEPTING THEREFROM all that portion lying within the grant deed to the State of California, Recorded July 25, 1934, in Book 3064 of Official Records at Page 276, in the Office of the County Recorder of Alameda County and all that portion lying within the grant deed to the State of California, Recorded August 12, 1955, in Book 7749 of Official Records at Page 447, in the Office of the County Recorder of Alameda County.

ALSO IN ADDITION THERETO that portion of 15th Street as shown on the map entitled "Map of Scotchler Tract, Oakland, as shown on a map thereof filed on November 3, 1870, in Book 2 of Maps, at Page 10 in the Office of the County Recorder of Alameda County lying easterly of the easterly line of the parcel described in the deed Recorded June 18, 1956, in Book 8061 of Official Records at Page 489, in the Office of the County Recorder of Alameda County.

ALSO IN ADDITION THERETO that portion of Kirkham Street as shown on the map entitled "Map of Scotchler Tract, Oakland, as shown on a map thereof filed on November 3, 1870, in Book 2 of Maps, at Page 10 in the Office of the County Recorder of Alameda County lying southerly of the southerly line of lot 14 as shown on said map and its easterly prolongation and the southerly line of lot 13 as shown on the map entitled "Subdivision of a part of Block 583", filed April 25, 1891, in Book 10 of Maps, at Page 56 in the Office of the County Recorder of Alameda County.

EXHIBIT attached and by this reference made a part hereof.



Patrick J. Tami

Patrick J. Tami, L.S. 5816

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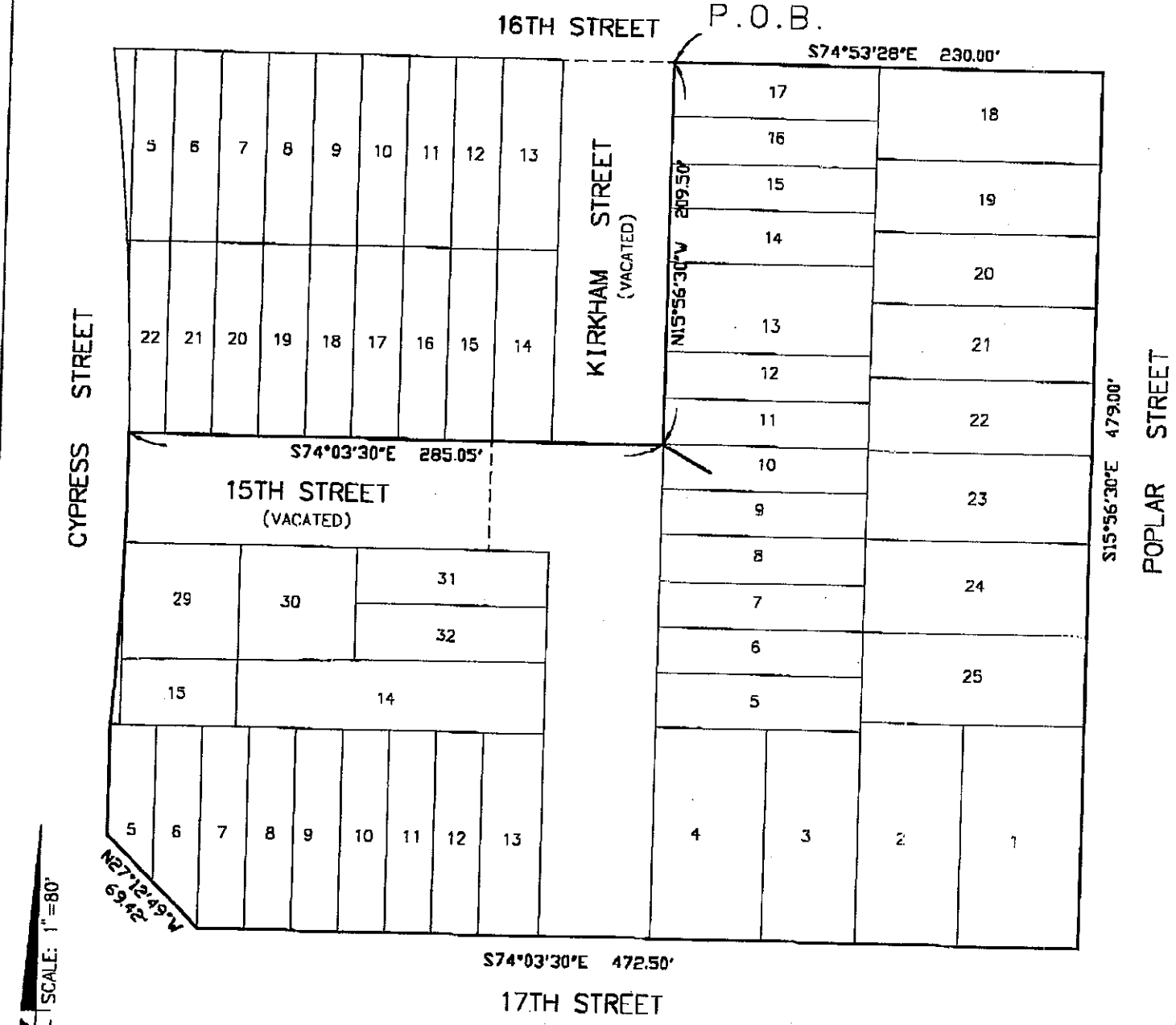
April 19, 2000 (5:08PM)

REMAINDER PARCEL



Robert Bein, William Frost & Associates
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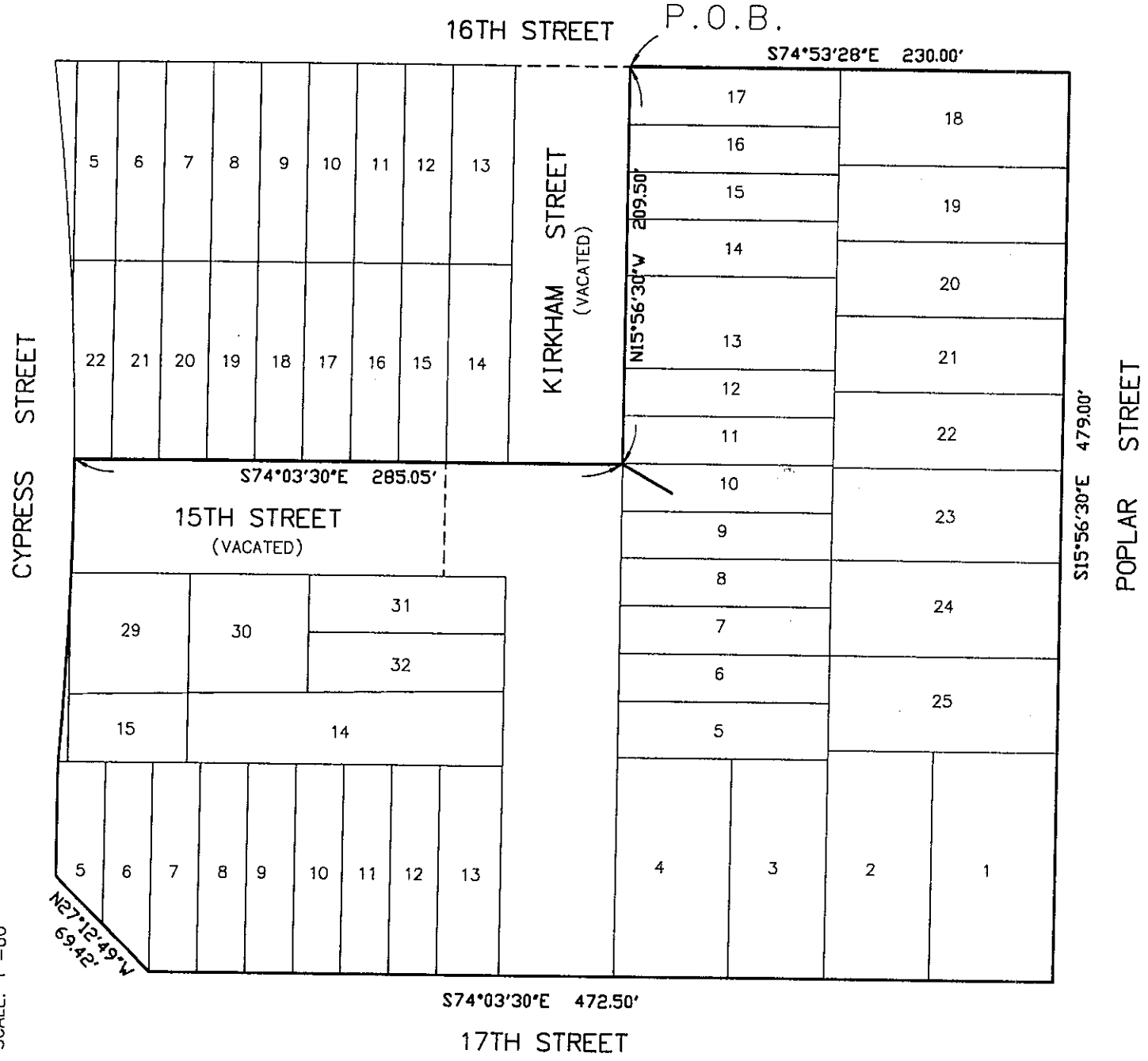
(925) 906-1460 FAX (925) 906-1465 WWW.RBF.COM

REMAINDER PARCEL



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Winston H. Hickox
Secretary for Environmental Protection

California Regional Water Quality Control Board
San Francisco Bay Regional Water Quality Control Board

Internet Address: http://www.swrcb.ca.gov
1515 Clay Street, Suite 1400, Oakland, California 94612
Phone (510) 622-2300 FAX (510) 622-2460

Gray Davis
Governor

5-9-2000
Fax copy to
Brent Searcy

TO: Larry Seto
FROM: Roger Brewer, RWQCB-SF, Toxics Cleanup Division
DATE: May 3, 2000

SUBJECT: Review of Risk Assessment for Nestle USA, Inc. Facility, 1310 14th Street, Oakland

Below are comments on the Nestle USA, Inc. risk assessment dated March 17, 2000. The main issues discussed for the risk assessment include the need for a better summary and presentation of site data, the need to include construction workers and trench workers as potential receptors, and the need to clearly state what land-use restrictions and institutional controls are needed for the site. The latter two issues are particularly important due to the presence of free product at the site and potential hazardous conditions during construction and utility work.

Give me a call if you have any questions (1-510-622-2374).

1. **General - Status of well surveys.** What is the status of the issues noted below and raised during November 2, 1999, meeting between Nestles and RWQCB (refer also to 1/26/00 letter to RWQCB from Nestles)?
   - Determine status of General Electric industrial well;
   - Select subset of wells to be included in future monitored program;
   - Conduct a well survey of the 5 closest residences downgradient of the site.

   A summary of monitoring well designs (screening interval, etc.) should be submitted as part of item two. The adequacy of the monitoring wells designs with respect to the delineation of groundwater impacts should be checked. For example, wells used to delineate the extent of floating free product should be screened across the water table. Wells used to monitor the downgradient extent of impacted groundwater should be screened across the proper intervals. The adequacy of the length of time that the plume has been monitored with respect to predictions of future offsite migration should also be reviewed (see Comment 6).

2. **Page 1. Conceptual Site Model.** Summary of sample data inadequate. Risk assessments should be prepared as "Stand Alone" documents with all pertinent data, maps and other information included. A summary of soil, soil gas and groundwater data collected at the site should be included with the risk assessment with references to source site investigation reports. Maps and tables that summarize the locations, ID numbers, depths and COPC concentrations of key samples should be presented. Updated maps depicting the known extent of plumes in groundwater should be included (e.g., similar to maps in the November, 1999, ETIC report) as should a map(s) depicting areas of residual impacts in vadose-zone soils. Reference to pertinent parts of this summary should be included in the presentation of Tables 1 through 4.

3. **Page 5. Soil gas samples.** The method and rational behind collection of soil gas samples is not adequately discussed. Discuss how soil gas samples were collected. Discuss adequacy of soil gas data with respect to the defined soil and groundwater plumes.

4. **Page 5. Selection of Chemicals of Potential Concern.** Make refererence to summary prepared under Comment 2 above in the section that discusses the rational for selection of COPCs (areas of impact, location of samples referenced, etc.).

5. **Page 5. Chemicals of Potential Concern.** Screening/cleanup levels for TPH not presented. The implication that the Massachusetts Department of Environmental Protection (MADEP) does not require screening/cleanup levels for TPH is incorrect. Screening/cleanup levels for TPH should be developed in conjunction with screening/cleanup levels for individual indicator chemicals (BTEX, PAHs). These screening levels should address groundwater protection concerns, direct-exposure concerns and nuisance concerns at a minimum. Refer to more up-to-date MADEP guidance (see MADEP web page at www.magnet.state.ma.us/dep/bwsc/vph_eph.html), draft screening level guidance prepared by the RWQCB (April, 2000 - contact Roger Brewer or RWQCB) or other published documents. The need for actual remediation of impacted soil and groundwater with respect to TPH screening/cleanup levels should be evaluated in terms of the results of the risk assessment and institution controls to be placed on the site.

6. **Page 7. Groundwater plume stability; Emission of volatile compounds from groundwater and impacts to offsite, indoor air.** Justification for use of groundwater data only from monitoring wells MW-28 and MW-29 not provided. Potential concentrations of volatile chemicals in groundwater that may flow under residential areas is dependent on the stability of the identified plumes. For example, how do we know that the maximum-impacted area of groundwater will not flow offsite in the future and pass under residential areas? When did the identified impacts to groundwater occur? Is the length of time that the plume has been monitored adequate to evaluate potential offsite migration? The potential for offsite migration of the more heavily impacted groundwater should be discussed in terms of expected groundwater flow rates at the site, historical groundwater monitoring data, assumed natural attenuation rates, and fate-and-transport models as necessary. The adequacy of existing monitoring data in terms of time span covered should be evaluated with respect to this analysis. Prediction of the risk to offsite residents due to potential indoor air impacts is premature in the absence of this evaluation.

7. **Table 4, Table 7. Screening levels for several chemicals not provided.** Provide numerical screening levels for all chemicals listed in Tables 4 and 7 rather than denoting ">RES" or ">SOL" (i.e., note the actual theoretical residual concentrations and solubilities). This is especially important in evaluating the potential presence of mobile, free product in the subsurface.

8. **Page 3. Exposure pathways and receptors.** Groundwater protection issues with respect to potential leaching of chemicals form soil not addressed. Screening levels for the potential leaching of chemicals from soil and subsequent impact on groundwater should be either be included in the risk assessment or a discussion provided that explains why this is not necessary.

9. **Page 3, 14. Exposure pathways and receptors**. Direct-exposure concerns for construction/trench workers not addressed. Exposure of construction workers and workers involved in the digging of utility trenches is likely to be one of the most significant health concerns at the site, yet this group of receptors is not directly addressed in the risk assessment. Free product (gasoline) is known to still be present at

the site. Soils in the capillary fringe zone are likewise known to be saturated with gasoline. This brings up not only long-term health concerns for people involved in future construction and trench digging activities but also immediate hazard concerns (vapors, explosive condition, etc.) during these activities. Risk-based screening levels (or actual estimations of potential risk) for this group of receptors should be developed and evaluated in terms of appropriate institutional controls necessary for the site. Appropriate risk management practices and health and safety measures alluded to in the risk assessment conclusions should be included as an appendix to the risk assessment or prepared as a separate document.

10. **Table II.1. Cancer Slope Factors**. Cancer slope factors proposed by OEHHA not used in models; inhalation slope factor for MTBE not addressed. Cancer slope factors (both oral and inhalation) proposed by OEHHA should be used in preference over USEPA slope factors when available (refer to web site www.oehha.org/risk/chemicalDB/index.asp). For evaluation of carcinogenic risk due to inhalation of MTBE, refer to the Unit Risk Factor proposed by OEHHA and presented in the Public Health Goal document for this chemical (OEHHA, 1999, see www.oehha.org/air/mtbe/MTBECRNR.html).

11. **Appendices**. Summary of physio-chemical constants used in models not provided. Include a table that summarizes all physio-chemical constants used in the various models presented in the risk assessment.

12. **Conclusions, Risk Management Plan**. Summary of implied/recommended site restrictions not provided. The conclusions of the risk assessment should include a section that summarizes land-use restrictions and institutional controls that should be implemented at the site (refer also to Comment 9). Examples might include restricting the site to commercial/industrial use only, restricting the installation of groundwater extraction wells, requiring that certain areas of the site remain capped, requiring preparation of a health and safety plan for future intrusive activities at the site, requiring preparation of a plan that discusses proper management of impacted soil and groundwater disturbed during construction activities, etc. These issues should be addressed in a Risk Management Plan prepared for the site.

LETTER OF TRANSMITTAL

ETIC Engineering, Inc.
144 Mayhew Way
Walnut Creek, California 94596
Tel: (925) 977-7914
Fax: (925) 977-7915

ENVIRONMENTAL PROTECTION
00 APR 20 AM 10: 08

TO:

Mr. Larry Seto
Alameda County Health Agency
Division of Environmental Health
1131 Harbor Bay Parkway
Alameda, California 94502

DATE: 19 April 2000		
PROJECT NO.	TASK	DEPT
TMNEST	4	WC
RE: Covenant and Environmental Restriction Document for Nestle property at 1315-1372 14th Street and 1315-1385 16th Street, Oakland, California		

ENCLOSED ARE THE FOLLOWING ITEMS:

NO. COPIES	DESCRIPTION
1	Draft of Covenant and Environmental Restriction Document for the Nestle property at 1315-1372 14th Street and 1315-1385 16th Street, Oakland, California

THESE ARE TRANSMITTED AS CHECKED BELOW:

☐ For your use ☒ As requested ☒ For review and comment ☐ For your information

☐ Other:

MESSAGE:

Enclosed is the Covenant and Environmental Restriction Document for the Nestle property at 1315-1372 14th Street and 1315-1385 16th Street, Oakland, California. The document reflects comments and revisions discussed at the 5 April 2000 meeting between Larry Seto (ACHA), Chuck Headlee (RWQCB), Doug Oram (ETIC), and Brent Searcy (ETIC).

COPY TO: file

SIGNED Brent Searcy
Brent Searcy

Sent via:
☒ Federal Express Priority ☐ Federal Express Standard ☐ Federal Express 2-Day ☐ Express Mail
☐ Priority Mail ☐ Hand delivery ☐ Courier Service ☐ UPS Ground
☐ First Class Mail
☐ Other _____

F:\PROJECTS\(SITE #)

Recording Requested By:

Nestle USA Inc.
800 North Brand Blvd.
Glendale, California 91203

1st DRAFT

When Recorded, Mail To:
(Name?), (Title?)
Alameda County Health Agency
Division of Environmental Protection
1131 Harbor Bay Parkway
Alameda, California 94502

COVENANT AND ENVIRONMENTAL RESTRICTION
ON PROPERTY

Northeast Portion of the Former Carnation Dairy Facility which Occupies
1315-1372 14th Street and 1315-1385 16th Street

This Covenant and Environmental Restriction on Property (this "Covenant") is made as of the ____ day of _____, 2000 by Nestle USA ("Covenantor") who is the Owner of record of that certain property situated at 1315-1372 14th Street and 1315-1385 16th Street, in the City of Oakland, County of Alameda, State of California, which is more particularly described in Exhibit A attached hereto and incorporated herein by this reference (such contaminated area hereinafter referred to as the "Burdened Property"), for the benefit of the Alameda County Health Agency (ACHA), with reference to the following facts:

A. The Burdened Property and groundwater underlying the property contains hazardous materials.

B. Contamination of the Burdened Property. Soil at the Burdened Property was contaminated by releases from petroleum underground storage tanks. These releases resulted in contamination of soil and groundwater with organic chemicals including benzene, toluene, ethylbenzene, xylenes, and 1,2 –dichloroethane, which are hazardous materials as that term is defined in Health & Safety Code Section 25260. Removal of underground storage tanks and remediation of the petroleum hydrocarbons was initiated in January 1988 and is summarized below:

Tank, Line, and Dispenser Removal

Four (4) underground fuel storage tanks and associated piping were removed in December 1988. One (1) 1,000 gallon used-oil tank was removed in January 1989.

DRAFT

Remedial Actions

Soil Excavation: Between January and March 1989, 1,200 cubic yards of soil were removed in the area of the former underground storage tanks and associated piping. This soil was treated on-site and replaced back in the excavated area.

Liquid Petroleum Hydrocarbon Removal: Liquid petroleum hydrocarbons were removed using a product skimming system from the subsurface during January through March 1989. Approximately 1,800 gallons were removed during this time period.

Soil Vapor Extraction: A soil vapor extraction system operated from January 1994 to December 1995 and removed an estimated 5,200 gallons of hydrocarbon.

Multi-phase Extraction: A multi-phase extraction system has been operating at the site since August 1997. Approximately 10,500 pounds of hydrocarbons have been removed using this system. Thickness of petroleum hydrocarbons decreased since August 1997.

C. Exposure Pathways. The contaminants addressed in this Covenant are present in soil and groundwater on the Burdened Property. Without the mitigation measures which have been performed on the Burdened Property, exposure to these contaminants could take place via the following pathways (onsite workers only):

- Ingestion and dermal contact with surface soils;
- Inhalation of volatile emissions from subsurface soils and groundwater

The risk of public exposure to the contaminants has been substantially lessened by the remediation and controls described in part B.

D. Adjacent Land Uses and Population Potentially Affected. The Burdened Property is currently an unused industrial facility and is adjacent to industrial, commercial, and residential land uses.

E. Full and voluntary disclosure to the ACHA of the presence of hazardous materials on the Burdened Property has been made and extensive sampling of the Burdened Property has been conducted.

F. Covenantor desires and intends that in order to benefit the ACHA, and to protect the present and future public health and safety, the Burdened Property shall be used in such a manner as to avoid potential harm to persons or property that may result from hazardous materials that may have been deposited on portions of the Burdened Property.

ARTICLE I
GENERAL PROVISIONS

1.1 Provisions to Run with the Land. This Covenant sets forth protective provisions, covenants, conditions and restrictions (collectively referred to as "Restrictions") upon and subject to which the Burdened Property and every portion thereof shall be improved, held, used, occupied, leased, sold, hypothecated, encumbered, and/or conveyed. The restrictions set forth in Article III are reasonably necessary to protect present and future human health and safety or the environment as a result of the presence of hazardous materials in the subsurface below the Burdened Property. Each and all of the Restrictions shall run with the land, and pass with each and every portion of the Burdened Property, and shall apply to, inure to the benefit of, and bind the respective successors in interest thereof, for the benefit of the ACHA and all Owners and Occupants. Each and all of the Restrictions are imposed upon the entire Burdened Property. Each and all of the Restrictions run with the land pursuant to section 1471 of the Civil Code. Each and all of the Restrictions are enforceable by the California Regional Water Quality Control Board for the San Francisco Bay Region (the "Board").

1.2 Concurrence of Owners and Lessees Presumed. All purchasers, lessees, or possessors of any portion of the Burdened Property shall be deemed by their purchase, leasing, or possession of such Burdened Property, to be in accord with the foregoing and to agree for and among themselves, their heirs, successors, and assignees, and the agents, employees, and lessees of such owners, heirs, successors, and assignees, that the Restrictions as herein established must be adhered to for the benefit of the ACHA and the Owners and Occupants of the Burdened Property and that the interest of the Owners and Occupants of the Burdened Property shall be subject to the Restrictions contained herein.

1.3 Apportionment of Burden Among Multiple Owners. Where ownership of the Burdened Property is held by multiple persons, holding by several titles, the burdens imposed by this Covenant shall be apportioned between them proportionate to the value of the property held by each owner, if such value can be ascertained, and if not, then according to their respective interests in point of quantity. (Cal. Civ. Code, § 1467.)

1.4 Incorporation into Deeds and Leases. Covenantor desires and covenants that the Restrictions set out herein shall be incorporated in and attached to each and all deeds and leases of any portion of the Burdened Property. Recordation of this Covenant shall be deemed binding on all successors, assigns, and lessees, regardless of whether a copy of this Covenant and Agreement has been attached to or incorporated into any given deed or lease.

1.5 Purpose. It is the purpose of this instrument to convey to the ACHA real property rights, which will run with the land, to facilitate the remediation of past environmental contamination and to protect human health and the environment by reducing the risk of exposure to residual hazardous materials.

ARTICLE II
DEFINITIONS

2.1 ACHA. "ACHA" shall mean the Alameda County Health Agency and shall include its successor agencies, if any.

2.2 Board. "Board" shall mean the California Regional Water Quality Control Board for the San Francisco Bay Region and shall include its successor agencies, if any.

2.3 Improvements. "Improvements" shall mean all buildings, roads, driveways, regradings, and paved parking areas, constructed or placed upon any portion of the Burdened Property.

2.4 Occupants. "Occupants" shall mean Owners and those persons entitled by ownership, leasehold, or other legal relationship to the exclusive right to use and/or occupy all or any portion of the Burdened Property.

2.5 Owner or Owners. "Owner" or "Owners" shall mean the Covenantor and/or its successors in interest, who hold title to all or any portion of the Burdened Property.

ARTICLE III
DEVELOPMENT, USE AND CONVEYANCE OF THE BURDENED PROPERTY

3.1 Restrictions on Development and Use. Covenantor promises to restrict the use of the Burdened Property as follows:

a. Development of the Burdened Property shall be restricted to industrial, commercial or office space;

b. No residence for human habitation shall be permitted on the Burdened Property;

c. No hospitals shall be permitted on the Burdened Property;

d. No schools for persons under 21 years of age shall be permitted on the Burdened Property;

e. No day care centers for children or day care centers for Senior Citizens shall be permitted on the Burdened Property;

f. No Owners or Occupants of the Burdened Property or any portion thereof shall conduct any excavation work on the Burdened Property, unless expressly permitted in writing by the ACHA. Any contaminated soils brought to the surface by grading, excavation, trenching, or backfilling shall be managed by Covenantor or his agent in accordance with all applicable provisions of local, state and federal law;

g. All uses and development of the Burdened Property shall be consistent with any applicable Board Order or Risk Management Plan, each of which is hereby incorporated by reference including future amendments thereto. All uses and development shall preserve the integrity of any cap, any remedial measures taken or remedial equipment installed, and any groundwater monitoring system installed on the Burdened Property pursuant to the requirements of the ACHA, unless otherwise expressly permitted in writing by the ACHA. Any development of the property will maintain a surface cap of the soil, exclusive of minor landscape areas, by buildings or paved surfaces.

h. No Owners or Occupants of the Property or any portion thereof shall drill, bore, otherwise construct, or use a well for the purpose of extracting water for any use, including but not limited to, domestic, potable, or industrial uses, unless expressly permitted in writing by the Board.

3.1.1 Notifications/Access/Non Aggravation

a. The Owner shall notify the ACHA of each of the following: (1) The type, cause, location and date of any disturbance to any cap, any remedial measures taken or remedial equipment installed, and of the groundwater monitoring system installed on the Burdened Property pursuant to the requirements of the ACHA, which could affect the ability of such cap or remedial measures, remedial equipment, or monitoring system to perform their respective functions and (2) the type and date of repair of such disturbance. Notification to the ACHA shall be made by registered mail within ten (10) working days of both the discovery of such disturbance and the completion of repairs;

b. The Covenantor agrees that the ACHA, and/or any persons acting pursuant to ACHA orders, shall have reasonable access to the Burdened Property for the purposes of inspection, surveillance, maintenance, or monitoring, as provided for in Division 7 of the Water Code.

c. No Owner or Occupant of the Burdened Property shall act in any manner that will aggravate or contribute to the existing environmental conditions of the Burdened Property. All use and development of the Burdened Property shall preserve the integrity of any capped areas.

3.2 Enforcement. Failure of an Owner or Occupant to comply with any of the restrictions, as set forth in paragraph 3.1, shall be grounds for the ACHA, by reason of this Covenant, to have the authority to require that the Owner modify or remove any Improvements constructed in violation of that paragraph. Violation of the Covenant shall be grounds for the ACHA to file civil actions against the Owner as provided by law.

3.3 Notice in Agreements. After the date of recordation hereof, all Owners and Occupants shall execute a written instrument which shall accompany all purchase agreements or leases relating to the property. Any such instrument shall contain the following statement:

The land described herein contains hazardous materials in soils and in the ground water under the property, and is subject to a deed restriction dated as of _____, 200_,

and recorded on _____, 200_, in the Official Records of _____ County, California, as Document No. _____, which Covenant and Restriction imposes certain covenants, conditions, and restrictions on usage of the property described herein. This statement is not a declaration that a hazard exists.

ARTICLE IV
VARIANCE AND TERMINATION

4.1 Variance. Any Owner or, with the Owner's consent, any Occupant of the Burdened Property or any portion thereof may apply to the ACHA for a written variance from the provisions of this Covenant.

4.2 Termination. Any Owner or, with the Owner's consent, any Occupant of the Burdened Property or a portion thereof may apply to the ACHA for a termination of the Restrictions as they apply to all or any portion of the Burdened Property which consent to termination shall not be unreasonably withheld.

4.3 Term. Unless terminated in accordance with paragraph 4.2 above, by law or otherwise, this Covenant shall continue in effect in perpetuity.

ARTICLE V
MISCELLANEOUS

5.1 No Dedication Intended. Nothing set forth herein shall be construed to be a gift or dedication, or offer of a gift or dedication, of the Burdened Property or any portion thereof to the general public.

5.2 Notices. Whenever any person gives or serves any notice, demand, or other communication with respect to this Covenant, each such notice, demand, or other communication shall be in writing and shall be deemed effective (1) when delivered, if personally delivered to the person being served or official of a government agency being served, or (2) three (3) business days after deposit in the mail if mailed by United States mail, postage paid certified, return receipt requested:

If To: "Covenantor"
[Owners name and address]

If To: "ACHA"
Alameda County Health Agency
Division of Environmental Protection
Attention: ***(Title?)***
1131 Harbor Bay Parkway
Alameda, California 94502

5.3 Partial Invalidity. If any portion of the Restrictions or terms set forth herein is determined to be invalid for any reason, the remaining portion shall remain in full force and effect as if such portion had not been included herein.

5.4 Article Headings. Headings at the beginning of each numbered article of this Covenant are solely for the convenience of the parties and are not a part of the Covenant.

5.5 Recordation. This instrument shall be executed by the ***(Title?)*** of the ACHA. This instrument shall be recorded by the Covenantor in the County of _____ within ten (10) days of the date of execution.

5.6 References. All references to Code sections include successor provisions.

5.7 Construction. Any general rule of construction to the contrary notwithstanding, this instrument shall be liberally construed in favor of the Covenant to effect the purpose of this instrument and the policy and purpose of the Water Code. If any provision of this instrument is found to be ambiguous, an interpretation consistent with the purpose of this instrument that would render the provision valid shall be favored over any interpretation that would render it invalid.

IN WITNESS WHEREOF, the parties execute this Covenant as of the date set forth above.

Covenantor: _____

By: _____
Title: _____
Date: _____

Agency: Alameda County Health Agency
Division of Environmental Protection

By: _____
Title: ***(Title?)***

ROBERT BEIN, WILLIAM FROST & ASSOCIATES
1981 N. Broadway, Suite 235
Walnut Creek, California 94596

LEGAL DESCRIPTION
DEED RESTRICTION AREA

That certain parcel of land situated in the City of Oakland, County of Alameda, State of California described as follows:

Being a portion of Lots 4 through 23 and a portion Kirkham Street of the Scotchler Tract and Vicinity, Oakland, as shown on a map thereof filed in Book 7 of Maps at Page 21 on December 10, 1874 in the Office of the County Recorder of Alameda County more particularly described as follows:

BEGINNING at the intersection of said Kirkam Street and the northwest corner of lot 17, in block 584, as shown on the map of "Re-division of Blocks 584, 585, 601, 153 and 580-A, City of Oakland, County of Alameda, California", filed May 1, 1885, in Book 4 of Maps, at Page 25, in said office of the County Recorder;

Thence, along the northerly line of said Kirkham Street and said lots 13, 12, 11, 10, 9, 8, 7, 6 and 5, North 72°53'28" West 292.25 feet to the northwest corner of said lot 5, said point also being the northeasterly corner of that certain parcel of land described in the deed to the State of California, recorded May 12, 1955 in Volume 7658, of Official Records at Page 299, in said office of the County Recorder;

Thence, continuing along said northerly line of Kirkham Street, North 72°53'28" West 8.64 feet;

Thence, along said State of California parcel, along a non-tangent 1240 foot radius curve to the right, through a central angle of 2°59'04" to the easterly line of the parcel of land described in the deed to the State of California, recorded August 12, 1955 in Book 7749, of Official Records at Page 447, as Instrument Number AK-86901, in said office of the County Recorder;

Thence, along last said State of California parcel (7749 OR 447), along a non-tangent 1240 foot radius curve to the right from a tangent that bears South 10°54'36" West to the south line of said lot 22, said southerly line also being the north line of 15th Street, as shown on said map of the Scotchler Tract (7 M 21);

Thence, along said northerly line of 15th Street and the easterly prolongation of said north line, South 74°03'30" East 285.05 feet to the easterly line of said Kirkham Street;

Thence, along said easterly line, North 15°56'30" West 209.50 feet to the **POINT OF BEGINNING.**

EXHIBIT attached and by this reference made a part hereof.

Patrick J. Tami, L.S. 5816

C:\MyFiles\Office\Wpwin\legal2.wpd

April 19, 2000 (4:28PM)

NESTLE/OAKLAND
WELLS SAMPLED AS PART OF ONGOING QUARTERLY MONITORING PLAN

Well Type	Well Name	Casing Diameter (in.)	Total Casing Depth (ft. bgs)	Top of Screen (ft. bgs)	Bottom of Screen (ft. bgs)	Length of Screened Interval (ft.)	Screen Slot Size (in.)	Filter Pack Type	Seal Type	Seal Top Depth (ft. bgs)	Seal Base Depth (ft. bgs)
Groundwater Monitoring Well	MW3	4.0	25.0	7.0	25.0	18.0	0.030	#3 Sand	Bentonite	4.0	5.0
Groundwater Monitoring Well	MW25	4.0	22.5	7.5	22.5	15.0	0.020	#2/16 Sand	Bentonite	5.0	6.5
Groundwater Monitoring Well	MW26	4.0	25.0	10.0	25.0	15.0	0.020	#2/16 Sand	Bentonite	7.5	9.0
Groundwater Monitoring Well	MW27	4.0	24.5	9.0	24.0	15.0	0.020	#2/16 Sand	Bentonite	6.5	8.0
Groundwater Monitoring Well	MW28	4.0	27.0	9.0	27.0	18.0	0.020	#2/16 Sand	Bentonite	6.5	8.0
Groundwater Monitoring Well	MW29	4.0	25.0	9.0	25.0	16.0	0.020	#2/16 Sand	Bentonite	6.5	8.0
Groundwater Monitoring Well	MW30	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR
Groundwater Monitoring Well	MW32	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR
Groundwater Monitoring Well	MW33	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR
Product Recovery Well	PR52	2.0	15.0	5.0	15.0	10.0	0.030	#3 Sand	Bentonite	3.0	4.0
Product Recovery Well	PR53	2.0	15.0	5.0	15.0	10.0	0.030	#3 Sand	Bentonite	3.0	4.0
Product Recovery Well	PR54	2.0	15.0	5.0	15.0	10.0	0.030	#3 Sand	Bentonite	3.0	4.0
Product Recovery Well	PR64	2.0	15.0	5.0	15.0	10.0	0.030	#3 Sand	Bentonite	3.0	4.0
"Numbered" Well	223	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR
"Numbered" Well	239	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR
Vapor Well	V55	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR
Vapor Well	V84	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR

NR = Not Reported

TABLE 33

15 MAY 2000

Comprehensive Site Characterization Report with Risk Evaluation and Risk Management Plan

A Draft Risk-Based Corrective Action Analysis was submitted to the ACHA in March 2000. Comments regarding this report were provided by the RWQCB in May 2000. Responses to the RWQCB comments will be sent to ACHA and the RWQCB along with the Comprehensive Site Characterization Report and the Draft Risk Management Plan by 15 September 2000.

Tasks to be Completed

- A Comprehensive Site Characterization Report with the Risk-Based Corrective Action Analysis included as an appendix will be submitted by 15 September 2000;
- A Draft Risk Management Plan will be prepared and submitted to the ACHA by 15 September 2000;
- Another group of wells will be abandoned before the end of 2000; and
- Review of 2000 groundwater monitoring results for case closure with respect to petroleum hydrocarbons.

If you have any questions or comments please contact Binayak Acharya at 818-549-5948 or me at the number listed below.

Sincerely,

Douglas Cram
Project Manager

DO/dh

cc: Chuck Headlee, RWQCB
Roger Brewer, RWQCB
Binayak Acharya, Nestle

ETIC
Engineering, Inc.

27 March 2000

Binayak Acharya
Nestlé USA, Inc.
800 N. Brand Boulevard
Glendale, California 91203

RE: Follow-up neighborhood well survey for Nestlé USA, Inc. site at 1310 14th Street, Oakland, California

Dear Mr. Acharya:

As a result of site closure discussions amongst ETIC Engineering, Nestlé USA, the RWQCB and the ACHA, a previous door-to-door well survey of six properties immediately downgradient of the Nestle site was conducted by ETIC on 3 March 2000. A follow-up door-to-door survey was conducted on 22 March 2000 in an attempt to revisit properties whose owners had not responded to ETIC's initial inquiries regarding the possible existence of water wells on their properties. The following residences were visited during this follow-up well survey:

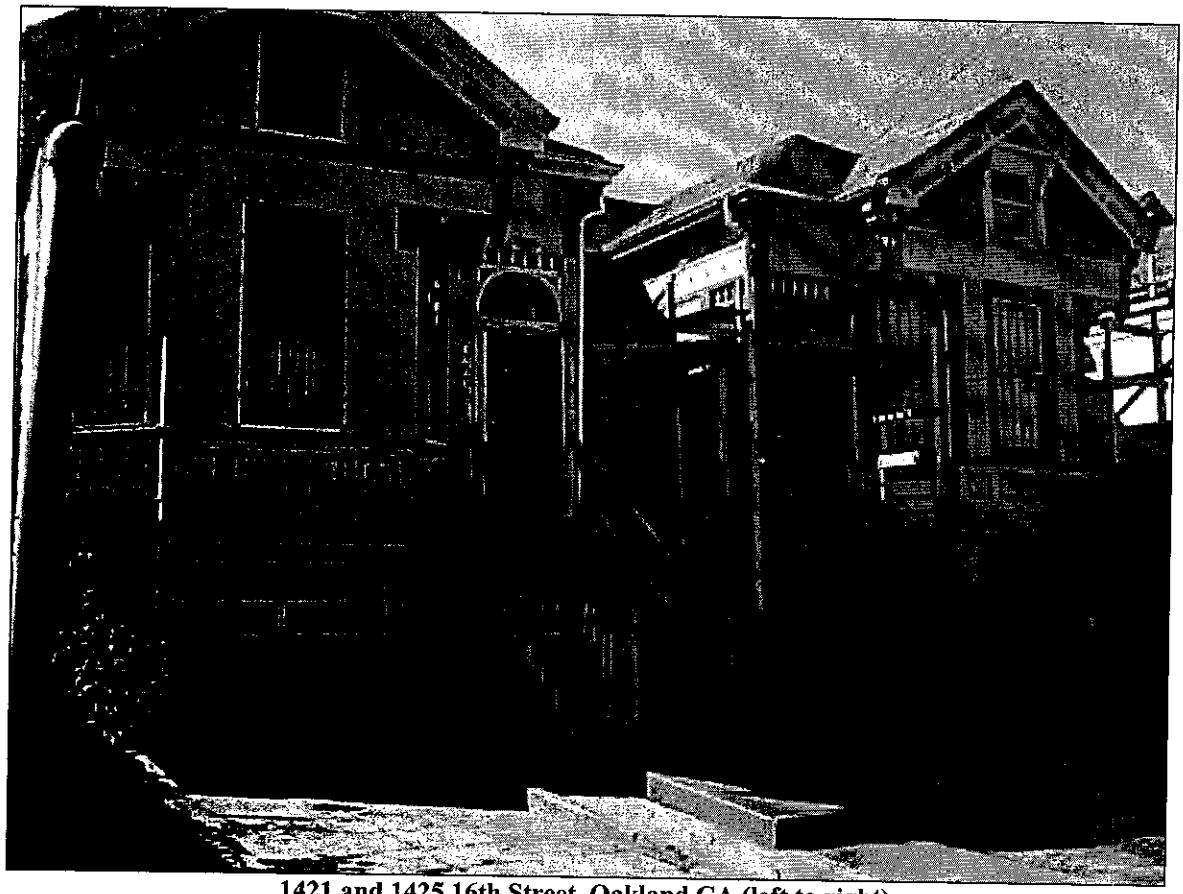
- 1412 15th Street, Oakland CA
- 1408 16th Street, Oakland CA
- 1421 16th Street, Oakland CA
- 1409 17th Street, Oakland CA

Residents were not present at the time of ETIC's follow up visit for any of the above listed properties. Pre-stamped water well survey cards were left at these residences so that questions regarding water supply wells could be answered and the survey cards mailed back to ETIC. ETIC will notify Nestlé USA of the results of these survey cards if and when they are mailed back to our office.

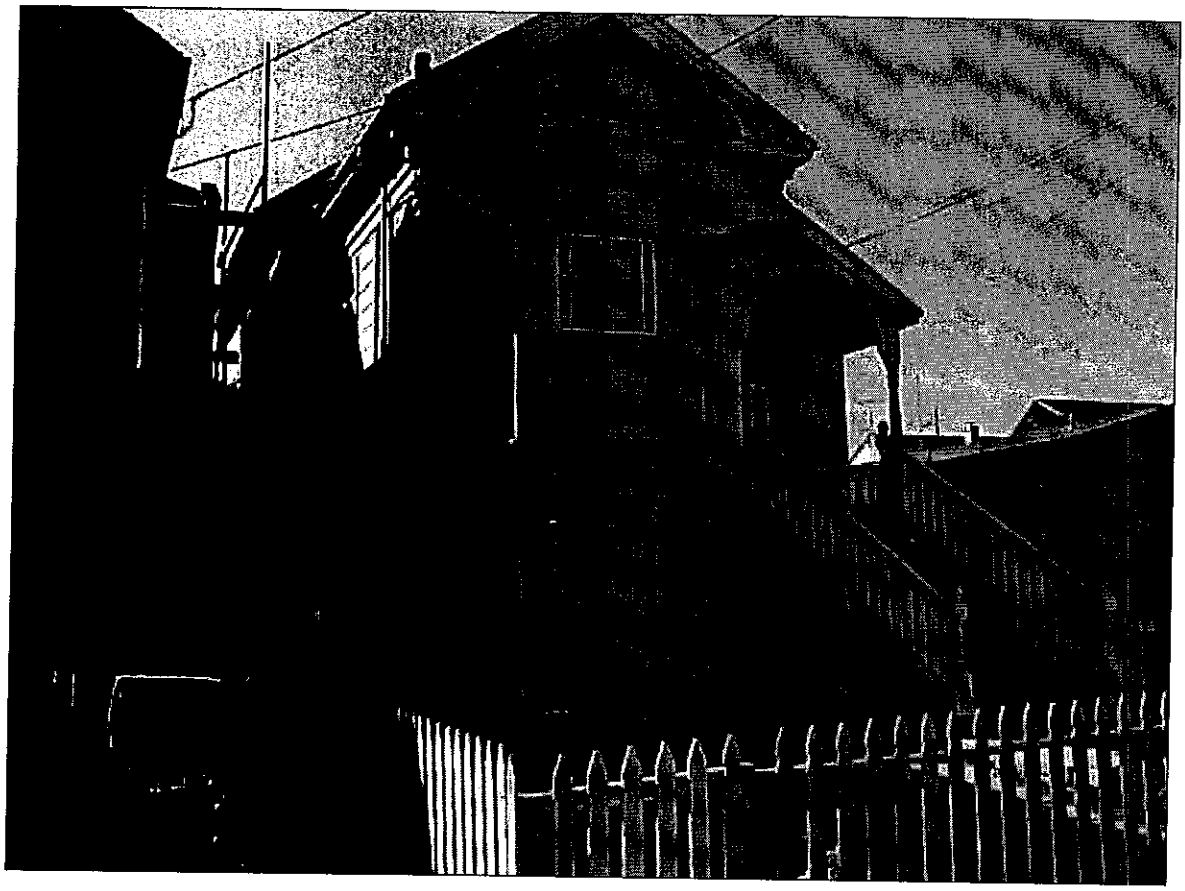
A map showing these properties, along with photographs of these properties, was included in the 14 March 2000 letter to Nestlé USA documenting our initial neighborhood well survey at this site.

Additionally, ETIC employees investigated the possible existence of an industrial supply well at 1614 Campbell Street. ETIC employees spoke with Walt Davis, General Manager of Western Nonwovens, Inc., which currently occupies the 1614 Campbell Street site. Mr. Davis stated that he had worked at the site since the early 1950s, and he was unaware of any industrial supply wells on the property.

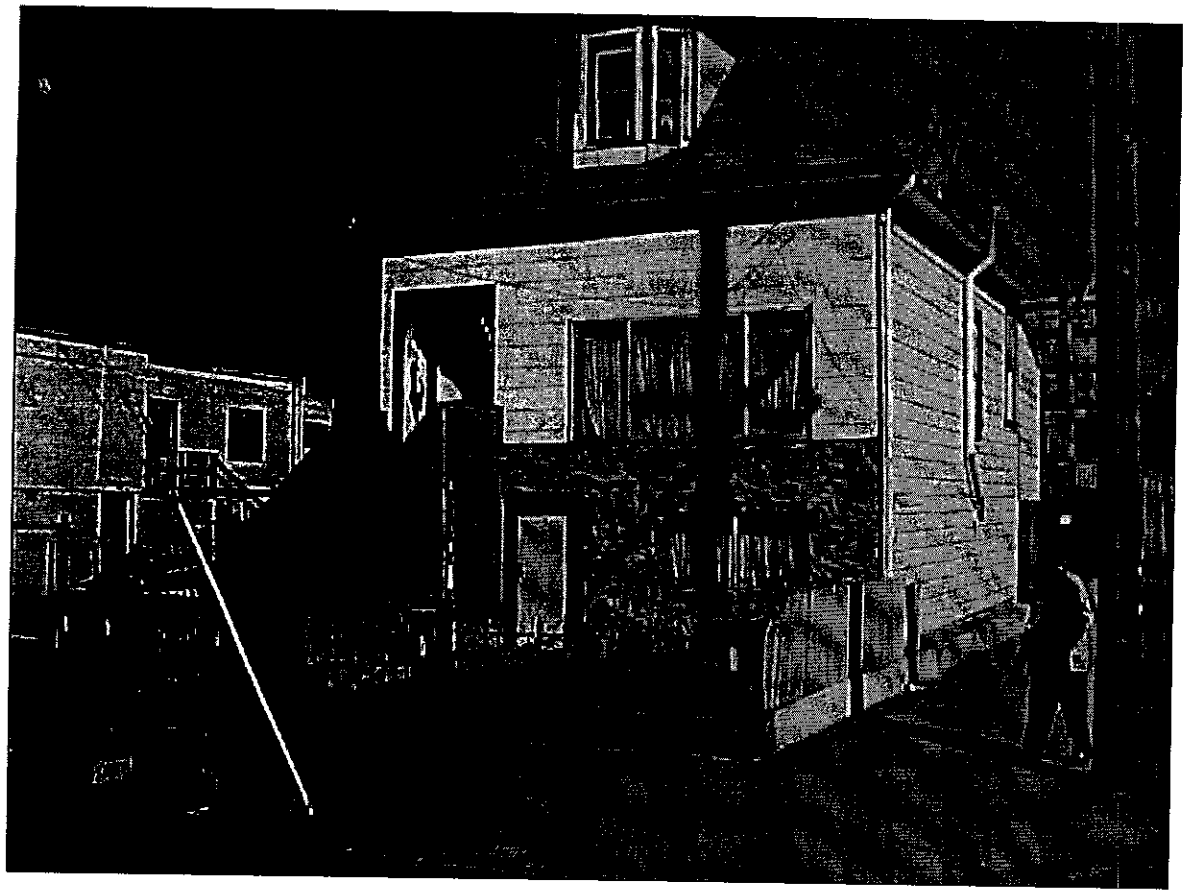
F:\Projects\Nestle Oakland\PUBLIC\Well Survey\wellsurveyltroak2.doc



1421 and 1425 16th Street, Oakland CA (left to right)



1429 16th Street, Oakland CA



1412 15th Street, Oakland CA

1408 16th Street, Oakland CA

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

May 26, 2000

Mr. Leroy Griffin
Hazardous Materials Program Supervisor
City of Oakland Fire Services
1605 Martin Luther King
Oakland, CA 94612

RE: Nestle USA, 1310 14th Street, Oakland, CA 94607

Dear Mr. Griffin:

County Counsel reviewed the first draft of the Covenant and Environmental Restriction of Property (CERP) for the above site and found it acceptable. Attached is a copy of the first draft, and a letter dated May 15, 2000 from Nestle identifying the changes to the first draft. The CERP I faxed to you yesterday contained these changes.

If you have any questions, please contact Noelia Marti-Colon at 818-549-5633 or me at (510) 567-6774.

Sincerely,

Larry Seto
Sr. Hazardous Materials Specialist

Enclosure (1) Covenant and Environmental Restriction of Property – 1st Draft

Cc: Noelia Marti-Colon, Nestle, 800 North Brand Blvd., Glendale, CA 91203
Files

TRANSMIT REPORT

2000.05-25 09:47
510 337 9135
DEH

COM No.	REMOTE STATION	START TIME	DURATION	PAGES	RESULT	USER ID	REMARKS
826	5102387761	05-25 09:47	00'45	01/10	S OK		

7541007513

Alameda County Environmental Health

1131 Harbor Bay Pkwy., #250
Alameda CA 94502-6577
Telephone (510) 567-6700 FAX (510) 337-9335

FACSIMILE COVER SHEET

TO: Leroy Griffin

FROM: Larry Seto

DATE: 5-24-00

Total number of pages including cover sheet 15

-NOTES-

The workplan shall address the development of a free product remediation plan. We are requiring this remediation plan to be submitted by July 15, 1991. We require remediation plan implementation to be started and free product removal to be underway by September 1, 1991. Any extensions of these deadlines must be confirmed in writing by either this Division or the San Francisco Bay Regional Water Quality Control Board (SFRWQCB).

Following our meeting on May 6, 1991, I spoke with Lester Feldman of the SFRWQCB. He confirmed that the SFRWQCB's highest priority is remediation of free product and that the SFRWQCB's position is that free product must be removed in the shortest period of time. Mr. Feldman stated that insufficient efforts to remediate free product would subject a responsible party to enforcement actions and possible civil liability penalties.

Should you have any questions or need to discuss the above requirements, please feel free to contact me at (415) 271-4320.

Sincerely,

Katherine A. Chesick

Katherine A. Chesick,
Senior Hazardous Materials Specialist

KAC:kac

cc: Jim Person, Director of Environmental Affairs, Carnation, Glendale, CA
Bruce Scheibach, Harding Lawson Associates
Lester Feldman, San Francisco Bay Regional Water Quality Control Board
Howard Hatayama, State Department of Health Services
Gil Jensen, Alameda County District Attorney, Consumer and Environmental Protection Division
Rafat A. Shahid, Director, Alameda County Environmental Health Department
Files

AL

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.
Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.
1. ☐ Show to whom delivered, date, and addressee's address. *(Extra charge)* 2. ☐ Restricted Delivery *(Extra charge)*

3. Article Addressed to:	4. Article Number
Mr. Merle Wood, Senior Attorney Carnation Corporate Offices 800 North Brand Blvd. Glendale, CA 91203	P 367 604 379
	Type of Service: ☐ Registered ☐ Insured ☒ Certified ☐ COD ☐ Express Mail ☐ Return Receipt for Merchandise
	Always obtain signature of addressee or agent and DATE DELIVERED.
5. Signature — Address X	8. Addressee's Address *(ONLY if requested and fee paid)*
6. Signature — Agent X	
7. Date of Delivery MAY 13 1991	

PS Form **3811**, Mar. 1988 * U.S.G.P.O. 1988-212-865 **DOMESTIC RETURN RECEIPT**

P 367 604 379

RECEIPT FOR CERTIFIED MAIL
NO INSURANCE COVERAGE PROVIDED
NOT FOR INTERNATIONAL MAIL
(See Reverse)

Sent to	
Street and No.	
P.O., State and ZIP Code	
Postage	$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt showing to whom and Date Delivered	
Return Receipt showing to whom, Date, and Address of Delivery	
TOTAL Postage and Fees	$
Postmark or Date	

PS Form 3800, June 1985 *U.S.G.P.O. 1989-234-555

Harding Lawson Associates

91 APR 15 AM 10: 20

April 12, 1991

Alameda County Department of Environmental Health
Hazardous Materials Division
80 Swan Way, Room 200
Oakland, California 94621

Attention: Ms. Kathrine Chesick

Harding Lawson Associates (HLA) is currently investigating a site located at the following address:

Carnation Company
1310 - 14th Street
Oakland, California

HLA is requesting a file review of the site to update and maintain our own files.

Please notify me as soon as possible so we may arrange a suitable time to review what is available. If you have any questions, please call me at 415/892-0821. Thank you for your assistance in this matter.

Sincerely,

HARDING LAWSON ASSOCIATES

D'Ann Schwarz
Administrative Assistant

DAS/lb16603

Wednesday, April 24 9:00 - 12:00

Harding Lawson Associates
A Subsidiary of Harding Associates

D'Ann Schwarz
Environmental Researcher

Engineering and
Environmental Services

7655 Redwood Blvd., P.O. Box 578
Novato, California 94948
415/892-0821
Telecopy: 415/892-1586

Carnation

Corporate Offices

800 North Brand Boulevard
Glendale, CA 91203
Telephone: (818) 549-6000

91 APR 10 AM 10: 54

April 8, 1991

Ms. Katherine Chesick
Alameda County Health Care Services
Department of Environmental Health
Hazardous Materials Division
80 Swan Way, Room 200
Oakland, CA 94621

Dear Ms. Chesick:

This letter is to notify you that Carnation has retained Harding Lawson Associates (HLA) to investigate the underground storage tank problem at 1310 14th Street, Oakland, California. HLA will be contacting you shortly concerning the project.

Sincerely,

Rick Flaget
Environmental Affairs

RF/sd
R018

Law Offices of

GROVEMAN & YOUNG

10 Universal City Plaza, Suite 1930
Universal City, California 91608-1097

91 FEB -6 AM 11:13

Telephone (818) 766-3200
Facsimile (818) 766-3793

Barry C. Groveman
W. Herbert Young
Charles H. Pomeroy
Gregory J. Patterson
Richard D. Burda
Daniel E. Wax

Non-Lawyer
Technical Services
Daniel Fresquez

Our File No.
1312.01

February 4, 1991

Ms. Catherine Chessick
ALAMEDA COUNTY HEALTH DEPARTMENT
80 Swan Way, Room 200
Oakland, CA 94621

Re: **MAIN STREET DAIRY**

Dear Ms. Chessick:

This letter will confirm our telephone conversation of February 4, 1991, wherein you agreed to have all County Health documents on the Main Street Dairy site available for review and copying on February 20, 1991.

I will be at your office at 9:00 a.m. with a copying service. Please contact me immediately should this arrangement be changed.

Very truly yours,

GROVEMAN & YOUNG

Charles H. Pomeroy

CHP:blf
cc: Merle W. Wood II, Esq.

Law Offices of
GROVEMAN & YOUNG
10 Universal City Plaza, Suite 1930
Universal City, California 91608-1097
Telephone (818) 766-3200
Facsimile (818) 766-3793

Barry C. Groveman
W. Herbert Young
Charles H. Pomeroy
Gregory J. Patterson
Richard D. Burda
Daniel E. Wax

Non-Lawyer
Technical Services
Daniel Fresquez

August 15, 1990

Our File No.
1309.01

Ms. Catherine Chessick
ALAMEDA COUNTY HEALTH DEPARTMENT
80 Swan Way, Room 200
Oakland, CA 94621

Re: **MAIN STREET DAIRY**

Dear Ms. Chessick:

Pursuant to our telephone conversation of August 9, 1990, I am providing you with a list of materials we would like to obtain from the Alameda County Health Department for the Main Street Dairy site. Enclosed is a copy of an authorization from Carnation Company.

Specifically, I am requesting all documents of correspondence to and from the Alameda County Health Department and Anania Geological Engineering (AGE). I would also like to request a copy of all permits submitted for this project as well as any documents or reports submitted for this project by any party since March 1990.

I will be contacting you shortly to update you on the status of the site. It is our intention to confer with you as well as the other involved agencies as soon as practicable in order to expedite the completion of the work.

Should you have any questions regarding our correspondence, please feel free to contact me.

Very truly yours,

GROVEMAN & YOUNG

Charles H. Pomeroy

CHP:blf

Carnation

Legal Department

5045 Wilshire Boulevard
Los Angeles, California 90036
Telephone: (213) 932-6000

Direct Dial (213) 932-6718

August 14, 1990

Ms. Catherine Chessick
ALAMEDA COUNTY HEALTH DEPARTMENT
80 Swan Way, Room 200
Oakland, CA 94621

Re: AUTHORIZATION FOR MAIN STREET DAIRY

Dear Ms. Chessick:

Carnation Company has recently retained the services of Groveman & Young as legal counsel for various environmental projects.

I am authorizing Groveman & Young, on behalf of Carnation Company, to obtain all documents and materials related to the Main Street Dairy, 1310 14th Street, Oakland, CA. This authorization extends to all agencies and authorities involved at this site.

Please feel free to contact me should you have any questions.

Very truly yours,

Merle W[illegible]od, II
Senior Attorney

MWW/scs

ANANIA GEOLOGIC ENGINEERING™

August 16, 1990

Mr. Terry Roberts
Director of Public Works
City of Oakland
Number One City Hall Plaza
Oakland, California 94612

Re: Termination of Anania Geologic Engineering's Services at the Carnation Dairy Facility Located at 1310 14th Street in Oakland, California

AGE Project No. 004-88-059

Dear Mr. Roberts:

This letter is to notify you that the Carnation Company has terminated the contract with Anania Geologic Engineering (AGE) as environmental consultant at the Oakland Dairy Facility. Effective August 24, 1990, AGE will no longer be associated with the investigation and remediation of the contaminated soil and groundwater at the facility located at 1310 14th Street in Oakland. AGE had obtained a Minor Encroachment Permit for Carnation to install five groundwater monitoring wells on City property in 16th Street. The Minor Encroachment Permit was signed by Carnation in July of 1989. Since AGE has been terminated, the analytical results from the five monitoring wells will have to be obtained from the Carnation Company, which was a condition of the permit. Please terminate any association AGE may have with your office with respect to this facility.

Thank you for your cooperation in this matter. If you have any questions concerning this matter please do not hesitate to call me at (916) 631-0154.

Sincerely,

Mary L. Scruggs
General Partner

cc: Ms. Katherine Chesick, Alameda County, Division of Hazardous Materials

11330 Sunrise Park Drive, Suite C Rancho Cordova, CA 95742 Phone: 916-631-0154 Fax: 916-631-0528
P.O. Box 161148 Sacramento, CA 95816

ANANIA GEOLOGIC ENGINEERING™

August 7, 1990

Mr. Joe Slamovich
Bay Area Air Quality Management District
939 Ellis Street
San Francisco, California 94109

Re: Termination of Permit No. 4173 for the Operation of Two Vapor Recovery Units at the Carnation Dairy Facility located in Oakland, California

AGE Project No. 004-88-059

Dear Mr. Slamovich:

This letter is to notify you that the Carnation Company has terminated the contract with Anania Geologic Engineering (AGE) as environmental consultant at the Oakland Dairy Facility. Effective August 24, 1990 AGE will no longer be associated with the investigation and remediation of the contaminated soil and groundwater at the facility located at 1310 14th Street in Oakland. Operation of the vapor recovery units at the facility ceased on July 31, 1990. Please terminate air permit number 4173, submitted by AGE, for the operation of vapor recovery units for the treatment of hydrocarbon contaminated soil and groundwater effective immediately.

AGE appreciates the responsiveness and cooperation you have provided during this project and look forward to working together again in the future. If you have any questions concerning this matter please do not hesitate to call me at (916) 631-0154.

Sincerely,

Mary L. Scruggs
General Partner

cc: Ms. Katherine Chesick, Alameda County

11330 Sunrise Park Drive, Suite C Rancho Cordova, CA 95742 Phone: 916-631-0154 Fax: 916-631-0528
P.O. Box 161148 Sacramento, CA 95816

ANANIA GEOLOGIC ENGINEERING™

August 6, 1990

Mr. Lester Feldman
Regional Water Quality Control Board
San Francisco Bay Region
1800 Harrison Street
Oakland, California 94612

RE: Termination of Anania Geologic Engineering's (AGE) Services at the Carnation Dairy Facility Located at 1310 14th Street in Oakland, California

AGE Project Number 004-88-059

Dear Mr. Feldman:

This letter is to notify you that the Carnation Company has terminated the contract with Anania Geologic Engineering (AGE) as environmental consultant at the Oakland Dairy Facility. Effective August 24, 1990, AGE will no longer be associated with any site investigation and remediation of the contaminated soil and groundwater at the facility located at 1310 14th Street in Oakland.

In conjunction with the termination, Carnation directed AGE to remove all of our equipment from the site. The groundwater treatment system has been dismantled and was rendered completely inoperative on August 3, 1990. The last date of discharge to the sanitary sewer under wastewater discharge permit 033-00572 issued by the East Bay Municipal Utilities District also occurred on August 3, 1990. AGE is continuing with the demobilization operations and is in the process of terminating the existing permits issued to AGE associated with the investigation and remediation at the facility.

If you have any questions concerning this matter please do not hesitate to call me at (916) 631-0154.

Sincerely,

Mary L. Scruggs
General Partner

cc: Ms. Katherine Chesick, Alameda County

11330 Sunrise Park Drive, Suite C Rancho Cordova, CA 95742 Phone: 916-631-0154 Fax: 916-631-0528
P.O. Box 161148 Sacramento, CA 95816

ANANIA GEOLOGIC ENGINEERING™

August 6, 1990

90 AUG 17 AM 1:04

Ms. Barbara Hagen
East Bay Municipal Utilities District
Source Control Division, #59
P. O. Box 24055
Oakland, California 94623

RE: Termination of Wastewater Discharge Permit No. 033-00572 for the Groundwater Treatment System at the Carnation Dairy Facility in Oakland

AGE Project No. 004-88-059

Dear Ms. Hagen:

This letter is to notify you that the Carnation Company has terminated the contract with Anania Geologic Engineering (AGE) as environmental consultant at the Oakland Dairy Facility. Effective August 24, 1990 AGE will no longer be associated with the investigation and remediation of the contaminated soil and groundwater at the facility located at 1310 14th Street in Oakland. The groundwater treatment system has been dismantled. The last date of discharge to the sanitary sewer associated with the groundwater treatment system was August 3, 1990. Please terminate the wastewater discharge permit for the groundwater treatment system issued under account 033-00572 effective August 3, 1990.

AGE appreciates responsiveness and cooperation you have provided throughout the life of the project and hope we can work together again in the future. If you have any questions concerning this matter please do not hesitate to call me at (916) 631-0154.

Sincerely,

Mary L. Scruggs
General Partner

cc: Ms. Katherine Chesick, Alameda County

11330 Sunrise Park Drive, Suite C Rancho Cordova, CA 95742 Phone: 916-631-0154 Fax: 916-631-0528
P.O. Box 161148 Sacramento, CA 95816

ANANIA GEOLOGIC ENGINEERING™

August 7, 1990

Mr. Craig Mayfield
Alameda County Flood Control
Zone 7, Water Resources Engineering
5997 Parkside Drive
Pleasanton, California 94566

Re: Termination of Well Permits for the Carnation Dairy Facility Located at 1310 14th Street in Oakland, California

AGE Project No. 004-88-059

Dear Mr. Mayfield:

This letter is to notify you that the Carnation Company has terminated the contract with Anania Geologic Engineering (AGE) as environmental consultant at the Oakland Dairy Facility. Effective August 24, 1990, AGE will no longer be associated with the investigation and remediation of the contaminated soil and groundwater at the facility located at 1310 14th Street in Oakland. Please terminate the well permits for the monitoring, extraction, vapor recovery and product recovery wells issued to AGE and/or Karl J. Anania for the subject facility effective August 24, 1990. Additionally, please void the permit for destruction of one monitoring well set to 58 feet which was permitted under permit number 90218 submitted by AGE in April 1990. This one well was not abandoned, however the other 19 were destroyed and the well destruction report was filed with your office.

AGE appreciates your responsiveness and cooperation during this project and look forward to working together again in the future. If you have any questions concerning this matter please do not hesitate to call me at (916) 631-0154.

Sincerely,

Mary L. Scruggs
General Partner

cc: Ms. Katherine Chesick, Alameda County

11330 Sunrise Park Drive, Suite C Rancho Cordova, CA 95742 Phone: 916-631-0154 Fax: 916-631-0528
P.O. Box 161148 Sacramento, CA 95816

ANANIA GEOLOGIC ENGINEERING™

August 7, 1990

Mr. Wessel J. Mindermann
Bay Area Air Quality Management District
939 Ellis Street
San Francisco, California 94109

Re: Termination of Permit Application No. 5269 for the Operation of Eight Vapor Recovery Units at the Carnation Dairy Facility Located in Oakland, California

AGE Project No. 004-88-059

Dear Mr. Mindermann:

This letter is to notify you that the Carnation Company has terminated the contract with Anania Geologic Engineering (AGE) as environmental consultant at the Oakland Dairy Facility. Effective August 24, 1990 AGE will no longer be associated with the investigation and remediation of the contaminated soil and groundwater at the facility located at 1310 14th Street in Oakland. Please cancel air permit application number 5269, submitted by AGE, for the operation of eight additional vapor recovery units at the above location for the treatment of hydrocarbon contaminated soil and groundwater effective immediately.

AGE appreciates your cooperation on this project and apologizes for any inconvenience this may have caused. If you have any questions concerning this matter please do not hesitate to call me at (916) 631-0154.

Sincerely,

Mary L. Scruggs
General Partner

cc: Ms. Katherine Chesick, Alameda County

11330 Sunrise Park Drive, Suite C Rancho Cordova, CA 95742 Phone: 916-631-0154 Fax: 916-631-0528
P.O. Box 161148 Sacramento, CA 95816

March 29, 1990

Mrs. Barbara B. Hagen
East Bay Municipal Utility District
Source Control Division, #59
Post Office Box 24055
Oakland, California 94623

RE: Wastewater Monthly Report/Sample Data for the Groundwater Treatment System at the Carnation Dairy Facility in Oakland

AGE Project Numbers: 004-88-059, 004-89-093, 004-89-096

Account No. 033-00572

Dear Mrs. Hagen:

The wastewater treatment system operation was temporarily shut down on February 16, 1990 due to the reoccurrence of milk fat on groundwater. Milk fat inhibits the efficiency of the activated carbon to remove the contamination, therefore, the treatment system was shut down. During this period a leak in the sanitary sewer was also identified. The sewer was repaired and approved by the City of Oakland. The treatment system was restarted on March 21, 1990 and influent and effluent samples were taken. These laboratory analyses will be reported to you in the April Wastewater Monthly Report.

The total amount discharged to the sewer to date is 224,422 gallons. The monthly discharge total for March 1990 was 23,363 gallons.

If you have any questions concerning this information, please feel free to contact Jim Wallace or myself at (916) 631-0154.

Sincerely,

ANANIA GEOLOGIC ENGINEERING

Todd M. Galati
Project Manager

Jim Wallace
Senior Project Manager

cc: Mr. Merle Wood, Carnation
Mr. Jim Person, Carnation
Ms. Katherine Chesick, Alameda County Health Department

File

Alameda County Hazardous Materials Division
List of Documents on File
for
the Carnation Facility
formerly located at 1310 14th Street
Oakland, California 94607
February 20, 1991

	Date	From	To	Document
	February 4, 1991	Groveman & Young	ACHD	Letter confirming file review date
√ 2/20	August 16, 1990	AGE	Oakland Public Works	Letter indicating termination of services
	August 15, 1990	Groveman & Young	ACHD	Letter requesting file review
	August 14, 1990	Carnation	ACHD	Letter authorizing Groveman & Young to review file
	August 7, 1990	AGE	BAAQMD	Letter terminating vapor recovery units permit
√ 2/20	August 7, 1990	AGE	ACFC	Letter terminating well permits
	August 7, 1990	AGE	BAAQMD	Letter terminating vapor recovery permit application
	August 6, 1990	AGE	ACHD	Letter indicating termination of services
	August 6, 1990	AGE	EBMUD	Letter terminating discharge permit
	August 6, 1990	AGE	RWQCB	Letter indicating termination of services
√ 2/20	July 30, 1990	AGE	EBMUD	Wastewater Monthly Report Data
√ 2/20	July 12, 1990	AGE	EBMUD	Letter concerning wastewater discharge permit
√ 2/20	June 28, 1990	AGE	EBMUD	Wastewater Monthly Report Data

√ 2/20 - Indicate documents copied by Charles Pomeroy on 2/20/91

✓ 2/20	May 30, 1990	AGE	EBMUD	Wastewater Monthly Report Data
✓ 2/20	May 9, 1990	AGE	ACHD	Well Abandonment Plan
✓ 2/20	April 30, 1990	AGE	EBMUD	Wastewater Monthly Report Data
✓ 2/20	April 3, 1990	AGE	ACHD	Well Abandonment Plan Letter
✓ 2/20	March 30, 1990	AGE	ACHD	Well Abandonment Plan Letter
✓ 2/20	March 29, 1990	AGE	EBMUD	Wastewater Monthly Report Data
✓ 2/20	March 26, 1990	AGE	ACHD	Outline for Facility Closure Report
✓ 2/20	March 12, 1990	AGE	ACHD	Well Abndonment Procedures Letter
✓ 2/20	February 28, 1990	AGE	BAAQMD	Vapor Recovery System Permit Report
✓ 2/20	February 28, 1990	AGE	EBMUD	Wastewater Monthly Report Data
✓ 2/20	February 11, 1990	AGE	BAAQMD	Letter regarding operation of vapor recovery system
✓ 2/20	January 25, 1990	Carnation [redacted]	RWQCB	Underground Storage Tank Leak Remediation
✓ 2/20	Janaury 19, 1990	AGE	ACHD	Letter regarding solvent and paint compound discovery
	January 17, 1990	AGE	ACHD	Results of the Off Site Investigation
	December 21, 1989	AGE	EBMUD	Wastewater Discharge Permit Application
✓ 2/20	December 5, 1989	AGE	ACHD	In-place Abandonment of Lift Sumps and Oil Changing Pit Letter
2/20	December 5, 1989	AGE	ACHD	Letter regarding in-place abandonment of boiler fuel tanks

November 27, 1989	AGE	BAAQMD	Vapor Recovery System Permit
November 13, 1989	AGE	Alex Saschin (BAAQMD)	Vapor Extraction Air Permit Application
√ 2/20 November 9, 1989	ACHD		Accepted Underground Storage Tank Closure Plan for Abandonment-in-place of two boiler fuel tanks
November 9, 1989	AGE	ACHD	Waste Water Discharge Permit Application
November 2, 1989	AGE	ACHD	Second Quarterly Monitoring Report
October 9, 1989	AGE	ACHD	Summary Report from April to July 1989
October 3, 1989	AGE	BAAQMD	Pilot Test for Vapor Recovery System
September 21, 1989	AGE	ACHD	Letter regarding permit fee for boiler tank abandonment
September 12, 1989	AGE	ACHD	(Underground Storage Tank) Unauthorized Release Report for PCBs
August 31, 1989	AGE	ACHD	Transmittal letter for Ground Water Sample Results
August 11, 1989	AGE	ACHD	Ground Water Sample Results
August 7, 1989	AGE	ACHD	Work Plan for Off-Site Exploration
June 5, 1989	AGE	Oakland Public Works	Request for Minor Encroachment Permit
June 5, 1989	AGE	OFD	Letter requesting in-place abandonment of two boiler fuel tanks

Carnation Document List
February 20, 1991

	June 1, 1989	Carnation	ACHD	Letter confirming meeting
J 2/20	April 25, 1989	ACHD	Carnation	Letter regarding Monitoring of Existing Underground Storage Tanks (boiler fuel tanks)
	April 14, 1989	AGE	ACHD	Transmittal letter for April 3 Documents
	April 13, 1989	Carnation	ACHD	Letter accompanying deposit
	April 3, 1989	AGE	ACHD	Remedial Action Plan
	April 3, 1989	AGE	ACHD	Preliminary Site Charactarization Report
✓ 2/20	March 28, 1989	ACHD	Carnation	Letter regarding response to Remediation Questions posed by Anania Geologic Engineering
	March 27, 1989	AGE	ACHD	Submittal of Work Plan for Site Characterization of Boiler Fuel Tanks
	March 14, 1989	AGE	ACHD	Modification to Site Characterization of Exavated Fuel Tanks Area Work Plan
✓ 2/20	March 6, 1989	ACHD	Carnation	Letter regarding review of Site Characterization Work Plan For Excavated Fuel Tank Area
	February 27, 1989	AGE	ACHD	Update #1 Amendment to Unauthorized Release Report
	February 17, 1989	Carnation	ACHD	Letter accompanying deposit
	February 13, 1989	AGE	ACHD	Site Charactierzation Work Plan for Excavated Fuel Tank Area

Carnation Document List
February 20, 1991

February 2, 1989	AGE	ACHD	Underground Storage Tank Permit Application - Part B - for boiler fuel tanks
√2/20 February 1, 1989	ACHD	Carnation	Letter regarding Underground Storage Tank Leak Remediation
January 26, 1989	AGE	ACHD	Transmittal letter for Unauthorized Leak Report
January 24, 1989	AGE	ACHD	Unauthorized Leak Report
January 18, 1989	AGE	ACHD	Transmittal letter for Unauthorized Leak Report
January 17, 1989	AGE	ACHD	Unauthorized Leak Report
January 5, 1989			Uniform Hazardous Waste Manifests for Five Underground Storage
December 15, 1988	ACHD		Accepted Underground Storage Tank Closure Plan for removal of five tanks

ANANIA GEOLOGIC ENGINEERING™

August 6, 1990

Ms. Katherine Chesick
Alameda County Health Department
80 Swan Way, Room 200
Oakland, California 94621

RE: Termination of Anania Geologic Engineering's (AGE) Services at the Carnation Dairy Facility Located at 1310 14th Street in Oakland, California

AGE Project Number 004-88-059

Dear Ms. Chesick:

This letter is to notify you that the Carnation Company has terminated the contract with Anania Geologic Engineering (AGE) as environmental consultant at the Oakland Dairy Facility. Effective August 24, 1990, AGE will no longer be associated with any site investigation and remediation of the contaminated soil and groundwater at the facility located at 1310 14th Street in Oakland.

In conjunction with the termination, Carnation directed AGE to remove all of our equipment from the site. The groundwater treatment system has been dismantled and was rendered completely inoperative on August 3, 1990. The last date of discharge to the sanitary sewer under wastewater discharge permit 033-00572 issued by the East Bay Municipal Utilities District also occurred on August 3, 1990. AGE is continuing with the demobilization operations and is in the process of terminating the existing permits issued to AGE associated with the investigation and remediation at the facility.

I appreciate your help and cooperation you have provided since AGE has been associated with this project and hope we work together again in the future. If you have any questions concerning this matter please do not hesitate to call me at (916) 631-0154.

Sincerely,

Mary L. Scruggs
General Partner

11330 Sunrise Park Drive, Suite C Rancho Cordova, CA 95742 Phone: 916-631-0154 Fax: 916-631-0528
P.O. Box 161148 Sacramento, CA 95816

ANANIA GEOLOGIC ENGINEERING™

July 12, 1990

Ms. Barbara Hagen
East Bay Municipal Utilities District
Source Control Division, #59
P. O. Box 24055
Oakland, California 94623

RE: Wastewater Discharge Permit No. 033-00572 for the Groundwater Treatment System at the Carnation Dairy Facility in Oakland

AGE Project No. 004-88-059

Dear Ms. Hagen:

As discussed in our telephone conversation a few weeks ago, Anania Geologic Engineering (AGE) will operate the groundwater treatment system at the Carnation Oakland Facility 24 hours per day, seven days per week beginning Monday, July 16, 1990. This operation is expected to last for approximately one month. Estimated total daily discharge is 35,000 gallons. If conditions change or continued 24 hour operation is required, AGE will notify you.

If you have any questions concerning this matter please do not hesitate to call me at (916) 631-0154.

Sincerely,

ANANIA GEOLOGIC ENGINEERING

Mary L. Scruggs
General Partner

cc: Mr. Merle Wood, Carnation
Mr. Jim Person, Carnation
Ms. Katherine Chesick, Alameda County

11330 Sunrise Park Drive, Suite C Rancho Cordova, CA 95742 Phone: 916-631-0154 Fax: 916-631-0528
P.O. Box 161148 Sacramento, CA 95816

March 26, 1990

Ms. Katherine Chesick
Alameda County Health Department
Hazardous Materials Division
80 Swan Way, Room 200
Oakland, California 94621

RE: TRANSMITTAL OF OUTLINE FOR THE CLOSURE REPORT FOR THE CARNATION DAIRY FACILITY LOCATED AT 1310 14TH STREET IN OAKLAND, CALIFORNIA

AGE Project No. 004-88-059

Dear Ms. Chesick:

Enclosed is a copy of the outline for the closure report for the Carnation Dairy Facility located at 1310 14th Street in Oakland, California. In order to reduce the number of revisions and to expedite the review and approval process for the closure report, AGE requests that you review the outline at this time. As discussed last week, I will check back with you later this week for your comments.

If you have any other questions, please contact me at (916) 631-0154. As always, AGE appreciates your prompt response and cooperation.

Sincerely,
ANANIA GEOLOGIC ENGINEERING

Mary L. Scruggs
Operations Manager
General Partner

Enclosure

cc: Merle Wood, Carnation Company
Jim Person, Carnation Company

CLOSURE REPORT OUTLINE
CARNATION DAIRIES FACILITY, OAKLAND, CALIFORNIA
Anania Geologic Engineering Project # 004-88-059

It is the intent that this Outline for the Closure Report for the Oakland Facility will be essentially final, and will serve as the operating guide for the report itself. Nonetheless, the outline will remain flexible allowing topics and/or headings to be added, combined or deleted as needed.

I. EXECUTIVE SUMMARY

II. STATEMENT OF OBJECTIVES

III. SITE HISTORY
- A. Historic Uses
- B. Carnation Acquisition History
- C. Current Use
- D. On Site Historically Used Chemicals
- E. Support documents and maps

IV. SITE SURFACE & UNDERGROUND STRUCTURES
- A. Buildings
- B. Operations
- C. Underground Structures

V. UNDERGROUND STORAGE TANK HISTORY
- A. Introduction/Evolution of Project
- B. Vehicle Fuel Dispensing Area
  - 1. Gasoline Tanks
  - 2. Diesel Tanks
  - 3. Waste Oil Tank
- C. Boiler Fuel Tanks
- D. Removal & Abandonment Procedures
  - 1. Fuel/Waste Oil Tanks
  - 2. Boiler Fuel Tanks
- E. Support documents and maps

VI. SITE INVESTIGATIONS
- A. Regional Geology/Hydrology
- B. Site Specific Geology/Pedology
- C. Site Specific Hydrology/Groundwater Characterization
  - 1. Aquifer Tests
  - 2. Groundwater Gradient
  - 3. Permeability (Calculated & Laboratory)

D. Contaminant Distribution
    1. Primary: diesel & gasoline
        a. As free product
        b. Dissolved in groundwater
        c. In the soil
        d. Offsite
    2. Secondary:
        a. PCB
        b. Hydraulic Fluid
        c. Solvents/Paints
        d. Pesticides
        e. Milk & Animal Fats
        f. Oil & Grease in near surface soils

E. Support documents and maps

VII. METHODOLOGY OF INVESTIGATION

A. Drilling Methods

B. Well Installation
    1. Monitoring Wells
    2. Product Recovery Wells
    3. Vapor Recovery Wells
    4. Extraction Wells

C. Sampling Techniques
    1. Soil
        a. Borings
        b. Hand auger tests
        c. Soil pile
        d. Disposal
    2. Water
        a. Wells
        b. Treatment system
    3. Product/Sludge
        a. Product recovery points
        b. Tanks
        c. Pits/drains
        d. Disposal
    3. Air
        a. Vapor recovery system

D. Chain of Custody Procedures

E. Chemical Analyses
    1. Laboratories
    2. Methods
    3. Quality Analysis/Quality Control

F. Geophysical

G. Geotechnical

H. Measurements
    1. Field Surveys
    2. Water Level
    3. Product Thickness

VIII. REMEDIATION
- A. Emergency Spill Containment
  - 1. Free Product Skimming
  - 2. In Situ Bioremediation
- B. Site Remediation
  - 1. Free Product Skimming
  - 2. Groundwater Extraction
  - 3. Groundwater Treatment
  - 4. In Situ Bioremediation
  - 5. Vapor Recovery
  - 6. Treatment of Soil Pile

IX. GROUNDWATER CAPTURE ZONE MODELING
- A. Introduction
- B. Scope of Work
- C. Evaluation of Pumping Test Data
  - 1. Data Reduction
  - 2. Evaluation of Data Quality
  - 3. Data Analysis
  - 4. Results
- D. Laboratory Analysis of Aquifer Materials
  - 1. Soil Grain Size Analysis
  - 2. Aquifer Porosity Analysis
  - 3. Conclusions
- E. Capture Zone Modeling
  - 1. Description of Flowpath Model
  - 2. Model Assumptions
    - a. Flow Domain Size
    - b. Hydraulic Gradient
    - c. Transmissivity
    - d. Saturated Thickness
    - e. Permeability
    - f. Effective Porosity
    - g. Boundary Conditions
    - h. Recharge
    - i. Retardation
  - 3. Simulations
    - a. Simulations #1 through #15

F. Conclusions and Recommendations

IX. HEALTH RISK ASSESSMENT
- A. Introduction
- B. Site Characterization/Hazard Identification
  - 1. Site Characterization
    - a. Site Location/Local Surrounding Area
      - 1. Contaminant sources
      - 2. Land uses and receptor patterns - present and future
    - b. Site History
      - 1. Past uses
      - 2. Identify possible future uses relating to the remedial alternatives
    - C. Site Hydrology
  - 2. Identify Potential Health Hazards at the Oakland Site
    - a. Chemical compounds detected in soil, water, and air including potential release sources that pose potential health hazards (organics & inorganics). Include all data detected to date and prepare individual contaminant concentration tables for all data that can be quantitatively QA/QC validated.
      - 1. Soil
      - 2. Groundwater
      - 3. Air samples (including soil gas)
    - b. Prepare media tables using only data that can be QA/QC validated and are representative of conditions following completion of current floating product remediation.
      - 1. Soil
      - 2. Groundwater
      - 3. Air samples (including soil gas)

c. Assess background levels of the contaminants of concern and compare with levels detected on site.
d. Compile the physical/chemical properties data which will govern the environmental fate of all compounds of concern detected at the site.
    1. Soil binding and partitioning data
    2. Aqueous solubility and partitioning data
    3. Volatilization properties such as Henry's Law constants
    4. Soil-bound air transport process data and dispersion/deposition model identification
e. Prepare toxicity profiles for all compounds detected onsite above background levels
    1. Organic compounds
    2. Inorganic compounds

C. Environmental Fate and Transport Analysis
  1. Identify Transport and Environmental Fate Pathways
    a. Define contaminant sources (Baseline case)
      1. Groundwater
      2. Soil compounds leaching into groundwater
      3. Vapor emissions into air
    b. Define exposure pathways
      1. Groundwater
      2. Soil
      3. Air
  2. Identify Potential Receptors
    a. Residents and workers in the community
      1. Baseline case
      2. Anticipated future residential populations
    b. Occupants of existing onsite buildings
    c. Biological receptors
  3. Modeled Contaminant Transport
    a. Groundwater/soil (vadose zone)
      1. Quantify contaminant releases
        a) Groundwater
        b) Soil
      2. Predict environmental fate & transport
        a) Groundwater model selection
        b) Groundwater parameters
        c) Model calibration
        d) Chemical specific parameters
        e) Modeled receptors
        f) Groundwater transport modeling results
    b. Air (volatilization & dust transport)
      1. Quantify soil air contaminant releases
        a) Volatilization
        b) Dust transport

2. Predict environmental fate & transport
    a) Air dispersion model
    b) Model parameters
    c) Chemical specific parameters
    d) Modeled receptors
    e) Air transport modeling results

c. Compare to Requirements, Standards and Criteria
1. Applicable or relevant and appropriate requirements (ARARs)
    a) Groundwater
    b) Air
2. Other criteria, advisories and guidance

d. Ecological modeling

D. Exposure Prediction
1. Compute Human Dose Rates
a. Definition of concentration time factors based on fraction of time at work and indoors
b. Definition of age-weighted respiration rate, body weight and bioavailability factors
2. Estimate Exposures to Human Population Receptors
a. Ingestion exposures
1. Groundwater
2. Soil
b. Inhalation exposures
1. Volatilization
2. Fugitive dust
c. Dermal absorption
1. Soil
3. Estimate Exposures to Ecological Receptors (if required)

E. Health and Environmental Effects Evaluation
1. Identify Carcinogenic and Noncarcinogenic Health Criteria for the Detected Chemical Compounds
a. U.S. EPA derived health criteria
1. Integrated Risk Information System (IRIS)
2. Public Health Risk Evaluation Database (PHRED) and other EPA databases
3. Additional U.S. EPA (and NPT) reports
b. State of California Department of Health Services (DHS) Applied Action Levels (AALs) by environmental medium
1. Water
2. Soil
3. Air
2. Identify Health Criteria for Ecological Receptors (if required)

F. Risk Characterization
    1. Estimation of Health Risks to Human Receptors
        a. Carcinogenic
        b. Noncarcinogenic
    2. Risks to Ecological Receptors (if required)
    3. Derivation of Cleanup Levels for Contaminants
        a. Groundwater
        b. Soil
    4. Uncertainties in the Health Risk Assessment
        a. Rates of release of contaminants from soil
        b. Dose-response assessment uncertainties
        c. Exposure assessment uncertainties in the modeled media concentrations and dose rates
        d. Overall uncertainties in the risks and health hazard index values for various receptors and various receptors and various physiological end points.

G. Health Risk Assessment Summary
    1. Summarize the Baseline HRA (No Action Alternative)
    2. Summarize the Analysis of Remedial Alternatives

H. References

XI. SUMMARY

XII. RECOMMENDATIONS
A. Post Closure Monitoring

XI. APPENDICES
A. Well Logs
B. Chemical Analyses with Chain of Custody Forms
C. Product Thickness: Time Sequential
D. Contaminant Concentrations
E. Table of Groundwater Elevations
F. Survey Maps of Well Locations
G. Hazardous Waste Manifests
H. Property Deeds
I. Aquifer Tests Data
J. Permits
K. Geotechnical Data
L. Water Treatment System: Graph of Contaminant Levels, Influent vs. Effluent
M. Groundwater Modeling Tables, Figures & Appendices
N. Health Risk Assessment
    1. References
    2. Tables, Figures & Appendices

90 MAR 27 AM 10: 36

90 MAR 14 PM 4:28

March 12, 1990

Ms. Katherine Chesick
Alameda County Health Department
Hazardous Materials Division
80 Swan Way, Room 200
Oakland, California 94621

RE: WELL ABANDONMENT PROCEDURES, CARNATION DAIRY FACILITY, 1310 14TH STREET, OAKLAND, CALIFORNIA

AGE PROJECT NO. 004-88-059

Dear Ms. Chesick:

Anania Geologic Engineering (AGE) is prepared to begin the abandonment procedures of certain product recovery probes and monitoring wells at the Carnation Dairy Facility in Oakland. AGE recommends the following procedures to assure the proper abandonment.

1. Each probe or well will have the surface traffic box removed.

2. The probe or well will be drilled out using a hollow stem auger drill.

3. The probe or well will be over drilled to a depth of at least one foot deeper than bottom plug attached to the well screen.

4. The casing and screen will be removed through the auger with the auger remaining in the ground during this procedure.

5. Once the screen and casing have been pulled, a grout mixture will be tremied to the bottom of the open hole. The auger lengths will be pulled out of the hole in five foot sections as the grout advances up the hole.

6. The hole will be filled with grout mixture to within one foot of the existing ground surface.

7. The last foot of the hole will be completed with a concrete mixture plug.

8. The screen and casing will be destroyed and disposed of properly.

9. The cuttings from the hole will be collected and disposed of properly.

AGE proposes to submit a letter to you detailing the order, date, and location of the probes or wells to be abandoned at least one week before abandonment begins. Well abandonment permits will be obtained from Zone 7 of the Alameda County Flood Control District.

If you have any questions or revisions, please contact Mary Scruggs or myself. As always, AGE appreciates your help and cooperation.

Sincerely,

Jim Wallace

Jim Wallace
Senior Project Manager
Anania Geologic Engineering

cc: Merle Wood, Carnation Company
Jim Person, Carnation Company
Lester Feldman, RWQCB, San Francisco Bay Region

3/19/90

2:26 Conversation with Mary Scruggs; I OKed this well abandonment procedure. I also OKed the abandonment of the boiler fuel ground water wells.

90 FEB 14 PM 1:35

Mr. Joe Slamovich, Air Quality Engineer
Bay Area Air Quality Management District
939 Ellis Street
San Francisco, CA 94109

February 11, 1990

Re: Operation of the Vapor Recovery System at the Carnation Oakland Dairy Facility
AGE Project No. 004-88-059

Application Number: 4173

Dear Mr. Slamovich:

This letter serves as notification that Anania Geologic Engineering will start the vapor recovery system on February 13, 1990 at the Carnation Oakland facility. The facility is located at 1310 14th street in Oakland. The vapor recovery system will be sampled for the first three days of operation per permit requirements. The samples will be analyzed within a twenty-four hour period and the benzene emission rate will be calculated on a pounds per day basis. If the emission rate exceeds 0.01 pounds benzene per day the vapor extraction system will be turned off until corrections can be made to reduce the benzene emission.

If you have any questions concerning the vapor extraction system please feel free to contact Todd Galati at (916) 631-0154.

Sincerely,

Todd Galati

Todd M. Galati
Project Manager

cc: Mr. Howard Schmuckler
Mr. Jim Person
Ms. Katherine Chesick, Alameda County Health Department
Mr. Lester Feldman, SFRQCB

Carnation

CALIFORNIA REGIONAL WATER

JAN 29 1990

QUALITY CONTROL BOARD

Legal Department

5045 Wilshire Boulevard
Los Angeles, California 90036
Telephone: (213) 932-6000

Direct dial 932-6464

January 25, 1990

01

Fuel Case

Note: this is also a PCB case of significance - the RP failed to disclose at mtg - County must resolve prior to our closure

JP 2/2/90

Mr. Lester Feldman
Environmental Specialist
State of California
California Regional Water
Quality Control Board
1111 Jackson Street, Room 6000
Oakland, CA 94607

Subject: Underground Storage Tank Leak Remediation
Carnation, 1310 - 14th Street,
Oakland, CA 94607

Dear Mr. Feldman:

Thank you for attending the meeting at the Alameda County Environmental Health Agency offices on Monday, January 22nd. Together with Ms. Chesick's input and your guidance, Carnation is confident in reaffirming its commitment to a remediation plan for its Oakland facility.

Carnation's remediation program combines a variety of technologies which include bioremediation of the soil and free floating product, skimming of the free floating product, pumping and treating the free floating product through a carbon adsorption system, pumping and treating the groundwater through a liquid type adsorption system and venting and vapor recovery of the soil.

Our mathematical models, as well as confirming preliminary analytical results on the efficiency of the system, indicate that all free floating product will be removed (remediated) by the end of February, 1990. By the end of March, 1990, we will have pumped and treated a full volume of groundwater.

At that time, Carnation will submit a report (first) to the Health Agency. We have orally agreed that the parameters of the report will include the following actions:

1. A detailed analysis of the total removal of the free floating product supported by analytical data from a state certified laboratory.

2. An analysis addressing remediation of off-site contamination.

3. A detailed analysis of the groundwater showing concentrations, if any, of dissolved contamination. A health risk assessment in accordance with Title 26, Section 22-12711 of the California Health and Safety Code.

4. An analysis of the lithology showing natural containment in addition to establishing the basis of a "zero line" following the perimeter of the Carnation facility.

5. A program of post remediation monitoring.

Once the Health Agency has approved the report, it will be forwarded to you for your recommendation to the Water Board. I appreciate your commitment of a quick response (within sixty days of receiving the report) to Carnation's request for post remediation monitoring.

I understand at that time you will respond in a writing to Carnation which will be in the form of either:

(1) A closure letter authorizing Carnation to abandon its extraction wells and proceed with the proposed monitoring program; or

(2) A closure permit which will include the specifications for monitoring; or

(3) A letter requiring a notation be placed on the face of the deed indicating the property if transferred is subject to a monitoring program.

I appreciate your direction on the closure and monitoring process and apologize for any confusion over Carnation's remediation proposal. I hope this letter clarifies the course of action Carnation is going to pursue over the next few months. If you have any questions, please call me at the above number.

Very truly yours,

Howard R. Shmuckler
Attorney

HRS/kr

cc: Katherine Chesick - Alameda County
Hazardous Materials Division
Karl Anania - AGE
Jim Person

December 5, 1989

Ms. Katherine Chesick
Alameda County Health Department
80 Swan Way
Oakland, California 94621

RE: IN PLACE ABANDONMENT OF HYDRAULIC LIFT SUMPS AND OIL CHANGING PIT AT THE CARNATION DAIRY FACILITY IN OAKLAND

AGE Project Number: 004-88-096

Dear Ms. Chesick:

Anania Geologic Engineering (AGE) will abandon in place the two hydraulic lift sumps and oil changing pit located at the Carnation Dairy Facility in Oakland. The sumps and the pit are located in the maintenance shop building and are shown on the attached map. The work is scheduled to start on Thursday, December 7, 1989. The in place abandonment will consist of removing the hydraulic lines and lines to the oil pit. The lines were drained when the hydraulic fluid in the lifts was pumped out a few months ago. The pipes will be triple rinsed, filled, and permanently capped. The concrete sumps will be triple rinsed and then filled with a three sack concrete mix. The rinse water, lines, residual fluids and other generated will be manifested off the site.

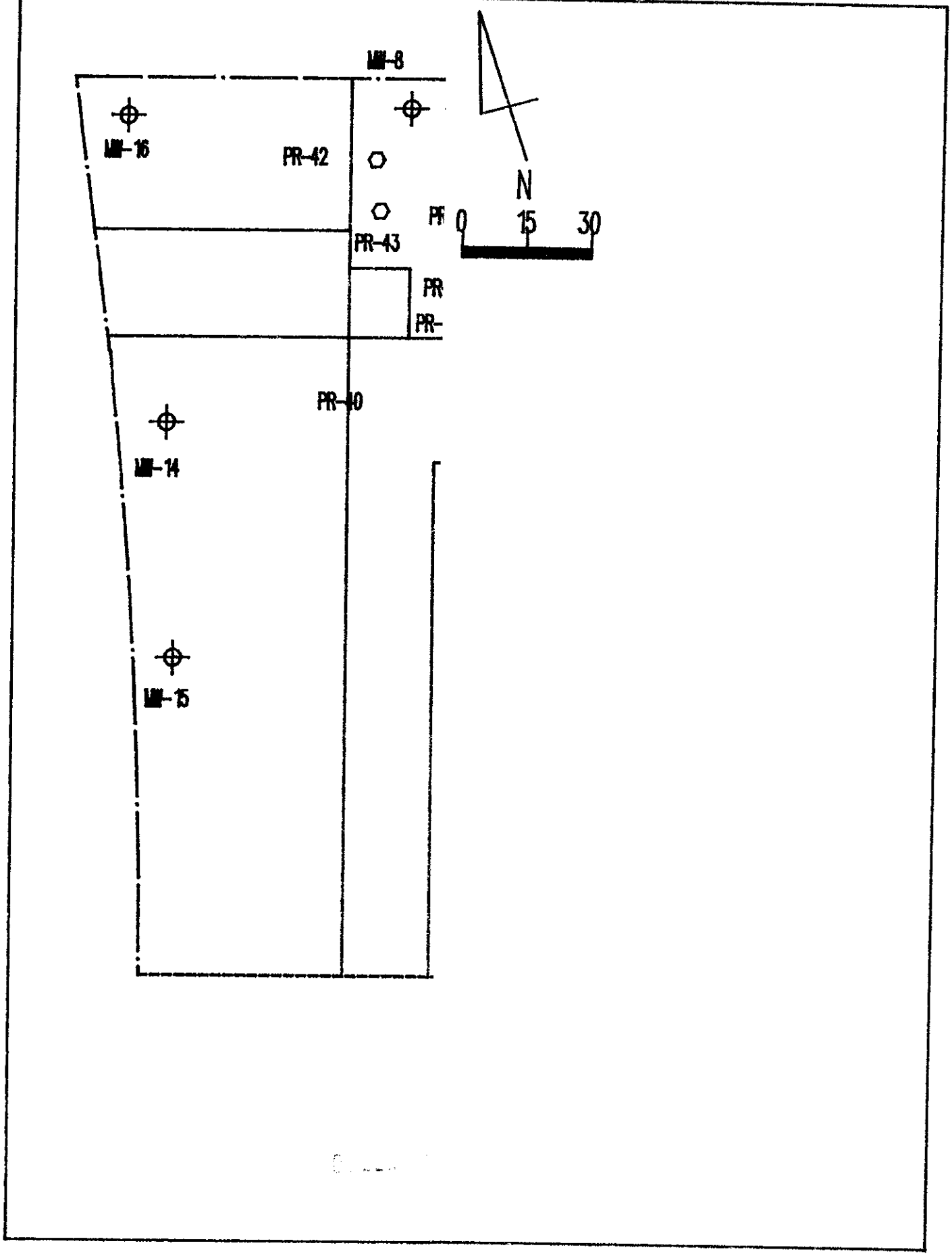
If you have any other questions, please do not hesitate to call me at (916) 631-0154.

Sincerely,

ANANIA GEOLOGIC ENGINEERING

Mary L. Scruggs
General Partner

cc: Howard Shmuckler, Carnation
Jim Person, Carnation


MW-8
MW-16
PR-42
PR-43
PR
PR-
PR-40
MW-14
MW-15
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89 DEC -6 AM 11: 14

November 27, 1989

Mr. Joe Slamovich
Bay Area Air Quality Management District
939 Ellis Street
San Francisco, California 94109

RE: Vapor Recovery System Permit
Project Number: 004-88-059
Application Number: 4173

Dear Mr. Slamovich:

This letter is in response to your letter dated November 21, 1989 regarding the supplemental information required for the permit to construct a vapor recovery system. Itemized responses to your questions follow:

1) The carbon adsorption system that will be utilized for groundwater cleanup is a liquid type adsorption system.

2) Figure 1 indicates the nearby building dimensions and Figure 2 shows the engine stack location for the period of vapor recovery treatment. The vapor recovery system is a transportable unit, therefore the system can be mobilized throughout the red hatched area as indicated on Figure 2.

3) Attached are the manufacturers specifications on the Ford CSG-649 Engine.

4) Representative source test results for the engine were submitted with the initial application dated November 13, 1989. The inlet to the engine is represented by sample identification number 3475 and the exhaust from the engine is represented by sample identification number 3473. The method blank sample was utilized by Clayton Environmental Consultants Laboratory for calibration of their instruments. Source testing has indicated carbon monoxide (CO) concentration of 25 parts per million. The source testing of the engine was performed using equipment purchased after consultation with Dario Levaggi of the Source Testing Division of the Bay Area Air Quality Management District.

If you have any further questions concerning Application Number 4173 please feel free to contact the undersigned at (916) 631-0154.

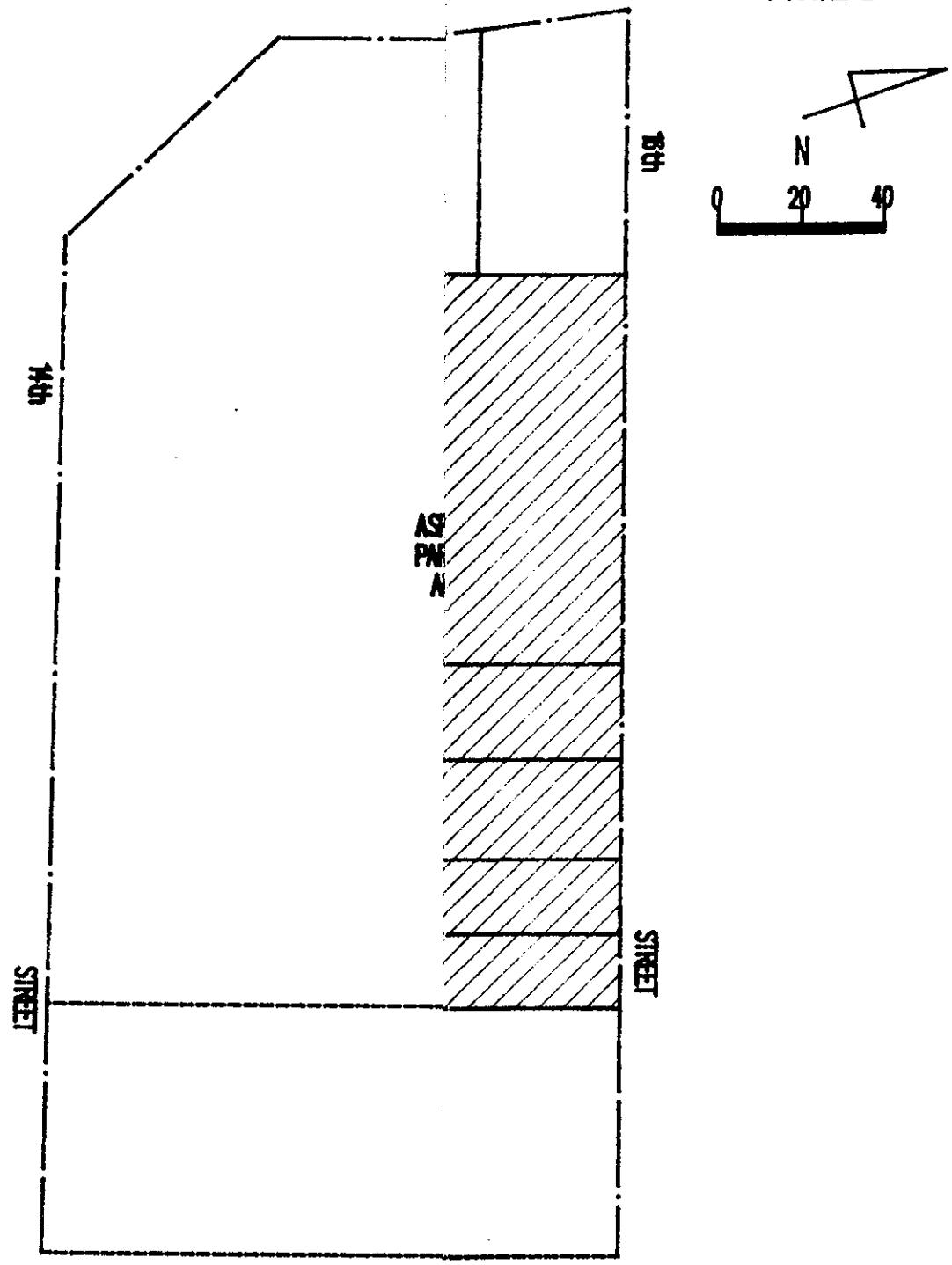
Sincerely,

Todd M. Galati
Project Manager

cc: Mr. Howard Shmuckler, Carnation Company
Mr. Jim Person, Carnation Company
Ms. Katherine Chesick, Alameda County
Mr. Lester Feldman, RWQCB

AGE
11330 SUNRISE PARK DR., SUITE C • RANCHO CORDOVA, CA 95742
P.O. BOX 161148 • SACRAMENTO, CA 95816 • PHONE (916) 631-0154 FAX (916) 631-0528

FIGURE 2



AGE
OLOGIC ENGINEERING

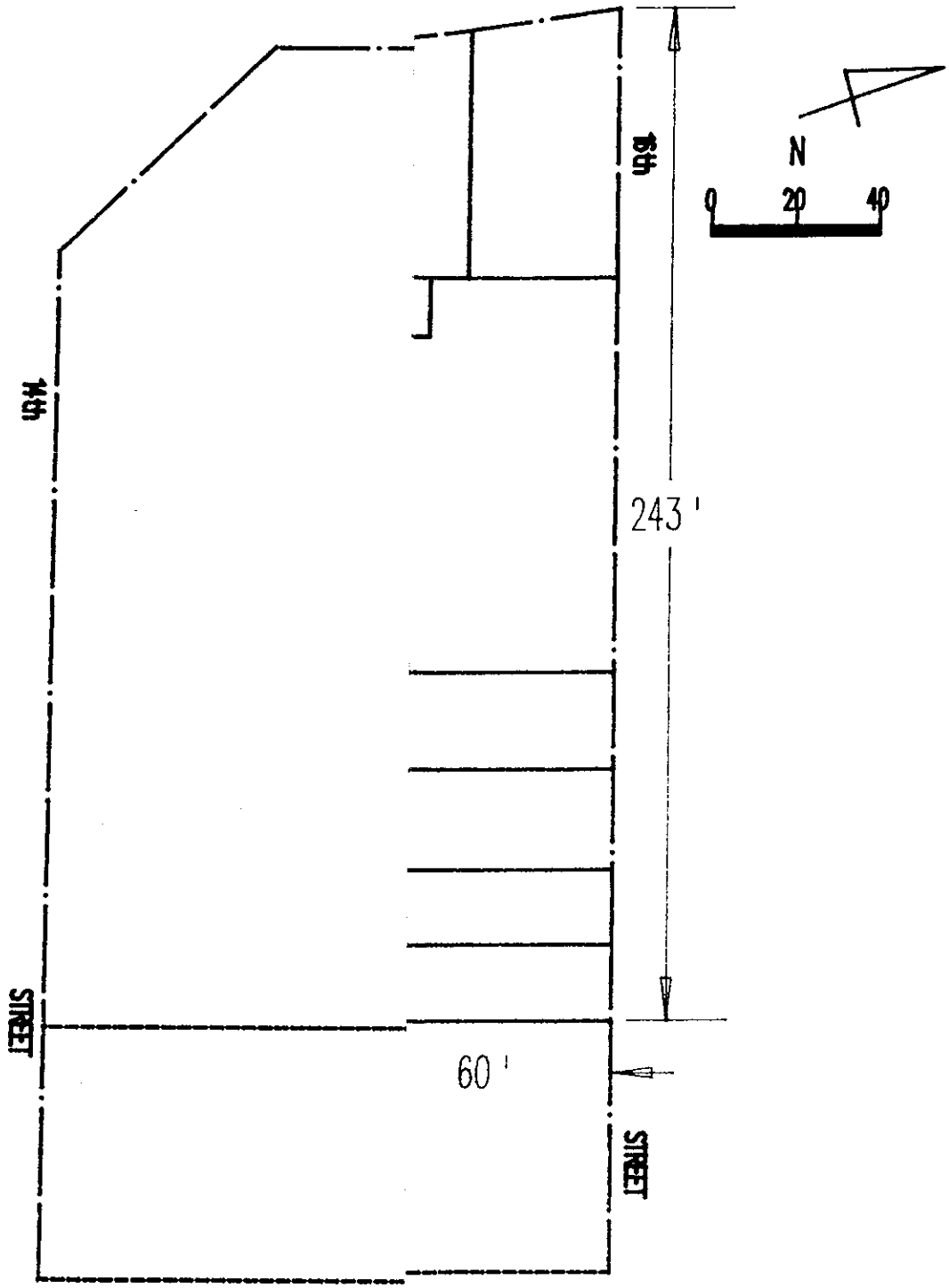
A

PROJECT NO: 004-88-059

R OAKLAND, CA.

059-041 | SCALE: 1" = 40'

FIGURE 1



AGE
GEOLOGIC ENGINEERING

NS	
	PROJECT NO: 004-88-059
PLAR OAKLAND, CA.	
059-041	SCALE: 1" = 40'

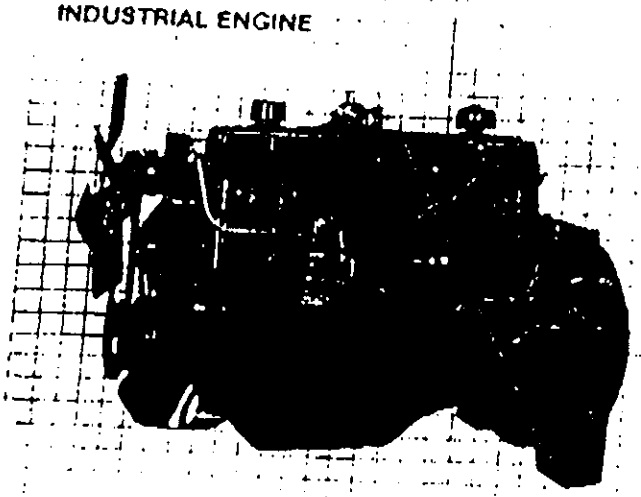
Ford Power Products

CSG-649

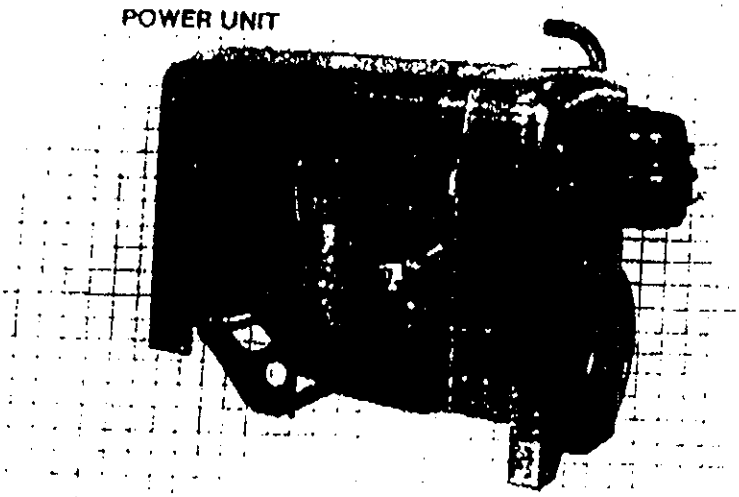
6-Cylinder 4.9 Liter (300 CID)
Gasoline—Natural Gas—LPG

Ford Power Products

INDUSTRIAL ENGINE



POWER UNIT



SPECIFICATIONS

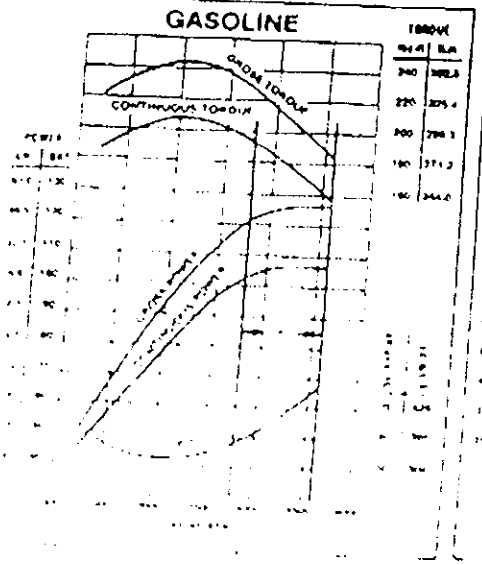
Displacement	4.9 Liter (300 CID)
Bore	101.6 mm (4.00 in.)
Stroke	101.1 mm (3.98 in.)

Compression Ratio	8.0 : 1
Oil Capacity	6.6 Liters (7 quarts) incl. filter
Net Weight	215 kg (473 lbs.)

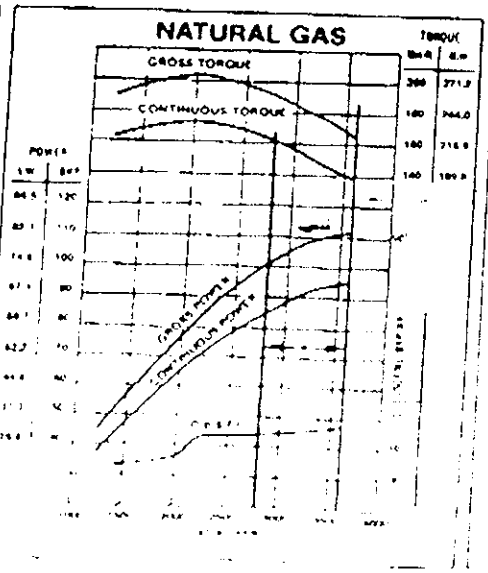
	Gasoline	Natural Gas	LPG
Fuel Specification	(R+M)/2 Octane 87	1050 BTU/SCF	ASI Grade HD-5
Gross Power	94 kW (126 HP) @ 3600 rpm	84 kW (112 HP) @ 3600 rpm	94 kW (126 HP) @ 3600rpm
Continuous Power	80 kW (107 HP) @ 3600 rpm	71 kW (95 HP) @ 3600 rpm	80 kW (107 HP) @ 3600 rpm
Gross Torque	333 N•m (246 lb. ft.) @ 2000 rpm	276 N•m (204 lb. ft.) @ 2000 rpm	302 N•m (223 lb. ft.) @ 1800 rpm
Continuous Torque	283 N•m (209 lb. ft.) @ 2000 rpm	234 N•m (173 lb. ft.) @ 2000 rpm	257 N•m (190 lb. ft.) @ 1800 rpm

ENGINE POWER CURVES per SAE J1349

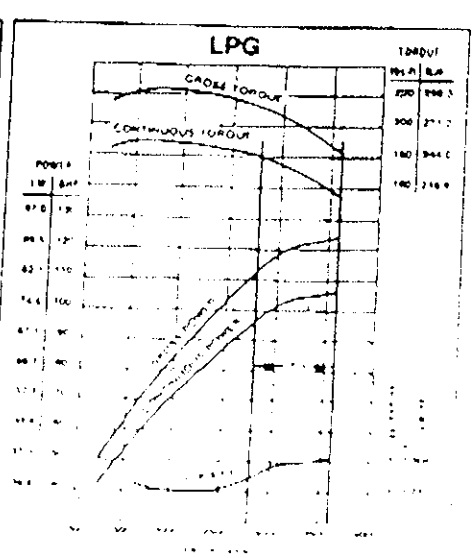
GASOLINE



NATURAL GAS



LPG



CSG-649
6-Cylinder—4.9 Liter (300 CID)—Gasoline—Natural Gas—LPG

STANDARD FEATURES

CYLINDER BLOCK—special high grade cast iron with seven main bearings for maximum rigidity combined with full length water jackets surrounding each cylinder minimizes distortion and reduces wear.

MODERN VALVE TRAIN—the engine incorporates a gear driven camshaft, hydraulic valve lifters, self-aligning pedestal-mounted rocker arms, and exhaust valve rotators which combined with the special alloy cast iron cylinder head provides for long life maintenance free operation.

MULTI-FUEL CAPABILITY—use of optional valve seat inserts with standard premium quality valves enables operation on natural gas or LPG fuels.

DEEP-SKIRTED ALUMINUM ALLOY PISTONS—maintain a precise and stable fit in the bore, hot or cold. Steel struts help control expansion..

FULL PRESSURE LUBRICATION—with full-flow filtration prolongs bearing service life. Rotor-type oil pump maintains a high volume oil supply over the full range of operating speeds.

OPTIONS

ENGINE
- — Breakerless Ignition
- — Valve Seat Inserts
- — Natural Gas Fuel System

FLYWHEELS
- — 10", 11½" Over Center Clutch
- — 11", 12", 13" Spring Loaded Clutch
- — Pot Style for 14" Wet, Dry S.L. Clutch
- — Numerous Auto. Tran. Loaded Types

CLUTCHES
- — 11", 12", 13" S.L.

HOUSINGS
- — SAE #3
- — SAE #4
- — Clutch Housing

PTO
- — 10", 11.5" O/C Clutch
- — 12" S.L. Clutch

TRANSMISSIONS
- — 4, 5 Speed Manual
- — 3 Speed Automatic

FANS
- — High or Low Mount
- — 4, 5, 6 Blade Suction
- — 5, 6 Blade Pusher

AIR CLEANERS
- — Dry Hat Type
- — Dry Offset Hat Type
- — Oil Bath Remote Mount

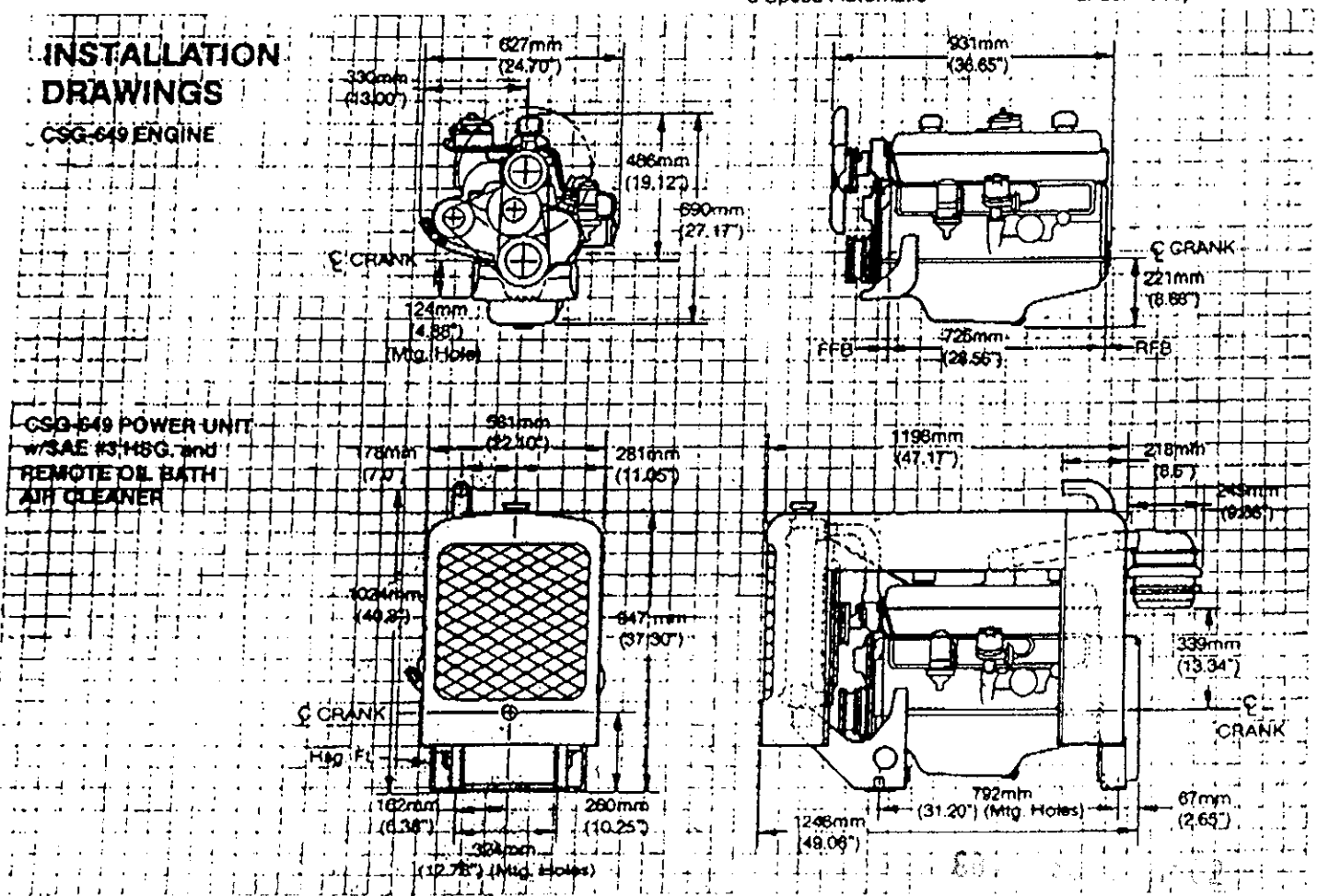
ALTERNATORS
- — 37, 40, 60, 70 Amp
- — 22, 37, 55 Amp w/Integral Regulator

GOVERNORS
- — Velocity
- — Mechanical
- — Close Regulation Mech.

POWER UNIT COMPONENTS
- — Radiator & Fan Shroud
- — Radiator Shell, Rear Panel & Hood Top
- — Hood Side Panels
- — Controls & Instruments
- — Safety Gauges
- — Muffler (hood top & under hood)

INSTALLATION DRAWINGS

CSG-649 ENGINE



For further information see your Ford Power Products Distributor.

Ford Power Products

Power Products Operations
Ford Parts and Service Division
3000 Schaefer Road
P.O. Box 6011
Dearborn, Michigan 48121

TIPCO SACRAMENTO
8440-C Belvedere Ave.
(916) 383-1956

PPO 192 43(Jun 1985

89 NOV 29 AM 11:05

A notice must be placed in the property deed per CCR Title 23 Chap. 3 SubChap. 16 Section 2672 (c)(4) describing the exact vertical and areal location of the abandoned tanks, the hazardous substances contained and the closure method.

ALAMEDA COUNTY HEALTH CARE SERVICES AGENCY
DEPARTMENT OF ENVIRONMENTAL HEALTH
HAZARDOUS MATERIALS DIVISION
80 SWAN WAY, ROOM 200
OAKLAND, CA 94621
PHONE NO. 415/271-4320

DEPARTMENT OF ENVIRONMENTAL HEALTH
470 - 27th Street, Third Floor
Oakland, CA 94612
Telephone: (415) 874-7237

These plans have been reviewed and found to be acceptable and essentially meet the requirements of State and local health laws. Changes to your plans indicated by this Department are to assure compliance with State and local laws. The project proposed herein is now released for issuance of any required building permits for construction.

One copy of these accepted plans must be on the job and available to all contractors and craftsmen involved with removal.

Any change or alterations of these plans and specifications must be submitted to this Department and to the Fire and Building Inspection Department to determine if such changes meet the requirements of State and local laws.

Notify this Department at least 48 hours prior to the following required inspections:

_____ Removal of Tank and Piping
_____ Sampling
_____ Final Inspection

Issuance of a permit to operate is dependent on compliance with accepted plans and all applicable laws and regulations.

THERE IS A FINANCIAL PENALTY FOR NOT OBTAINING THESE INSPECTIONS.

11/9/89 K. Chuck

RECEIVED
NOV 9 1989

UNDERGROUND TANK CLOSURE/MODIFICATION PLANS

ABANDONMENT IN PLACE

1. **Business Name** Carnation Dairies

   Business Owner Same as above

2. **Site Address** 1310 14th Street

   City Oakland **Zip** 94607 **Phone** 415/451-8161

3. **Mailing Address** 5045 Wilshire Boulevard

   City Los Angeles **Zip** 90036 **Phone** 213/932-6000

4. **Land Owner** Same as above

   Address _____ **City, State** _____ **Zip** _____

5. **EPA I.D. No.** CAC 000 1286 61

6. **Contractor** Erickson Incorporated

   Address 255 Parr Boulevard

   City Richmond, CA 94801 **Phone** 415/235-1393

   License Type "A" **ID#** A168067

7. **Consultant** Anania Geologic Engineering (AGE)

   Address 11330 Sunrise Park Drive, Suite C

   City Rancho Cordova, CA 95742 **Phone** 916/631-0154

8. **Contact Person for Investigation**

Name Martha McDonnell **Title** Senior Project Manager

Phone 916/631-0154

9. **Total No. of Tanks at facility** 2

10. **Have permit applications for all tanks been submitted to this office?** **Yes** [X] **No** [ ]

11. **State Registered Hazardous Waste Transporters/Facilities**

a) **Product/Waste Tranporter**

Name Erickson Incorporated **EPA I.D. No.** CAD009466392

Address 255 Parr Boulevard

City Richmond **State** CA **Zip** 94801

b) **Rinsate Transporter**

Name Erickson Incorporated **EPA I.D. No.** CAD009466392

Address 255 Parr Boulevard

City Richmond **State** CA **Zip** 94801

c) **Tank Transporter**

Name N/A **EPA I.D. No.** _____

Address _____

City _____ **State** _____ **Zip** _____

d) **Tank Disposal Site**

Name N/A **EPA I.D. No.** _____

Address _____

City _____ **State** _____ **Zip** _____

e) **Contaminated Soil Transporter**

Name N/A **EPA I.D. No.** _____

Address _____

City _____ **State** _____ **Zip** _____

tanks to be abandoned in place; see attached

12. Sample Collector

Name Chris Neilson-Cerquone

Company Anania Geologic Engineering

Address 11330 Sunrise Park Dr., Suite C

City Rancho Cordova **State** CA **Zip** 95742 **Phone** 916/631-0154

13. Sampling Information for each tank or area

Tank or Area		Material sampled	Location & Depth
Capacity	Historic Contents (past 5 years)		
12,000 gal.	Boiler Fuel Oil	See Attachment B	See Attachment B
11,400 gal.	Boiler Fuel Oil	See Attachment B	See Attachment B

Note: Easternmost tank encased in concrete vault

14. Have tanks or pipes leaked in the past? **Yes** [ ] **No** [xx]

If yes, describe. _____

15. NFPA methods used for rendering tank inert? **Yes** [xx] **No** [ ]

If yes, describe. Complete Cleaning of tanks by triple rinsing. Verification of vapor levels will be monitored with Bacharach TLV Sniffer.

see attached

An explosion proof combustible gas meter shall be used to verify tank inertness.

16. Laboratories

Name Precision Analytical Laboratories

Address 4136 Lakeside Drive

City Richmond **State** CA **Zip** 94806

State Certification No. 211

All piping must be rinsed and - 3 plugged.

17. **Chemical Methods to be used for Analyzing Samples**

Contaminant Sought	EPA, DHS, or Other Sample Preparation Method Number	EPA, DHS, or Other Analysis Number
	See Attachment B 'Summary of Lab Results'	

18. **Submit Site Safety Plan**

19. **Workman's Compensation:** Yes [XX] No [ ]

    Copy of Certificate enclosed? Yes [ ] No [ ]

    Name of Insurer ~~Fireman's Fund~~ American Home Association, SF

20. **Plot Plan submitted?** Yes [XX] No [ ]

21. **Deposit enclosed?** Yes [XX] No [ ]

22. **Please forward to this office the following information within 60 days after receipt of sample results.**

    a) **Chain of Custody Sheets**

    b) **Original Signed Laboratory Reports** – for tank rinsate

    c) **TSD to Generator copies of wastes shipped and received**

    d) **Attachment A summarizing laboratory results**

I declare that to the best of my knowledge and belief the statements and information provided above are correct and true. I understand that information in addition to that provided above may be needed in order to obtain an approval from the Department of Environmental Health and that no work is to begin on this project until this plan is approved.

I understand that any changes in design, materials or equipment will void this plan if prior approval is not obtained.

I understand that all work performed during this project will be done in compliance with all applicable OSHA (Occupational Saftey and Health Administration) requirements concerning personnel and safety.

* I will notify the Department of Environmental Health at least two (2) working days (48 hours) after approval of this closure plan in advance to schedule any required inspections. I understand that site and worker safety are solely the responsibility of the property owner or his agent and that this responsibility is not shared nor assumed by the County of Alameda.

Signature of Contractor

Name (please type) Richard Lodge

Signature Richard Lodge

Date 9-18-89

Signature of Site Owner or Operator

Name (please type) Karl J. Anania

Signature Karl J Anania

Date 9/15/89

NOTES:

1. Any changes in this document must be approved by this Department.

2. Any leaks discovered must be submitted to this office on an underground storage tank unauthorized leak/contamination site report form within 5 days of its discovery.

3. Three (3) copies of this plan must be submitted to this Department. One copy must be at the construction site at all times.

4. After approval of plan, notification of at least two (2) working days (48 hours) must be given to this Department prior to removal of tank(s).

5. A copy of your approved plan must be sent to the landowner.

6. Triple rinse means that:

   a) Final rinse must contain less than 100 ppm of Gasoline (EPA method 8020 for soil, or EPA method 602 for water) or Diesel (EPA method 418.1). Other methods for halogenated volatile organics (EPA method 8010 for soil, EPA method 601 for water) may be required. The composition of the final rinse must be demonstrated by an original or facsimile report from a laboratory certified for the above analyses.

   b) Tank interior is shown to be free from deposits or residues upon a visual examination of tank interior.

   c) Tank should be labelled as "tripled rinsed; laboratory certified analysis available upon request" with the name and address of the contractor.

If all the above requirements cannot be met, the tank must be transported as a hazardous waste.

7. Any cutting into tanks requires local fire department approval.

UNDERGROUND TANK CLOSURE/MODIFICATION PLANS

ATTACHMENT A

SAMPLING RESULTS

Tank or Area	Contaminant	Location & Depth	Results (specify units)
	See Attachment B On Fill Out		

INSTRUCTIONS

2. SITE ADDRESS
Address at which closure or modification is taking place.

5. EPA I.D. NO.
This number may be obtained from the State Department of Health Services, 916/324-1781.

6. CONTRACTOR
Prime contractor for the project.

7. OTHER
List professional consultants here.

12. SAMPLE COLLECTOR
Persons who are collecting samples.

13. SAMPLING INFORMATION
Historic contents - the principal product(s) used in the last 5 years.

Material sampled - i.e., water, oil, sludge, soil, etc.

16. LABORATORIES
Laboratories used for chemical and geotechnical analyses.

17. CHEMICAL METHODS:
All sample collection methods and analyses should conform to EPA or DHS methods.

Contaminant - Specify the chemical to be analyzed.

Sample Preparation Method Number - The means used to prepare the sample prior to analyses - i.e., digestion techniques, solvent extraction, etc. Specify number of method and reference if not an EPA or DHS method.

Analysis Method Number - The means used to analyze the sample - i.e., GC, GC-MS, AA, etc. Specify number of method and reference if not a DHS or EPA method.

NOTE:
Method Numbers are available from certified laboratories.

18. SITE SAFETY PLAN
A plan outlining protective equipment and additional specialized personnel in the event that significant amount of hazardous materials are found. The plan should consider the availability of respirators, respirator cartridges, self-contained breathing apparatus (SCBA) and industrial hygienists.

19. ATTACH COPY OF WORKMAN'S COMPENSATION

20. PLOT PLAN

The plan should consists of a scaled view of the facility at which the tank(s) are located and should include the following information:

a) Scale

b) North Arrow

c) Property Line

d) Location of all Structures

e) Location of all relevant existing equipment including tanks and piping to be removed

f) Streets

g) Underground conduits, sewers, water lines, utilities

h) Existing wells (drinking, monitoring, etc.)

i) Depth to ground water

j) All existing tanks in addition to the ones being pulled

rev. 9/88
mam

October 3, 1989

10/5/89
ALAMEDA COUNTY
DEPT. OF ENVIRONMENTAL HEALTH
HAZARDOUS MATERIALS

Mr. Alex Saschin, Air Quality Engineer
Bay Area Air Quality Management District
939 Ellis Street
San Francisco, CA 94109

Re: Pilot Test for Vapor Recovery System at the Carnation Oakland Dairy Facility

AGE Project No. 004-88-059

Dear Mr. Saschin:

This letter serves as notification that Anania Geologic Engineering will start a two week pilot test on a vapor recovery system on October 4, 1989 at the Carnation Oakland facility. The facility is located at 1310 14th street in Oakland. The vapor recovery system test will be used to determine the feasibility and efficiency of vapor recovery at the site to remediate hydrocarbon contaminated soils. The system relies on an internal combustion engine for destruction of gasoline vapors removed from contaminated soil. As per your notification on September 6, 1989, the emissions from the system will be passed through two carbon vessels in series where the emission concentrations will be kept at non-detectable levels. If detectable levels are observed, the vapor extraction system will be turned off until corrections can be made to the system. The pilot study will not exceed the two week time period.

If you have any questions concerning the vapor extraction system please feel free to contact Todd Galati at (916) 631-0154.

Sincerely,

Todd M. Galati
Project Engineer

cc: Mr. Howard Schmuckler, Carnation Company
Mr. Jim Person, Carnation Company
Ms. Katherine Chesick, Alameda County Health Department
Mr. Lester Feldman, SFRQCB

October 3, 1989

Mr. Alex Saschin, Air Quality Engineer
Bay Area Air Quality Management District
939 Ellis Street
San Francisco, CA 94109

Re: Pilot Test for Vapor Recovery System at the Carnation Oakland Dairy Facility

AGE Project No. 004-88-059

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Sincerely,

Todd M. Galati
Project Engineer

cc: Mr. Howard Schmuckler, Carnation Company
Mr. Jim Person, Carnation Company
Ms. Katherine Chesick, Alameda County Health Department
Mr. Lester Feldman, SFRQCB

September 14, 1989

Ms. Katherine Chesick
Alameda County Health Department
Hazardous Materials Division
80 Swan, Room 200
Oakland, CA 94621

Re: Request for Abandonment Permit for Two Boiler Fuel Tanks
Carnation Dairy Facility, 1310 14th Street, Oakland, CA 94607

AGE Project No. 004-88-059

Dear Ms. Chesick:

Anania Geologic Engineering (AGE), acting as the environmental agent for the Carnation Company, is requesting Alameda County to issue an abandonment permit for two boiler fuel tanks, located within the Carnation Dairy Facility, located at 1310 14th Street in Oakland. A site plan of the facility showing the location of the two boiler fuel tanks to be abandoned is shown on Plate 1.

We have recently received approval from the City of Oakland Fire Prevention Bureau to abandon the two boiler fuel tanks in-place. A copy of the letter with the signature of the Fire Marshall, Mr. Jerry Blueford, authorizing in-place abandonment of the tanks as well as the completed Underground Tank Closure Plan Form and Addendum to the Site Safety Plan are enclosed in Attachment A.

Four monitoring wells were installed around the boiler fuel tanks to evaluate if the soil and/or groundwater was contaminated due to the presence of these tanks. These wells will be abandoned and AGE will be requesting authorization to abandon these wells in a separate workplan.

Certified laboratory test results and Chain of Custody forms for your review and approval are enclosed in Attachment B. Test results indicate that TPH for both gasoline and diesel standards and oil and grease concentrations were below detection limits for both the soil and groundwater samples tested. Results from the priority pollutant analyses (8240 and 8270) indicate few constituents present. Acetone was detected in one sample and reported as 240 µg/kg. However, the method blank also indicated acetone at levels of 30 µg/kg. We suspect acetone presence could be a laboratory contaminant. Additionally, total lead was detected in MW-19 at a depth of 10 feet at a levels of 670 mg/kg. During drilling operations of this well, mechanical difficulties were encountered at a depth of 10 feet. Specifically, the flight auger was sheared and was unable to be immediately retrieved from the boring. It was necessary to leave the boring open for several days until

specialized equipment could be mobilized. It is our opinion this elevated lead concentration is due to materials which washed into the boring from the surface. Samples tested from above and below this sample reported very low concentrations of lead. It also should be noted Sample No. 33253 MW-23 was a water sample obtained from MW-17 during drilling operations, prior to well development, and was collected for preliminary information only.

After receiving approval of the tank closure plan, AGE will notify your office and the City of Oakland Fire Prevention Bureau 48 hours in advance of beginning abandonment procedures.

We trust this provides you with the information needed to issue an abandonment permit for the two boiler fuel tanks. Should you require any additional information, or have any questions regarding the information presented, please contact the undersigned at (916) 631-0154.

Sincerely,

Martha A. McDonnell, PE
Registered Civil Engineer No. 42560

MAD/SG

Attachments

cc: Mr. Howard Shmuckler, Carnation Company
Mr. Jim Person, Carnation Company
Mr. Lester Feldman, Regional Water Quality Control Board

**UNAUTHORIZED RELEASE REPORT
FOR PCB CONTAMINATION
AT THE CARNATION DAIRY FACILITY
OAKLAND, ALAMEDA COUNTY, CALIFORNIA**

SEPTEMBER 12, 1989

AGE Project No. 004-89-093

In order to comply with the request of the Alameda County Health Department (County), AGE has prepared this Unauthorized Release Report. Ms. Mary Scruggs of AGE gave verbal notice to the County on July 21, 1989. This report is prepared as a follow up and written confirmation of the unauthorized release at the Carnation Dairy Facility in Oakland, California.

During the remediation of a previously reported gasoline and diesel release, groundwater samples were collected from five product recovery points to establish preliminary remediation data. Polychlorinated-biphenyls (PCB), identified as arochlor 1254, were detected in the groundwater sample from PR-12 at concentrations of 0.06 mg/l parts per million (ppm). To corrobate the presence of PCB, a free product sample was collected from PR-12 and found to contain 66 ppm of PCB, arochlor 1254. The sample analyses and Chain of Custody forms for these samples are included as Attachment A.

The analytical method used to determine the concentration of PCB is EPA Method 8080. EPA Method 8080 is used to determine whether a matrix contains a hazardous waste within the definition of Section 3001 of the Resource Conservation and Recovery Act (PL 94-580). This method is approved for obtaining data to satisfy the requirements of 40 CFR Part 261, Identification and Listing of Hazardous Waste. Attachement B is a copy of the approved method to evaluate PCB's, which was followed for the enclosed analytical results.

Additional analytical results from the goundwater and free product samples collected from PR-12 have been included in Attachment A. These samples were analyzed for volatile organics (8240), semi-volatile organics (8270), PCB's (8080), total lead, soluble lead, and organic lead. The additional sample ananlysis and Chain of Custody forms for these samples have been included in Attachment A.

AGE has begun additional field investigations to determine the possible lateral extent and impact of the potential PCB contamination on soils and groundwater at the Facility. Groundwater and free product samples will be collected from product

recovery points in the vicinity of PR-12 to determine the lateral extent of possible PCB contamination. This data will also be used to resolve subsequent site safety and decontamination protocols.

Prepared by:

Jim Wallace
Senior Project Manager

Sept 13, 1989
Date

Approved by:

Karl J. Anania
California Registered Geologist No. 4306
Managing Partner

Sept. 13, 1989
Date

AGE
11330 SUNRISE PARK DR., SUITE C • RANCHO CORDOVA, CA 95742
P.O. BOX 161148 • SACRAMENTO, CA 95816 • PHONE (916) 631-0154 FAX (916) 631-0528

July 12, 1989

Mr. Jerry Blueford
City of Oakland Fire Prevention Bureau
1 City Hall Plaza
Oakland, California 94612

RE: CONFIRMATION OF APPROVAL TO ABANDON THE TWO BOILER FUEL TANKS IN PLACE AT THE CARNATION DAIRY FACILITY LOCATED AT 1310 14TH STREET IN OAKLAND, CALIFORNIA

AGE Project No. 004-88-059

Dear Mr. Blueford:

On June 5, 1989, I sent a letter with attachments to Ms. Christine Myers requesting to abandon in place the two boiler fuel tanks as referenced above. As per our phone conversation today, you stated that you have reviewed my request and approved the abandonment in place of the two boiler fuel tanks.

As per your instructions, I have prepared this letter that, with your signature, will serve as written confirmation that you have reviewed our request and documentation submitted on June 5, 1989 and approve of the abandonment in place of the two boiler fuel tanks. Upon receipt of your original signed copy of this letter, AGE will see that all required permits are completed and proper notification is made prior to the start of abandoning the two boiler fuel tanks in place.

Sincerely,

Thomas E. Edwards
General Partner

Date: 7-14-89

Jerry Blueford

Jerry Blu[illegible]
Fire Marshall

cc: Mr. Howard Shmuckler
Mr. Jim Person

ANANIA GEOLOGIC ENGINEERING

AGE

PROJECT NO. 009-88-057 | LAB REPORT NO.

P.O. NO. | SAMPLERS: (signature) Eric J. Ekl

LAB LOG NO.	DATE	TIME	SAMPLE I.D.	NO. OF CONTAINERS	SAMPLE TYPE: SOIL COMP	SOIL GRAB	WATER	ANALYSES: M8015	8240	8270	8080 PCBs	oil & grease and diesel	TTLC Lead		REMARKS
	5/16/89		MW-19 10' 4123	2		X		X	X	X	X	X	X		
			MW-19 15' 4125	2		X		X	X	X	X	X	X		
			MW-19 20' 4127	2		X		X	X	X	X	X	X		
			MW-20 5' 4129	2		X		X	X	X	X	X	X		
			MW-20 10' 4131	2		X		X	X	X	X	X	X		
			MW-20 15' 4133	2		X		X	X	X	X	X	X		
	↓		MW-20 20' 4135	2		X		X	X	X	X	X	X		

RELINQUISHED BY: (signature) Eric J. Ekl — DATE/TIME 5/17/89 — RECEIVED BY: (signature) Raj Pandher

RELINQUISHED BY: (signature) — DATE/TIME — RECEIVED BY: (signature)

RELINQUISHED BY: (signature) — DATE/TIME — RECEIVED BY: (signature)

REMARKS: Regular TAT

SEND RESULTS TO:
ATTN: Mary Scruggs AGE
11330 Sunrise Park Dr. #C
Rancho Cordova, CA 95742
PHONE NO. (916) ~~451-0021~~

631-054

CHAIN OF CUSTODY

White- AGE Yellow- LAB Copy Pink- File

FILE COPY 1/2

UNDERGROUND STORAGE TANK UNAUTHORIZED RELEASE (LEAK) / CONTAMINATION SITE REPORT

EMERGENCY ☐ YES ☒ NO

HAS STATE OFFICE OF EMERGENCY SERVICES REPORT BEEN FILED? ☐ YES ☒ NO

REPORT DATE: 07/21/89

CASE #:

FOR LOCAL AGENCY USE ONLY
I HEREBY CERTIFY THAT I AM A DESIGNATED GOVERNMENT EMPLOYEE AND THAT I HAVE REPORTED THIS INFORMATION TO LOCAL OFFICIALS PURSUANT TO SECTION 25180.7 OF THE HEALTH AND SAFTY CODE.
SIGNED: Katherine Chesick DATE: 1/22/90

REPORTED BY

NAME OF INDIVIDUAL FILING REPORT: Karl J. Anania
PHONE: (916) 631-0154
SIGNATURE: Karl J. Anania
REPRESENTING: ☒ OWNER/OPERATOR ☐ REGIONAL BOARD ☐ LOCAL AGENCY ☐ OTHER
COMPANY OR AGENCY NAME: Anania Geologic Engineering
ADDRESS: 11330 Sunrise Park Dr., Suite C CITY: Rancho Cordova, STATE: CA ZIP: 95742

RESPONSIBLE PARTY

NAME: Howard R. Shmuckler ☐ UNKNOWN
CONTACT PERSON: H. R. Shmuckler or K. Anania
PHONE: (213) 932-6000
ADDRESS: 5045 Wilshire Blvd. STREET CITY: Los Angeles, STATE: CA ZIP: 90036

SITE LOCATION

FACILITY NAME (IF APPLICABLE): Carnation Dairies
OPERATOR: Gino DiMaggio
PHONE: ( )
ADDRESS: 1310 14th Street, STREET CITY: Oakland, COUNTY: Alameda ZIP: 94607
CROSS STREET: Cypress
TYPE OF AREA: ☐ COMMERCIAL ☒ INDUSTRIAL ☐ RURAL ☐ RESIDENTIAL ☐ OTHER
TYPE OF BUSINESS: ☐ RETAIL FUEL STATION ☐ FARM ☒ OTHER Truck Dist., Ctr.

IMPLEMENTING AGENCIES

LOCAL AGENCY / AGENCY NAME: Alameda County Health Department
CONTACT PERSON: Katherine Chesick
PHONE: (415) 271-4320
REGIONAL BOARD: Regional Water Quality Control Board
CONTACT PERSON: Scott Hugenburger
PHONE: (415) 464-1255

SUBSTANCES INVOLVED

(1) NAME: Polychlorinated Biphenyl Alachor 1254 QUANTITY LOST (GALLONS): ☒ UNKNOWN
(2) ☐ UNKNOWN

DISCOVERY/ABATEMENT

DATE DISCOVERED: 07/20/89
HOW DISCOVERED: ☐ INVENTORY CONTROL ☒ SUBSURFACE MONITORING ☐ NUISANCE CONDITIONS ☐ TANK TEST ☐ TANK REMOVAL ☒ OTHER Groundwater Sample
DATE DISCHARGE BEGAN: ☒ UNKNOWN
HAS DISCHARGE BEEN STOPPED? ☐ YES ☐ NO IF YES, DATE:
METHOD USED TO STOP DISCHARGE (CHECK ALL THAT APPLY): ☐ REMOVE CONTENTS ☐ REPLACE TANK ☐ CLOSE TANK ☐ REPAIR TANK ☐ REPAIR PIPING ☐ CHANGE PROCEDURE ☒ OTHER Source unknown

SOURCE/CAUSE

SOURCE OF DISCHARGE: ☐ TANK LEAK ☒ UNKNOWN ☐ PIPING LEAK ☐ OTHER
TANKS ONLY/CAPACITY: N/A GAL. AGE N/A YRS ☐ UNKNOWN
MATERIAL: ☐ FIBERGLASS ☐ STEEL ☐ OTHER
CAUSE(S): N/A ☐ OVERFILL ☐ RUPTURE/FAILURE ☐ CORROSION ☐ UNKNOWN ☐ SPILL ☐ OTHER

CASE TYPE

CHECK ONE ONLY: ☐ UNDETERMINED ☐ SOIL ONLY ☒ GROUNDWATER ☐ DRINKING WATER - (CHECK ONLY IF WATER WELLS HAVE ACTUALLY BEEN AFFECTED)

CURRENT STATUS

CHECK ONE ONLY: ☒ SITE INVESTIGATION IN PROGRESS (DEFINING EXTENT OF PROBLEM) ☐ CLEANUP IN PROGRESS ☐ SIGNED OFF (CLEANUP COMPLETED OR UNNECESSARY) ☐ NO ACTION TAKEN ☐ POST CLEANUP MONITORING IN PROGRESS ☐ NO FUNDS AVAILABLE TO PROCEED ☐ EVALUATING CLEANUP ALTERNATIVES

REMEDIAL ACTION

CHECK APPROPRIATE ACTION(S) (SEE BACK FOR DETAILS)
☐ CAP SITE (CD) ☒ EXCAVATE & DISPOSE (ED) ☒ REMOVE FREE PRODUCT (FP) ☐ ENHANCED BIO DEGRADATION (IT)
☐ CONTAINMENT BARRIER (CB) ☐ EXCAVATE & TREAT (ET) ☐ PUMP & TREAT GROUNDWATER (GT) ☐ REPLACE SUPPLY (RS)
☐ TREATMENT AT HOOKUP (HU) ☐ NO ACTION REQUIRED (NA) ☐ OTHER (OT)

COMMENTS

See attached page.

HSC 05 (4/87)

INSTRUCTIONS

EMERGENCY
Indicate whether emergency response personnel and equipment were involved at any time. If so, a Hazardous Material Incident Report should be filed with the State Office of Emergency Services (OES) at 2800 Meadowview Road, Sacramento, CA 95832. Copies of the OES report form may be obtained at your local underground storage tank permitting agency. Indicate whether the OES report has been filed as of the date of this report.

LOCAL AGENCY ONLY
To avoid duplicate notification pursuant to Health and Safety Code Section 25180.7, a designated government employee should sign and date the form in this block. A signature here does not mean that the leak has been determined to pose a significant threat to human health or safety, only that notification procedures have been followed if required.

REPORTED BY
Enter your name, telephone number, and address. Indicate which party you represent and provide company or agency name.

RESPONSIBLE PARTY
Enter name, telephone number, contact person, and address of the party responsible for the leak. The responsible party would normally be the tank owner.

SITE LOCATION
Enter information regarding the tank facility and surrounding area. At a minimum, you must provide the facility name and full address.

IMPLEMENTING AGENCIES
Enter names of the local agency and Regional Water Quality Control Board involved.

SUBSTANCES INVOLVED
Enter the name and quantity lost of the hazardous substance involved. Room is provided for information on two substances if appropriate. If more than two substances leaked, list the two of most concern for cleanup.

DISCOVERY/ABATEMENT
Provide information regarding the discovery and abatement of the leak.

SOURCE/CAUSE
Indicate source(s) of leak. Provide details on tank age; capacity and material if known. Check box(es) indicating cause of leak.

CASE TYPE
Indicate the case type category for this leak. Check one box only. Case type is based on the most sensitive resource affected. For example, if both soil and ground water have been affected, case type will be "Ground Water". Indicate "Drinking Water" only if one or more municipal or domestic water wells have actually been affected. A "Ground Water" designation does not imply that the affected water cannot be, or is not, used for drinking water, but only that water wells have not yet been affected. It is understood that case type may change upon further investigation.

CURRENT STATUS
Indicate the category which best describes the current status of the case. Check one box only. The response should be relative to the case type. For example, if case type is "Ground Water", then "Current Status" should refer to the status of the ground water investigation or cleanup, as opposed to that of soil.

IMPORTANT: THE INFORMATION PROVIDED ON THIS FORM IS INTENDED FOR GENERAL STATISTICAL PURPOSES ONLY AND IS NOT TO BE CONSTRUED AS REPRESENTING THE OFFICIAL POSITION OF ANY GOVERNMENTAL AGENCY

REMEDIAL ACTION
Indicate which actions have been used to cleanup or remediate the leak. Descriptions of options follow:

Cap Site - install horizontal impermeable layer to reduce rainfall infiltration.
Containment Barrier - install vertical dike to block horizontal movement of contaminant.
Excavate and Dispose - remove contaminated soil and dispose in approved site.
Excavate and Treat - remove contaminated soil and treat (includes spreading or land farming).
Remove Free Product - remove floating product from water table.
Pump and Treat Groundwater - generally employed to remove dissolved contaminants.
Enhanced Biodegradation - use of any available technology to promote bacterial decomposition of contaminants.
Replace Supply - provide alternative water supply to affected parties.
Treatment at Hookup - install water treatment devices at each dwelling or other place of use.
No Action Required - incident is minor, requiring no remedial action.

COMMENTS - Use this space to elaborate on any aspects of the incident.
SIGNATURE - Sign the form in the space provided.
DISTRIBUTION

If the form is completed by the tank owner or his agent, retain the last copy and forward the remaining copies in tact to your local tank permitting agency for distribution.

1. Original - Local Tank Permitting Agency
2. State Water Resources Control Board, Division of Water Quality, Underground Tank Program, P. O. Box 100, Sacramento, CA 95801
3. Regional Water Quality Control Board
4. County Board of Supervisors or designee to receive Proposition 65 notifications.
5. Owner/responsible party.

June 5, 1989

Ms. Christine Myers
City of Oakland Fire Prevention Bureau
1 City Hall Plaza
Oakland, California 94612

RE: REQUEST TO ABANDON TWO BOILER FUEL TANKS IN PLACE AT THE CARNATION DAIRY FACILITY LOCATED AT 1310 14TH STREET IN OAKLAND, CALIFORNIA

AGE Project No. 004-88-059

Dear Inspector Myers:

Anania Geologic Engineering (AGE), acting as environmental agent for the Carnation Company, requests to abandon in place the two boiler fuel tanks at the Carnation Dairy Facility located at 1310 14th Street in Oakland. The tanks were used as a backup fuel supply for operating the boilers at the plant in case the primary energy source was interrupted. The boiler fuel system has not been utilized within the past three years. AGE is currently working with Ms. Katherine Chesick from the Alameda County Hazardous Materials Department (County) to bring the boiler fuel tanks into compliance with the underground storage tank regulations contained in the California Code of Regulations (CCR). Since it is no longer necessary to keep an alternate energy source for the facility, AGE proposes to permanently close the tanks in place in accordance with CCR Title 26, Section 23-2672. The reasons for in place abandonment are stated later in this letter. The County will approve permanent closure if the City of Oakland Fire Department agrees to abandoning the tanks in place.

As a follow up to your inspection of the boiler fuel tank area at the Carnation Dairy Facility on May 25, 1989, AGE is providing additional, pertinent information for your inspection report. A map of the boiler fuel tank area of the Carnation plant is attached as Enclosure 1. As you observed, the boiler fuel tanks are surrounded on three sides by concrete and brick buildings which house the boiler rooms, compressor rooms, shop maintenance warehouse, freezers, ice cream production area and offices at the dairy facility. The tanks are oriented lengthwise in a north-south direction. The tank nearest the boiler room (the easternmost tank) has a capacity of approximately 11,400 gallons and is encased in a concrete vault. This tank was first installed in 1946.

The concrete extends approximately five feet below the lowest part of the building foundation. The second tank has a capacity of 12,000 gallons and was placed in service in 1977. The tanks are single walled steel containers with double tar coatings.

Four monitoring wells were installed around the boiler fuel tanks to determine if the soil and/or groundwater was contaminated. Soil samples were collected in six-inch brass tubes at five foot intervals with a split-spoon sampler. The drilling and sampling equipment were steam cleaned prior to each use. The samples were collected under Chain of Custody procedures following the proper protocol. The samples were submitted to Precision Analytical for analyses for total petroleum hydrocarbons (TPH), oil and grease, PCBs, and total lead by EPA methods modified 8015, 503D, 503E, 8080 and 6010. Precision Analytical submitted the samples for analyses of volatile and semi-volatile organics by EPA methods 8240 and 8270 to Clayton Environmental. The laboratories were certified for the respective analyses performed.

Analytical results from nine soil samples collected from two of the borings have been received. Results from the soil samples collected from the other two borings have not been received yet. Certified analytical results indicate that TPH for both gasoline and diesel standards were not detected with a reporting limit of 10 mg/kg (parts per million, ppm). Results indicate oil and grease concentrations below the detection limit of 50 mg/kg for the nine samples. Results from method 503E for total hydrocarbons remaining from the oil and grease analysis range from 10 to 40 mg/kg. All of these values are consistent with the less than 50 mg/kg detection limit for the oil and grease analysis. Total lead results were reported as less than 1.1 mg/kg in seven of the samples. The other two results were reported concentrations of 1.5 and 1.6 mg/kg.

Results from the priority pollutant analyses (8240 and 8270) indicated few constituents present. Toluene was detected in some samples at reported levels ranging between 5 and 10 µg/kg. Acetone was detected in one sample and reported as 240 µg/kg. However the method blank also indicated acetone at levels of 30 µg/kg. Acetone presence could be a laboratory contaminant. Benzylbutylphthalate concentration of 17 µg/kg was reported in one sample. This constituent is a common additive to the ice cream products.

One water sample was collected in one well prior to developing the well for preliminary information. Results indicate that the ground water is not contaminated but this needs to be verified with samples collected after well development.

Copies of the analytical results and Chain of Custody form are enclosed.

AGE requests the City of Oakland Fire Department to seriously consider the in place permanent closure of the boiler fuel tanks for the following reasons. The tanks are located very close to the

multi-story office and production buildings in a critical operational area. Removal of the tanks and the concrete encasement could compromise the integrity of the existing buildings. Extensive shoring may not be able to prevent shifting or settling of the buildings. Additionally, the buildings are riddled with piping containing ammonia for the refrigeration system. If settlement does occur, a public safety threat is likely. Excavation of the tanks would be a lengthy processs since the concrete encasement is extensive and the sensitivity of the piping system is critical. This area is also the heart of the distribution and shipping operation. The loading dock leading to the freezer is within a few feet of the tanks. Preliminary results indicate that the soil and groundwater have not been contaminated.

Thank you for your review and consideration of this request to abandon in place the two boiler fuel tanks at the Carnation facility in Oakland. The removal of these tanks would not only cause a serious hardship on the operations of the facility, but severely jeopardize the integrity of the building and the health and safety of personnel.

If you should have any questions or comments please call me at (415) 234-4461 or Mrs. Mary Scruggs at (916) 631-0154.

Sincerely,

Tom Edwards
General Partner

TEE:gab

cc: Howard R. Shmuckler, Carnation Company, Legal Department
Jim Person, Carnation Company, Environmental Affairs Department
Katherine Chesick, Alameda County Health Agency
Lisa McCann, San Francisco Bay Regional Water Quality Control Board

Enclosure

Carnation

Legal Department

5045 Wilshire Boulevard
Los Angeles, California 90036
Telephone: (213) 932-6000

June 1, 1989

Ms. Katherine Chesick
Alameda County
Health Care Services Agency
Hazardous Materials Division
80 Swan Way, Room 200
Oakland, CA 94621

Subject: Monitoring of Carnation Dairy Facility,
1310 14th Street, Oakland, California 94607

Dear Ms. Chesick:

This is to confirm our conversation of June 1, 1989 that there is to be a meeting on Tuesday, June 20, 1989 at 10:00 a.m. at the Carnation, Oakland facility, 1310 14th Street. In attendance will be yourself representing the Agency, Scott Hugenberger representing the Regional Water Quality Control Board ("Board"), representatives from AGE and Carnation Company. We will meet at the actual cleanup area.

I understand the agenda is to review the site with the Board, discuss the progress to date and the remediation under the proposed RAP.

Sincerely,

Howard R. Shmuckler
Attorney

HRS/dat

cc: Mary Scruggs - AGE
Karl Anania - AGE
Scott Hugenberger - "Board"
Jim Person - IMP 4

5/6

ENVIRONMENTAL **AGE** ENERGY MINERALS

ANANIA GEOLOGIC ENGINEERING

01

CALIFORNIA REGIONAL WATER
APR 19 1989
QUALITY CONTROL BOARD

April 14, 1989

Ms. Katherine Chesick
Alameda County Health Agency
Division of Hazardous Materials
Department of Environmental Health
80 Swan Way, Room 200
Oakland, CA 94621

Re: Transmittal of Remedial Action Plan and Preliminary Site Characterization for the Carnation Dairy Facility in Oakland, CA

AGE Project No: 004-88-059

Dear Ms. Chesick:

Enclosed for your review are one copy of each of the following reports; Remedial Action Plan for Carnation's Oakland Dairy Facility and the Preliminary Site Characterization.

If there are any questions, please contact me at 916/631-0154.

Sincerely,

Mary L. Scruggs
Senior Project Manager

They sometimes are using bailer to measure free product thickness

enclosures

cc: Mr. Howard Schmuckler (w/o enclosures)
Mr. Don Dalke, RWQCB (w/ reports)

MLS:gab

Off-site migration not yet investigated.
Boring logs unsigned.
Product likely exists off-site.

SGW 5/8/89

AGE 11330 SUNRISE PARK DR., SUITE C • RANCHO CORDOVA, CA 95742
P.O. BOX 161148 • SACRAMENTO, CA 95816 • PHONE (916) 631-0154 FAX (916) 631-0528

February 13, 1989

FEB 16 1989

Ms. Katherine Chesick
Hazardous Materials Specialist
Alameda County Health Agency
80 Swan Way, Room 200
Oakland, California 94621

SITE = CARNATION

SUBJECT: Site Characterization Work Plan for Excavated Fuel Tank Area At Carnation's Dairy Facility Located at 1310 14th ~~Street~~ in Oakland, California

AGE PROJECT No. 004-88-059

01

Dear Ms. Chesick:

Enclosed is the Work Plan for the site characterization of the excavated fuel tank area at Carnation's Dairy Facility in Oakland. The comments you made regarding this scope of work at our meeting February 1, 1989, have been incorporated in the Work Plan. This Work Plan is intended to provide the initial investigation phase at the site. Additional investigations will be proposed to provide all the required information to fully characterize the site. The Work Plan addresses the initial work for Items 3 through 5 (listed below) in the letter from Mr. Rafat A. Shahid dated February 1, 1989:

3) Determination of the vertical and lateral extent of soil contamination (see the LUFT manual for details concerning soil sampling). Soil contamination related to the diesel, gasoline and waste oil tanks and their associated piping must be addressed.

4) Definition of the horizontal and vertical extent of the ground water pollution plume. The extent of the free product plume and the extent of the dissolved product plumes must be addressed.

5) Interpretation of hydrogeologic data. Water level contour maps, ground water gradient determinations, and free and dissolved produce definition maps should be routinely prepared and submitted with analytical data from each sampling event; fluctuations in ground water levels due to tidal action should also be documented. Geologic cross-sections should be prepared as specified in Attachment 2 using appropriate boring logs. The geologic characteristics of the aquifer must be described. The cross-sections, ground water gradients (horizontal and vertical), and tidal effects should be interpreted to explain pollution migration patterns.

AGE is currently preparing an amendment to the Unauthorized Release Report, a project history, a description of the emergency remediation measures with as-built drawings of the current recovery system, and a schedule for developing and submitting a detailed remedial action plan. These reports are expected to be sent to your office by the end of next week. This information should cover Items 1 (immediate free product recovery), 2 (site history), and 7 (development of a remediation plan) of Mr. Shahid's letter. AGE's reports will specifically cover the immediate initiation of free product removal; the history of the site including historic site use etc., and the expedient removal of all free product and soil and groundwater remediation by an appropriate system.

Items 6 (determination of potential impacts and beneficial use of ground and surface waters) has not been incorporated in the Work Plan at this time. Additionally, final interpretation of the hydrogeologic setting of the site described in Item 5 will only be partially addressed with this initial and limited scope of work. This is because the scope of work only pertains to the interpretation of hydrogeologic data in the first ground water zone beneath the facility.

AGE intends to begin work on the enclosed work plan as soon as your approval has been granted and would appreciate your prompt attention in this matter. If there are any questions, please contact me at (916) 451-0921. Thank you for your time and cooperation.

Sincerely,

Mary L. Scruggs
Project Manager

Approved by:

Karl J. Anania
California Registered Geologist
No. 4306

cc: Howard R. Shmuckler
Don Dalke
Lisa McCann, RWQCB

ALIFORNIA REGIONAL WATER

LHM 1989 OL 1/27

UNDERGROUND STORAGE TANK UNAUTHORIZED RELEASE (LEAK) / CONTAMINATION SITE REPORT

QUALITY CONTROL BOARD

EMERGENCY [X] YES [ ] NO

HAS STATE OFFICE OF EMERGENCY SERVICES REPORT BEEN FILED? [ ] YES [ ] NO

FOR LOCAL AGENCY ONLY: I HEREBY CERTIFY THAT I AM A DESIGNATED GOVERNMENT EMPLOYEE AND THAT I HAVE REPORTED THIS INFORMATION TO LOCAL OFFICIALS PURSUANT TO SECTION 25180.7 OF THE HEALTH AND SAFTY CODE.

SIGNED _____ DATE 1/27/89

REPORT DATE 01 24 89 (M M D D Y Y) CASE #

REPORTED BY

NAME OF INDIVIDUAL FILING REPORT: Kathy Scruggs/Karl Anania

PHONE: (916) 451-0921

SIGNATURE: Karl J Anania RG No. 4306 1/24/89

REPRESENTING [XX] OWNER/OPERATOR [ ] REGIONAL BOARD [ ] LOCAL AGENCY [ ] OTHER

COMPANY OR AGENCY NAME: Anania Geologic Engineering

ADDRESS: 1447 35th St. (STREET) Sacramento, (CITY) CA (STATE) 95816 (ZIP)

RESPONSIBLE PARTY

NAME: Carnation [ ] UNKNOWN

CONTACT PERSON: Shmuckler

PHONE: (213) 932-6464

ADDRESS: 5045 Wilshire Blvd. (STREET) Los Angeles, (CITY) CA (STATE) 90036 (ZIP)

SITE LOCATION

FACILITY NAME (IF APPLICABLE): Carnation

OPERATOR: Geno DiMaggio

PHONE: (415) 451-8161

ADDRESS: 1310 14th St. (STREET) Oakland (CITY) Alameda (COUNTY) 94607 (ZIP)

CROSS STREET: Poplar Street

TYPE OF AREA [ ] COMMERCIAL [XX] INDUSTRIAL [ ] RURAL [ ] RESIDENTIAL [ ] OTHER

TYPE OF BUSINESS [ ] RETAIL FUEL STATION [ ] FARM [X] OTHER Dairy

IMPLEMENTING AGENCIES

LOCAL AGENCY / AGENCY NAME: Alameda County Health Agency Hazardous Materials Division

CONTACT PERSON: Katherine Chesick

PHONE: 415) 271-4320

REGIONAL BOARD: San Francisco Bay Regional Water Quality Board

CONTACT PERSON: Lisa McCann

PHONE: (415) 464-1255

SUBSTANCES INVOLVED

(1) NAME: Gasoline — QUANTITY LOST (GALLONS): _____ [XX] UNKNOWN

(2) Diesel — _____ [XX] UNKNOWN

DISCOVERY/ABATEMENT

DATE DISCOVERED: 01 10 58 9 (M M D D Y Y)

HOW DISCOVERED: [ ] TANK TEST [X] TANK REMOVAL (4) [ ] INVENTORY CONTROL [ ] SUBSURFACE MONITORING [ ] NUISANCE CONDITIONS [ ] OTHER

DATE DISCHARGE BEGAN: [X] UNKNOWN

HAS DISCHARGE BEEN STOPPED? [X] YES [ ] NO IF YES, DATE 01 10 58 9

METHOD USED TO STOP DISCHARGE (CHECK ALL THAT APPLY)

[ ] REMOVE CONTENTS [ ] REPLACE TANK [ ] CLOSE TANK [ ] REPAIR TANK [ ] REPAIR PIPING [ ] CHANGE PROCEDURE [X] OTHER Tanks removed (4)

SOURCE/CAUSE

SOURCE OF DISCHARGE: [ ] TANK LEAK [X] UNKNOWN [ ] PIPING LEAK [ ] OTHER

TANKS ONLY/CAPACITY: (2) 12,000 / (2) 10,000 GAL. AGE _____ YRS [ ] UNKNOWN

MATERIAL: [ ] FIBERGLASS [XX] STEEL [ ] OTHER

CAUSE(S): [ ] OVERFILL [ ] RUPTURE/FAILURE [ ] CORROSION [ ] UNKNOWN [ ] SPILL [ ] OTHER

CASE TYPE

CHECK ONE ONLY: [ ] UNDETERMINED [ ] SOIL ONLY [X] GROUNDWATER [ ] DRINKING WATER - (CHECK ONLY IF WATER WELLS HAVE ACTUALLY BEEN AFFECTED)

CURRENT STATUS

CHECK ONE ONLY: [X] SITE INVESTIGATION IN PROGRESS (DEFINING EXTENT OF PROBLEM) [ ] CLEANUP IN PROGRESS [ ] SIGNED OFF (CLEANUP COMPLETED OR UNNECESSARY) [ ] NO ACTION TAKEN [ ] POST CLEANUP MONITORING IN PROGRESS [ ] NO FUNDS AVAILABLE TO PROCEED [ ] EVALUATING CLEANUP ALTERNATIVES

REMEDIAL ACTION

CHECK APPROPRIATE ACTION(S) (SEE BACK FOR DETAILS)

[ ] CAP SITE (CD) [ ] EXCAVATE & DISPOSE (ED) [XX] REMOVE FREE PRODUCT (FP) [ ] ENHANCED BIO DEGRADATION (IT)
[ ] CONTAINMENT BARRIER (CB) [X] EXCAVATE & TREAT (ET) [ ] PUMP & TREAT GROUNDWATER (GT) [ ] REPLACE SUPPLY (RS)
[ ] TREATMENT AT HOOKUP (HU) [ ] NO ACTION REQUIRED (NA) [XX] OTHER (OT) Final remediation to be determined.

COMMENTS

Free product observed floating on groundwater in tank excavation pit. K. Check

HSC 05 (4/87)

INSTRUCTIONS

EMERGENCY
Indicate whether emergency response personnel and equipment were involved at any time. If so, a Hazardous Material Incident Report should be filed with the State Office of Emergency Services (OES) at 2800 Meadowview Road, Sacramento, CA 95832. Copies of the OES report form may be obtained at your local underground storage tank permitting agency. Indicate whether the OES report has been filed as of the date of this report.

LOCAL AGENCY ONLY
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REPORTED BY
Enter your name, telephone number, and address. Indicate which party you represent and provide company or agency name.

RESPONSIBLE PARTY
Enter name, telephone number, contact person, and address of the party responsible for the leak. The responsible party would normally be the tank owner.

SITE LOCATION
Enter information regarding the tank facility and surrounding area. At a minimum, you must provide the facility name and full address.

IMPLEMENTING AGENCIES
Enter names of the local agency and Regional Water Quality Control Board involved.

SUBSTANCES INVOLVED
Enter the name and quantity lost of the hazardous substance involved. Room is provided for information on two substances if appropriate. If more than two substances leaked, list the two of most concern for cleanup.

DISCOVERY/ABATEMENT
Provide information regarding the discovery and abatement of the leak.

SOURCE/CAUSE
Indicate source(s) of leak. Provide details on tank age; capacity and material if known. Check box(es) indicating cause of leak.

CASE TYPE
Indicate the case type category for this leak. Check one box only. Case type is based on the most sensitive resource affected. For example, if both soil and ground water have been affected, case type will be "Ground Water". Indicate "Drinking Water" only if one or more municipal or domestic water wells have actually been affected. A "Ground Water" designation does not imply that the affected water cannot be, or is not, used for drinking water, but only that water wells have not yet been affected. It is understood that case type may change upon further investigation.

CURRENT STATUS
Indicate the category which best describes the current status of the case. Check one box only. The response should be relative to the case type. For example, if case type is "Ground Water", then "Current Status" should refer to the status of the ground water investigation or cleanup, as opposed to that of soil.

IMPORTANT: THE INFORMATION PROVIDED ON THIS FORM IS INTENDED FOR GENERAL STATISTICAL PURPOSES ONLY AND IS NOT TO BE CONSTRUED AS REPRESENTING THE OFFICIAL POSITION OF ANY GOVERNMENTAL AGENCY

REMEDIAL ACTION
Indicate which actions have been used to cleanup or remediate the leak. Descriptions of options follow:

Cap Site - install horizontal impermeable layer to reduce rainfall infiltration.
Containment Barrier - install vertical dike to block horizontal movement of contaminant.
Excavate and Dispose - remove contaminated soil and dispose in approved site.
Excavate and Treat - remove contaminated soil and treat (includes spreading or land-farming).
Remove Free Product - remove floating product from water table.
Pump and Treat Groundwater - generally employed to remove dissolved contaminants.
Enhanced Biodegradation - use of any available technology to promote bacterial decomposition of contaminants.
Replace Supply - provide alternative water supply to affected parties.
Treatment at Hookup - install water treatment devices at each dwelling or other place of use.
No Action Required - incident is minor, requiring no remedial action.

COMMENTS - Use this space to elaborate on any aspects of the incident.
SIGNATURE - Sign the form in the space provided.
DISTRIBUTION

If the form is completed by the tank owner or his agent, retain the last copy and forward the remaining copies in tact to your local tank permitting agency for distribution.
1. Original - Local Tank Permitting Agency
2. State Water Resources Control Board, Division of Water Quality, Underground Tank Program, P. O. Box 100, Sacramento, CA 95801
3. Regional Water Quality Control Board
4. County Board of Supervisors or designee to receive Proposition 65 notifications.
5. Owner/responsible party.

CALIFORNIA JAN 25 1990 QUALITY CONTROL BOARD

UNDERGROUND STORAGE TANK UNAUTHORIZED RELEASE (LEAK) / CONTAMINATION SITE REPORT

EMERGENCY ☐ YES ☒ NO

HAS STATE OFFICE OF EMERGENCY SERVICES REPORT BEEN FILED? ☐ YES ☒ NO

REPORT DATE: 07/28/89

CASE #:

FOR LOCAL AGENCY USE ONLY
I HEREBY CERTIFY THAT I AM A DESIGNATED GOVERNMENT EMPLOYEE AND THAT I HAVE REPORTED THIS INFORMATION TO LOCAL OFFICIALS PURSUANT TO SECTION 25180.7 OF THE HEALTH AND SAFTY CODE.
SIGNED: Katherine Chesick DATE: 1/23/90

REPORTED BY

NAME OF INDIVIDUAL FILING REPORT: Karl J. Anania
PHONE: (916) 631-0154
SIGNATURE: Karl J. Anania

REPRESENTING: ☒ OWNER/OPERATOR ☐ REGIONAL BOARD ☐ LOCAL AGENCY ☐ OTHER
COMPANY OR AGENCY NAME: Anania Geologic Engineering

ADDRESS: 11330 Sunrise Park Dr., Suite C CITY: Rancho Cordova, STATE: CA ZIP: 95742

RESPONSIBLE PARTY

NAME: Howard R. Shmuckler ☐ UNKNOWN
CONTACT PERSON: H. R. Shmuckler or K. Anania
PHONE: (213) 932-6000

ADDRESS: 5045 Wilshire Blvd., CITY: Los Angeles, STATE: CA ZIP: 90036

SITE LOCATION

FACILITY NAME (IF APPLICABLE): Carnation Dairies
OPERATOR: Gino DiMaggio
PHONE: ( )

ADDRESS: 1310 14th Street, CITY: Oakland, COUNTY: Alameda ZIP: 94607

CROSS STREET: Cypress

TYPE OF AREA: ☐ COMMERCIAL ☒ INDUSTRIAL ☐ RURAL ☐ RESIDENTIAL ☐ OTHER

TYPE OF BUSINESS: ☐ RETAIL FUEL STATION ☐ FARM ☒ OTHER Truck Dist., Ctr.

IMPLEMENTING AGENCIES

LOCAL AGENCY / AGENCY NAME: Alameda County Health Department
CONTACT PERSON: Katherine Chesick
PHONE: (415) 271-4320

REGIONAL BOARD: Regional Water Quality Control Board
CONTACT PERSON: Scott Hugenburger
PHONE: (415) 464-1255

SUBSTANCES INVOLVED

(1) NAME: Polychlorinated Biphenyl Alachor 1254
QUANTITY LOST (GALLONS): ☒ UNKNOWN

(2) ☐ UNKNOWN

DISCOVERY/ABATEMENT

DATE DISCOVERED: 07/28/89
HOW DISCOVERED: ☐ INVENTORY CONTROL ☒ SUBSURFACE MONITORING ☐ NUISANCE CONDITIONS ☐ TANK TEST ☐ TANK REMOVAL ☒ OTHER Groundwater Sample

DATE DISCHARGE BEGAN: ☒ UNKNOWN

HAS DISCHARGE BEEN STOPPED? ☐ YES ☐ NO IF YES, DATE

METHOD USED TO STOP DISCHARGE (CHECK ALL THAT APPLY)
☐ REMOVE CONTENTS ☐ REPLACE TANK ☐ CLOSE TANK ☐ REPAIR TANK ☐ REPAIR PIPING ☐ CHANGE PROCEDURE ☒ OTHER Source unknown

SOURCE/CAUSE

SOURCE OF DISCHARGE: ☐ TANK LEAK ☒ UNKNOWN ☐ PIPING LEAK ☐ OTHER

TANKS ONLY/CAPACITY: N/A GAL. AGE N/A YRS ☐ UNKNOWN

MATERIAL: ☐ FIBERGLASS ☐ STEEL ☐ OTHER

CAUSE(S): N/A ☐ OVERFILL ☐ RUPTURE/FAILURE ☐ CORROSION ☐ UNKNOWN ☐ SPILL ☐ OTHER

CASE TYPE

CHECK ONE ONLY
☐ UNDETERMINED ☐ SOIL ONLY ☒ GROUNDWATER ☐ DRINKING WATER - (CHECK ONLY IF WATER WELLS HAVE ACTUALLY BEEN AFFECTED)

CURRENT STATUS

CHECK ONE ONLY
☒ SITE INVESTIGATION IN PROGRESS (DEFINING EXTENT OF PROBLEM) ☐ CLEANUP IN PROGRESS ☐ SIGNED OFF (CLEANUP COMPLETED OR UNNECESSARY)
☐ NO ACTION TAKEN ☐ POST CLEANUP MONITORING IN PROGRESS ☐ NO FUNDS AVAILABLE TO PROCEED ☐ EVALUATING CLEANUP ALTERNATIVES

REMEDIAL ACTION

CHECK APPROPRIATE ACTION(S) (SEE BACK FOR DETAILS)
☐ CAP SITE (CD) ☒ EXCAVATE & DISPOSE (ED) ☒ REMOVE FREE PRODUCT (FP) ☐ ENHANCED BIO DEGRADATION (IT)
☐ CONTAINMENT BARRIER (CB) ☐ EXCAVATE & TREAT (ET) ☐ PUMP & TREAT GROUNDWATER (GT) ☐ REPLACE SUPPLY (RS)
☐ TREATMENT AT HOOKUP (HU) ☐ NO ACTION REQUIRED (NA) ☐ OTHER (OT)

COMMENTS

See attached page.

HSC 05 (4/87)

INSTRUCTIONS

EMERGENCY
Indicate whether emergency response personnel and equipment were involved at any time. If so, a Hazardous Material Incident Report should be filed with the State Office of Emergency Services (OES) at 2800 Meadowview Road, Sacramento, CA 95832. Copies of the OES report form may be obtained at your local underground storage tank permitting agency. Indicate whether the OES report has been filed as of the date of this report.

LOCAL AGENCY ONLY
To avoid duplicate notification pursuant to Health and Safety Code Section 25180.7, a designated government employee should sign and date the form in this block. A signature here does not mean that the leak has been determined to pose a significant threat to human health or safety, only that notification procedures have been followed if required.

REPORTED BY
Enter your name, telephone number, and address. Indicate which party you represent and provide company or agency name.

RESPONSIBLE PARTY
Enter name, telephone number, contact person, and address of the party responsible for the leak. The responsible party would normally be the tank owner.

SITE LOCATION
Enter information regarding the tank facility and surrounding area. At a minimum, you must provide the facility name and full address.

IMPLEMENTING AGENCIES
Enter names of the local agency and Regional Water Quality Control Board involved.

SUBSTANCES INVOLVED
Enter the name and quantity lost of the hazardous substance involved. Room is provided for information on two substances if appropriate. If more than two substances leaked, list the two of most concern for cleanup.

DISCOVERY/ABATEMENT
Provide information regarding the discovery and abatement of the leak.

SOURCE/CAUSE
Indicate source(s) of leak. Provide details on tank age: capacity and material if known. Check box(es) indicating cause of leak.

CASE TYPE
Indicate the case type category for this leak. Check one box only. Case type is based on the most sensitive resource affected. For example, if both soil and ground water have been affected, case type will be "Ground Water". Indicate "Drinking Water" only if one or more municipal or domestic water wells have actually been affected. A "Ground Water" designation does not imply that the affected water cannot be, or is not, used for drinking water, but only that water wells have not yet been affected. It is understood that case type may change upon further investigation.

CURRENT STATUS
Indicate the category which best describes the current status of the case. Check one box only. The response should be relative to the case type. For example, if case type is "Ground Water", then "Current Status" should refer to the status of the ground water investigation or cleanup, as opposed to that of soil.

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REMEDIAL ACTION
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3. Regional Water Quality Control Board
4. County Board of Supervisors or designee to receive Proposition 65 notifications.
5. Owner/responsible party.

October 13, 1989

Ms. Katherine Chesick
Alameda County Health Department
80 Swan Way
Oakland, California

RE: Abandonment of Boiler Fuel Tanks

AGE Project Number 004-88-059

Dear Ms. Chesick:

This letter addresses your review comments on the closure plan for the in place abandonment of the two boiler fuel tanks at the Carnation Dairy Facility in Oakland. Once approval for implementing the closure plan has been received, AGE will commence work after providing proper notification to your office and the Oakland Fire Department. AGE plans to perform as much of this work as possible on the weekend in order to reduce the impact on the operations at the plant.

AGE requested Carnation to use the boiler fuel if possible at the Oakland facility. Plant employees stated that the boilers cannot be used at the facility, however, they can heat the fuel and pump it out of the two tanks and ship it to another Carnation facility prior to the abandonment of the tanks. This should be done within the next week or two.

The tanks will be cleaned in the following manner. Erickson will pump the remaining liquids from the boiler fuel tanks. If the fuel oil cannot be pumped, Erickson will attempt to break it up with a cutter diesel and a small amount of caustic soap if necessary. Once the fuel is fluid enough to flow, it will be pumped into a vacuum truck. The suction and return lines will be drained, flushed and then cut and permanently capped. The vent lines will also be permanently sealed to prevent access to the tanks. Schematic diagrams of the tanks and lines are enclosed in Attachment A.

After the product has been removed, the inside of the tanks will be steam cleaned with a soap solution heated to a temperature between 200 and 225 degrees F under an approximate 2500 psi pressure. The rinse water and remaining fuel contents will be pumped from the tanks and hauled off in a vacuum truck. The high pressure wash will be done three times constituting the triple rinse. A copy of the Certificate of Insurance for the Workers' Compensation for Erickson is enclosed in Attachment B.

There is no current industry standard to certify that an in place tank is "clean". As agreed, the tank will be triple rinsed and the rinsed water will be analyzed for total petroleum hydrocarbons, benzene, toluene, ethylbenzene, xylene, and oil and grease by EPA methods modified 8015 and 8020 and DHS methods 503 A and 503 D. If the analytical results show low levels, it will be assumed that the tank is sufficiently clean. The rinsed water will be submitted to Curtis and Tompkins Analytical Laboratories in Berkeley, California. After cleaning and receipt of acceptable analytical results from the rinsed water, the tanks will be filled with an inert sand/cement slurry.

* The deed to the property will be amended to note that the two tanks have been abandoned in place. This information will be sent to the Alameda County Recorder's office.

Boring logs for the four monitoring wells installed around the boiler fuel tanks are enclosed as Attachment C. The laboratory reports from the water samples analyzed by EPA methods 8240 and 8270 were included in the closure plan previously submitted. The analyzing laboratory was Clayton Environmental in Pleasanton.

The last sentence of the Addendum to Site Safety Plan for Excavated Fuel Tank Area has been changed to read "Welders may use supplied air respiratory equipment as a safety measure instead of cleaning down to bare metal". This should clarify the meaning of the sentence when read in context with the rest of the paragraph.

If you have any other questions please feel free to contact me at (916) 631-0154.

Sincerely,

Mary L. Scruggs
Senior Project Manager

cc: Howard Shmuckler, Carnation
Jim Person, Carnation

September 21, 1989

Project # 1552899
Fee Paid $498.
Date 9/22/89

Ms. Katherine Chesick
Alameda County Health Department
Hazardous Materials Division
80 Swan Way, Room 200
Oakland, CA 94621

Re: Permit Fee for Abandonment of Two Boil Fuel Tanks at the Carnation Oakland Dairy Facility

AGE Project No. 004-88-059

Dear Ms. Chesick:

Enclosed is check #1196 in the amount of $498.00 for the permit fee for the abandonment of two boiler fuel tanks at the Carnation Oakland Dairy Facility. The abandonment plan was sent earlier this week. The check was accidentally omitted from the submittal. I apologize for any inconvenience this may have caused.

Sincerely,

Mary L. Scruggs
Senior Project Manager

cc: Howard Shmuckler, Carnation Company
Jim Person, Carnation Company

Carnation

Legal Department

5045 Wilshire Boulevard
Los Angeles, California 90036
Telephone: (213) 932-6000

April 13, 1989

Alameda County
Health Care Services Agency
Hazardous Materials Division
80 Swan Way, Room 200
Oakland, CA 94621

Attention: Ms. Katherine Chesick

Re: Underground Storage Tank Leak Remediation at Carnation,
1310 14th Street in Oakland, Calfiornia 94607

Dear Ms. Chesick:

Pursuant to letter dated March 28, 1989 from Rafat A. Shahid, Chief, enclosed is Carnation Company's check No. 278705 in the amount of $700.00 which represents our cost for remediation at the above-referenced location. This amount should be credited to Carnation Company's account.

Very truly yours,

Loretta Howard

Loretta Howard
Senior Legal Assistant

/lh

Enclosure

cc: Mr. Michael Geary
Anania Geologic Engineering

H. R. Shmuckler - 7

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY
DAVID J. KEARS, Agency Director

DEPARTMENT OF ENVIRONMENTAL HEALTH
Hazardous Materials Program
80 Swan Way, Rm. 200
Oakland, CA 94621
(415) 271-4320

Certified Mailer #: P 833 981 377

March 28, 1989

Mr. Howard Shmuckler, Attorney
Carnation Corporate Offices
5045 Wilshire Blvd.
Los Angeles, California 90036

Subject: Response to Questions posed by Anania Geologic Engineering concerning remediation at the Carnation Dairy Facility, 1310 14th Street in Oakland, California 94607

Dear Mr. Shmuckler:

During a site visit to Carnation's Oakland Facility conducted by Katherine Chesick, Hazardous Materials Specialist, on March 17, 1989, Anania Geologic Engineering (AGE) posed several questions concerning several aspects of remediation. This letter serves to answer these questions, request additional information and request additional deposit money.

1) The Regional Water Quality Control Board (RWQCB) has indicated borings on site may extend to 50 feet provided a clay layer is not penetrated.

2) Per the RWQCB Water Quality Control (Basin) Plan, no specific clean up levels have been established for surfactants or animal fats in (on) the ground water; thus the target cleanup levels would be background levels.

3) Both Method 503 D and Method 503 E (oil and grease) must be used to analyze soil potentially contaminated with waste oil. It is our understanding that these methods do not duplicate results obtained from "TPH" analyses (total petroleum hydrocarbons, Department of Health Services Method, gasoline and diesel standards for low and high boiling point petroleum hydrocarbons); the TPH analyses will not reliably detect petroleum hydrocarbons having boiling points greater than or equal to waste motor oil. Please note that groundwater potentially contaminated with waste oil must be analyzed for oil and grease by methods 503 A and 503 E.

4) Submit to our office and to the RWQCB complete information on the use of, quantities of, and processes involving bacteria, nutrients, gases (used for bioremediation of fuel, fat and surfactants), chemicals, etc. being put down the Carnation facility wells. A RWQCB permit may be required for this bioremediation.

5) Please submit an additional $700, payable to Alameda County, to cover our costs for work on this case.

Should you have any questions, please contact Katherine Chesick, Hazardous Materials Specialist, at (415) 271-4320.

Sincerely,

RJC-RAS

Rafat A. Shahid, Chief,
Hazardous Materials Division

RAS:kac

cc: Jim Person, Corporate Director of Environmental Affairs, Carnation, Los Angeles
Karl Anania, Anania Geologic Engineering
Don Dalke, Regional Water Quality Control Board
Howard Hatayama, State Department of Health Services
Gil Jensen, Alameda County District Attorney, Consumer and Environmental Protection Division
Katherine Chesick, Alameda County Hazardous Materials Division
Files

KC

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.
Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.
1. ☑ Show to whom delivered, date, and addressee's address. †(Extra charge)† 2. ☐ Restricted Delivery †(Extra charge)†

3. Article Addressed to:
Mr. Howard Shmuckler
Carnation Corporate offices
5045 Wilshire Blvd.
Los Angeles, CA 90036

4. Article Number
P 833 981 377

Type of Service:
☐ Registered ☐ Insured
☑ Certified ☐ COD
☐ Express Mail

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature — Addressee
X

6. Signature — Agent
X R.L. Wheat

7. Date of Delivery
4-3-89

8. Addressee's Address *(ONLY if requested and fee paid)*

PS Form 3811, Mar. 1987 ★ U.S.G.P.O. 1987-178-268 DOMESTIC RETURN RECEIPT

P 833 981 377

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED
NOT FOR INTERNATIONAL MAIL
(See Reverse)

Sent to Mr. Howard Shmucker	
Street and No.	
P.O., State and ZIP Code	
Postage	$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt showing to whom and Date Delivered	
Return Receipt showing to whom, Date, and Address of Delivery	
TOTAL Postage and Fees	$
Postmark or Date	

PS Form 3800, June 1985

Carnation

Legal Department

5045 Wilshire Boulevard
Los Angeles, California 90036
Telephone: (213) 932-6000

February 17, 1989

Project # U528839
Fee Paid $600.00
Date 2/21/89
(additional funds to U528746)

Alameda County
Health Care Services Agency
Hazardous Materials Division
80 Swan Way, Room 200
Oakland, CA 94621

Attention: Ms. Katherine Chesick

Re: Underground Storage Tank Leak Remediation at Carnation, 1310 14th Street in Oakland, California 94607

Dear Ms. Chesick:

Pursuant to letter dated February 1, 1989 from Rafat A. Shahid, Chief, enclosed is Carnation Company's check No. 267340 in the amount of $600.00 which represents our cost for remediation at the above-referenced location. This amount should be credited to Carnation Company's account.

Very truly yours,

Loretta Howard

Loretta Howard
Legal Assistant for
Howard R. Shmuckler, Attorney

HRS/lh

Enclosure

cc: H. R. Shmuckler - 7

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY
DAVID J. KEARS, Director

Department of Environmental Health
Hazardous Materials Division
80 Swan Way, Room 200
Oakland, CA 94621

Telephone Number: (415) 271-4320

Certified Mailer #: P 833 981 169

February 1, 1989

Mr. Howard Shmuckler, Attorney
Carnation Corporate Offices
5045 Wilshire Blvd.
Los Angeles, California 90036

Subject: Underground Storage Tank Leak Remediation at Carnation, 1310 14th Street in Oakland, California 94607

Dear Mr. Shmuckler:

Two members of our staff, Larry Seto, Senior Hazardous Materials Specialist, and Katherine Chesick, Hazardous Materials Specialist, witnessed the removal of five underground storage tanks from the Carnation facility located at 1310 14th Street in Oakland in January 1989. Free product, presumably diesel fuel and possibly gasoline, was observed floating on the groundwater in the excavation pit from which two diesel and two gasoline tanks were pulled; strong gasoline odors emanated from the waste oil tank pit. Biodegradable surfactants which hold fuels in suspension were later detected in the groundwater. The extent of this contamination must be assessed and remediated.

Our office will be the lead agency overseeing the remediation of this site. We will be working with the Regional Water Quality Control Board (RWQCB) to ensure that their remediation requirements are met. Per our discussions with the RWQCB, we require that you submit a work plan which, at a minimum, addresses the items listed below. All work must be performed according to the Regional Board Staff Recommendations for Initial Evaluation and Investigation of Underground Tanks, 2 June 1988 (hereafter referred to as "2 June 1988 RWQCB document").

1) Immediate initiation of free product removal.

2) Site history. This shall include historic site use and

ownership information, a description of the types and locations of any hazardous materials used on site and the installation and use history (installation and use dates, types of materials contained) of all the underground tanks used on site.

3) Determination of the vertical and lateral extent of soil contamination (see the LUFT manual for details concerning soil sampling). Soil contamination related to the diesel, gasoline and waste oil tanks and their associated piping must be addressed.

a) During drilling of all boreholes and monitoring wells, undisturbed soil samples are to be collected at a minimum of every five feet in the unsaturated zone and at any changes in lithology; and

b) Soil samples are to be analyzed by a California State Certified Laboratory for the appropriate constituents (see Table 2, 2 June 1988 RWQCB document, attached).

4) Definition of the horizontal and vertical extent of the ground water pollution plume. The extent of the free product plume and the extent of dissolved product plumes must be addressed.

a) A minimum of one monitoring well must be installed within 10 feet of the tank in the verified downgradient direction (see also the LUFT manual for details concerning monitoring well construction);

b) Monitoring and extraction wells should be designed and constructed to be consistent with the LUFT manual and to permit entrance of free product into the wells;

c) Wells shall be surveyed to mean sea level;

d) All monitoring wells shall be sampled monthly for free product and dissolved constituents for the first three months following well installation. After three months of consecutive sampling, sampling may be conducted as needed for remediation purposes but must occur at least quarterly. Before each sampling event is begun, free product thicknesses and water levels shall be measured in all wells. Floating product measurements shall be performed using an optical probe or other device of equal accuracy; and

e) Ground water samples are to be analyzed by a California

State Certified Laboratory for the appropriate constituents (see Table 2, 2 June 1988 RWQCB document, attached).

5) Interpretation of hydrogeologic data. Water level contour maps, ground water gradient determinations, and free and dissolved product definition maps should be routinely prepared and submitted with analytical data from each sampling event; fluctuations in groundwater levels due to tidal action should also be documented. Geologic cross-sections should be prepared as specified in Attachment 2 using appropriate boring logs. The geologic characteristics of the aquifer must be described. The cross sections, ground water gradients (horizontal and vertical), and tidal effects should be interpreted to explain pollution migration patterns.

6) Determination of the potential short- and long- term impacts of the pollution plume on the beneficial uses of ground and surface water in the area. Beneficial uses include municipal water supply, ground water recharge, fresh water habitat, wildlife habitat, contact and non contact recreation, and fish migration

7) Development of a remediation plan. This plan is to include a time schedule for plan implementation and, at a minimum, must address the following:

a) Expedient removal of all free product by an appropriate remediation system. Specific information on the system must be submitted. Manual bailing of fuel product is not acceptable as a recovery system, nor is a system which increases soil contamination (a free product removal system which creates a cone of depression could increase soil contamination). Actual amounts of free product removed must be monitored and tabulated;

b) Remediation of contaminated soil. Soil contaminated with 1000 ppm or greater total petroleum hydrocarbons must be remediated. Soil having hydrocarbon levels between 100 and 1000 ppm must be either remediated or, if sufficient evidence is provided which indicates no adverse effects on groundwater will occur, left as is with implementation of a groundwater monitoring program. Cleanup of soils to less than 100 ppm is strongly recommended in order to minimize the impact of residual soil contamination on ground water quality; and

c) Remediation of any dissolved constituents.

Contaminated ground water must be remediated such that beneficial uses of the ground and surface water are restored and/or protected as required by RWQCB's "Policy with Respect to Maintaining High Quality of Waters in California".

The remediation plan shall evaluate mitigation alternatives. The design of remedial action systems should be based on appropriate review of hydrogeologic and water quality data. Aquifer test data (pump- and/or slug-testing) should be used to determine aquifer characteristics and the probable capture zone(s) of extraction system(s). The overall effectiveness of the remediation system should be verified by an appropriate monitoring program.

Mitigation involving on-site treatment of hazardous wastes requires a variance from the State of California Department of Health Services (DHS). Such a variance may be applied for at either the DHS regional office in Emeryville (Permitting Section) or the DHS office in Sacramento (Alternative Technology Section).

Please submit this work plan within 30 days of receipt of this letter. Implementation of remedial plans for free product, polluted soils and dissolved constituents may be appropriate prior to full definition of the extent of pollution.

Reports documenting implementation of the above work plan must contain:

* Actions that have occurred since the last report
* Actions planned to occur
* Water level records
* Clear records of field observations
* Chain-of-custody forms
* Laboratory-originated analytical results for all samples collected since the last report
* Water level contour maps
* Gradient determinations
* Status of free product remediation (i.e. amount removed, both episodic and continuous)
* Status of free product plume definition (tabulated and presented as plume maps)
* Status of soil remediation
* Status of soil contamination definition (tabulated and presented as cross-sections)

* Status of dissolved constituent remediation (e.g. estimated starting date, daily flow records, and evaluation of remediation system performance)
* Status of dissolved constituent plume definition (tabulated and presented as plume maps for each constituent)
* Copies of TSDF to Generator manifests for any hazardous wastes hauled off site

We wish to draw your attention to the following requirements set forth in the 2 June 1988 RWQCB document, page 2:

> All work and reports which require geologic or engineering evaluations and/or judgements must be performed under the direction of an appropriately registered or certified professional (See sections 6735, 7835, and 7835.1 of the Business and Professions Code). Also Rule 415 of the Professional and Vocational Regulations is to be followed. This rules states:
>
> > A professional engineer...registered or licensed under this Code shall practice and perform engineering...work only in the field or fields in which he is by education and/or experience fully competent and proficient.
>
> A statement of qualifications for each lead professional should be included in all reports. Initial tank removal and soil sampling does not require such expertise; however, borehole and monitoring well installation and logging, and impact assessments do require such a professional.

All proposals, reports and analytical results pertaining to this investigation and remediation must be sent to our office and to:

Don Dalke
Toxics Cleanup, Underground Tank Section
Regional Water Quality Control Board
1111 Jackson Street
Oakland, California 94607
(415) 464-1255

To cover our costs for remediation review, please submit a check, payable to Alameda County, for $600.

Should you have any questions concerning this letter, please contact Katherine Chesick, Hazardous Materials Specialist, at (415) 271-4320.

Sincerely,

R/C-A Shahid

Rafat A. Shahid, Chief,
Hazardous Materials Division

RAS:kac

cc w/ attachments:

Jim Person, Corporate Director of Environmental Affairs, Carnation, Los Angeles
Geno DiMaggio, Operator, Carnation, 1310 14th Street, Oakland
Karl Anania, Anania Geologic Engineering
Don Dalke, Regional Water Quality Control Board
Dwight Hoenig, State Department of Health Services
Gil Jensen, Alameda County District Attorney, Consumer and Environmental Protection Division
Katherine Chesick, Alameda County Hazardous Materials Division
Files

[KC]

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.
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1. ☑ Show to whom delivered, date, and addressee's address. *↑(Extra charge)↑* 2. ☐ Restricted Delivery *↑(Extra charge)↑*

3. Article Addressed to:

MR HOWARD Shmuckler
CARNATION CORPORATE OFFICES
5045 WILSHIRE BLVD.
LOS ANGELES, CA 90036

RE: 1310 14TH ST., OAKLAND

4. Article Number
P 833 981 169

Type of Service:
☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature — Addressee
X

6. Signature — Agent
X

7. Date of Delivery
2.7.89

8. Addressee's Address *(ONLY if requested and fee paid)*

PS Form **3811**, Mar. 1987 ★ U.S.G.P.O. 1987-178-268 **DOMESTIC RETURN RECEIPT**

P 833 981 169

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED
NOT FOR INTERNATIONAL MAIL

(See Reverse)

Sent to Mr. Howard	
Street and No. Shmuckler	
P.O., State and ZIP Code	
Postage	$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt showing to whom and Date Delivered	
Return Receipt showing to whom, Date, and Address of Delivery	
TOTAL Postage and Fees	$
Postmark or Date	

PS Form 3800, June 1985

ORIGINAL

ALAMEDA COUNTY HEALTH CARE SERVICES AGENCY
DEPARTMENT OF ENVIRONMENTAL HEALTH
HAZARDOUS MATERIALS DIVISION
80 SWAN WAY, ROOM 200
OAKLAND, CA 94621
PHONE NO. 415/271-4320

ACCEPTED

DEPARTMENT OF ENVIRONMENTAL HEALTH
470 - 27th Street, Third Floor
Oakland, CA 94612
Telephone: (415) 874-7237

These plans have been reviewed and found to be acceptable and essentially meet the requirements of State and local health laws. Changes to your plans indicated by this Department are to assure compliance with State and local laws. The project proposed herein is now released for issuance of any required building permits for construction.

One copy of these accepted plans must be on the job and available to all contractors and craftsmen involved with the removal.

Any change or alterations of these plans and specifications must be submitted to this Department and to the Fire and Building Inspection Department to determine if such changes meet the requirements of State and local laws.

Notify this Department at least 48 hours prior to the following required inspections:

✓ Removal of Tank and Piping
✓ Sampling
✓ Final Inspection

Issuance of a permit to operate is dependent on compliance with accepted plans and all applicable laws and regulations.

THERE IS A FINANCIAL PENALTY FOR NOT OBTAINING THESE INSPECTIONS.

12/15/88 Check
Katherine

UNDERGROUND TANK CLOSURE/MODIFICATION PLANS

1. Business Name CARNATION
   Business Owner CARNATION INC
2. Site Address 1310 14TH ~~AVE~~ Street
   City OAKLAND Zip 94621 Phone 213-932-6464
3. Mailing Address 5045 WILSHIRE BLVD
   City LOSANGELES CA Zip 90036 Phone 213-932-6464
4. Land Owner CARNATION INC
   Address 5045 WILSHIRE BLVD City, State LOS ANGELES CA Zip 90036
5. EPA I.D. No. CAC000128661
6. Contractor PETROTEK
   Address 925 COMMERCIAL ST
   City SAN JOSE CAL 95112 Phone 408-292-7586
   License Type C61/D40 ID# 450771
7. Consultant CARL ANANIA (AGE) Anania Geological Engineering
   Address 1437 35TH ST SACRAMENTO CA
   City SACRAMENTO Phone 916-451-0921

Project # 45289.46
Fee Paid 900.00
Date 11.10.88

8. Contact Person for Investigation

Name CARL ANANIA Title REGISTERED GEOLOGIST

Phone 916-451-0921

9. Total No. of Tanks at facility ~~5~~ 7

10. Have permit applications for all tanks been submitted to this office? Yes [~~X~~] No [X] Not on file

11. State Registered Hazardous Waste Transporters/Facilities

a) Product/Waste Tranporter

Should be no waste; if there is, Erickson will haul.

Name ~~ERICKSON'S INC~~ EPA I.D. No. _____

Address ~~255 PIER AVE~~ NONE

City ~~RICHMOND~~ State CA Zip _____

b) Rinsate Transporter

Name _____ EPA I.D. No. _____

Address _____

City _____ State _____ Zip _____

c) Tank Transporter

Name ERICKSON'S INC. EPA I.D. No. CAD094663927

Address 255 PIER AVE

City RICHMOND State CA Zip 94801

d) Tank Disposal Site

Name SAME AS ABOVE EPA I.D. No. _____

Address _____

City _____ State _____ Zip _____

e) Contaminated Soil Transporter

Name SAME AS ABOVE IF NEEDED EPA I.D. No. _____

Address _____

City _____ State _____ Zip _____

All piping associated with the tanks to be removed shall be removed. Piping contents shall be emptied into the tanks before the tanks are pumped out & iced.

12. Sample Collector

Name CARL ANANIA

Company ANANIA GEOLOGIC ENGINEERING

Address 1447 35TH ST

City SACRAMENTO State CA Zip 95816 Phone 916 451-0921

13. Sampling Information for each tank or area

Tank or Area		Material sampled	Location & Depth
Capacity	Historic Contents (past 5 years)		
12000	GASOLINE	SOIL	
12000	DIESEL	"	
10000	GASOLINE	"	
10000	DIESEL	"	
550	WASTE OIL	"	

14. Have tanks or pipes leaked in the past? Yes [ ] No [X]

If yes, describe. _____

15. NFPA methods used for rendering tank inert? Yes [X] No [ ]

If yes, describe. 15 POUNDS DRY ICE PER 1000 GAL CAPACITY

An explosion proof combustible gas meter shall be used to verify tank inertness.

16. Laboratories

Primary Analyses → Anametrix, Inc. 1961 Concourse Dr. Ste E San Jose 95131 #15 — diesel + gas samples — Chem West Sacramento, CA

Name CHEMTECH ENVIRONMENTAL

Address 7180 EVELYN

City SUNNYVALE State CA Zip 94086

State Certification No. 1252

↳ Secondary Analyses if needed — Anlab 3 Analytical Lab 1914 "S" St. Sacramento 95814 #180 — waste oil samples — Precision Analytical Richmond

17. Chemical Methods to be used for Analyzing Samples

Contaminant Sought	EPA, DHS, or Other Sample Preparation Method Number	EPA, DHS, or Other Analysis Number
GASOLINE	TPH G GCFID 5030	
	BTX+E 8020 OR 8240	
DIESEL (primary analytes)	TPH D (GC/FID SONICATION)	
	BTX+E 8020-OR 8240	
WASTE OIL	TPH G+D GCFID 5030	
	O&G 503D+E	
	BTXE 8020/8240	
	CL+C 8010/ 8240	
(secondary analytes)	ICAP ORAA CD CR Pb Zn 8270	

18. Submit Site Safety Plan

19. Workman's Compensation: Yes [X] No [ ]

Copy of Certificate enclosed? Yes [X] No [ ]

Name of Insurer FREMONT COMPENSATION

20. Plot Plan submitted? Yes [X] No [ ]

21. Deposit enclosed? Yes [X] No [ ]

22. Please forward to this office the following information within 60 days after receipt of sample results.

a) Chain of Custody Sheets

b) Original Signed Laboratory Reports

c) TSD to Generator copies of wastes shipped and received

d) Attachment A summarizing laboratory results

I declare that to the best of my knowledge and belief the statements and information provided above are correct and true. I understand that information in addition to that provided above may be needed in order to obtain an approval from the Department of Environmental Health and that no work is to begin on this project until this plan is approved.

I understand that any changes in design, materials or equipment will void this plan if prior approval is not obtained.

I understand that all work performed during this project will be done in compliance with all applicable OSHA (Occupational Saftey and Health Administration) requirements concerning personnel and safety.

X I will notify the Department of Environmental Health at least two (2) working days (48 hours) after approval of this closure plan in advance to schedule any required inspections. I understand that site and worker safety are solely the responsibility of the property owner or his agent and that this responsibility is not shared nor assumed by the County of Alameda.

Signature of Contractor

Name (please type) JUSTIN DALE McANALLY owner of Petrotek

Signature Justin Dale McAnally

Date 11-10-88

Signature of Site Owner or Operator

Name (please type) HOWARD K SHMUCKLER Manager for Carnation

Signature Howard K Shmuckler

Date 11-9-88

Tank removal must be scheduled with the Oakland Fire Department.

PETROTEK

P.O. Box 612317 • San Jose, California 95161
Phone: (408) 292-7566 • C.L. #450771

SITE SAFETY PLAN - UNDERGROUND STORAGE TANK REMOVAL

A. GENERAL INFORMATION

SITE CARNATION CREAMERY

LOCATION 1310 14TH ST OAKLAND CA.

PLAN PREPARED BY: W K JENSEN DATE 11-10-88

APPROVED BY: _____ DATE _____

OBJECTIVE(S) _____

PROPOSED DATE OF CLOSURE 11/14-25-88

ASSESS/OVERALL HAZARD
ATTACH SUMMARY OF INFORMATION USED TO DETERMINE OVERALL HAZARD:

☐ SERIOUS ☐ MODERATE ☒ LOW ☐ UNKNOWN

B. SITE/SUBSTANCE CHARACTERISTICS
IDENTIFY TYPE OF MATERIAL STORED: GASOLINE - DIESEL WASTE OIL

CHARACTERISTIC(S): ☐ CORROSIVE ☒ IGNITABLE ☒ FLAMMABLE
☐ VOLATILE ☐ TOXIC ☐ REACTIVE ☐ UNKNOWN
☐ OTHER (NAME) _____

INDICATE ANY UNUSUAL FEATURES AT THE SITE (POWER LINES, TERRAIN, UTILITIES, ETC.) _____

NONE

_____ ARE THEY: ☐ ACTIVE ☐ INACTIVE ☐ UNKNOWN

C. HAZARD EVALUATION(S) INDICATE WHAT PARAMETER YOU WILL USE TO ASSESS SAFETY OR CONTINUED PROJECT OPERATIONS (i.e. TLV [ppm] IDLH [ppm] LEL [%]) _____

LEL / DRY-ICE

INDICATE THE ROUTE OF EXPOSURE: ☒ skin ☒ eyes ☐ ingestion ☒ inhalation

AND SYMPTOMS OF OVER EXPOSURE NAUSEA

SPECIFIC PRECAUTIONS AND COMMENTS (Include procedures for managing weather and traffic related problems)

NO SMOKING — OPEN FLAMES
FIRE EXTINGUISHERS ON SITE

DESCRIBE HOW THE ZONE OF OPERATION WILL BE SECURED FROM ENTRY OF UNAUTHORIZED PERSONNEL SAFTY FENCE

D. SITE SAFETY WORK PLAN

DESCRIBE HOW ON-SITE AND OFF-SITE PERSONNEL AND PUBLIC WILL BE PROTECTED FROM OVEREXPOSURE TO HAZARDOUS SUBSTANCES AND CONSTRUCTION HAZARDS

N/A

DESCRIBE SURVEILLANCE EQUIPMENT AND MATERIALS TO BE USED TO MONITOR FOR EXPOSURES: INSTRUMENT(s)

ACTION LEVEL LEL

SAFETY EQUIPMENT GLOVES / SAETY GLASSES

DESCRIBE HOW SITE ENTRY WILL BE CONTROLLED:

SAFTY FENCE

DESCRIBE DECONTAMINATION PROCEDURES FOR:

PERSONAL SOAP + WATER

EQUIPMENT N/A

EXPLAIN ON HAND FIRST AID PROVISIONS: SOAP & WATER

WORK LIMITATIONS (time of day, weather, heat/cold stress what will trigger stop work) DARKNESS

DESCRIBE METHOD OF DISPOSAL (PROPOSED FOR EQUIPMENT - TANKS, PIPING, ETC., AND CONTAMINATED SOILS, ETC.): CUTTING / INERTING AND FLAME BURNING WINDOW DISPOSAL FOR SCRAP AFTER TRANSPORTATION TO LICENSED TSDF SITE - ERICKSONS' INC.

JOB PERSONNEL	NAME	RESPONSIBILITY
	STEVE GOEBEL	HOE OPERATOR
	TROY SCHAIBLE	HELPER

E. EMERGENCY INFORMATION

LOCAL RESOURCES:

AMBULANCE 911

HOSPITAL EMERGENCY ROOM 911

POISON CONTROL CENTER 911

POLICE 911

FIRE DEPARTMENT 911

EXPLOSIVES UNIT 911

AGENCY CONTACT _____

SITE RESOURCES:

WATER SUPPLY IN BUILDING

TELEPHONE "

RADIO _____

OTHER _____

EMERGENCY CONTACTS:	NAME	PHONE
	BILL JENSEN	408-292-7586
	CARL ANANIA	916-451 0921
	DALE McANALLY	408-292-7593

* *

FOR OFFICIAL USE ONLY

PLAN REVIEWED BY _____ DATE _____

COMMENTS: _____

SITE SAFETY PLAN
FOR ROUTINE FUEL TANK PULLS

CARNATION CORPORATION'S OAKLAND, CALIFORNIA
DAIRY FACILITY

NOVEMBER 15, 1988

AGE Project No. 004-88-059

AGE will have a Bacarach TLV Sniffer, calibrated to hexane, that measures hydrocarbon vapors in parts per million (ppm).

AGE or the contractor Petrotek will have a trained technician on site during the tank pull to measure hydrocarbon levels in the vicinity of the excavation and tanks. Emphasis will be placed on measuring and recording levels in the breathing space. If levels exceed 50 ppm in the breathing space operations will be stopped or changed until the vapor levels drop below 10 ppm. If necessary, Drager tubes will be used to determine if benzene is present and if so, at what concentration. The action level for benzene will be 1 ppm.

PETROTEK

IECK 6245

RETAIN FOR YOUR RECORDS.

1988 BUSINESS TAX RECEIPT
CITY OF OAKLAND

Business Name and Location: PETROTEK 925 Commercial St San Jose

Account No. ~~12209~~ 456241

Tax Base: New 1988

Industry Code–CLASSIFICATION: H

Tax Rate: $2.16 per $1000

		DOLLARS	CENTS
1. ☐ 1988 TAX ☐ 1988 REG. FEE	$	30	00
2. Penalty–IF DELINQUENT 10%–25%–50%	$		
3. Prior Amount Due	$		
4. 1½% per month Interest if Delinquent	$		
ENTER TOTAL LINES 1-4	$	30	00

DATE PAID: 11-09-88

CHECK NO: 6245

Processed by Teresa Hall

415/273-3745

CHECK DATE | CONTRC

DETACH HERE BEFORE DEPOSITING

PETROTEK
C.L. 450771
P. O. BOX 612317 PH. 408-292-7568
SAN JOSE, CA 95161

SOUTH VALLEY NATIONAL BANK
500 TENNANT STATION ▼ MORGAN HILL CA 95037

90-3968
1211

CHECK 6245

PAY TO THE ORDER OF: CITY OF OAKLAND

DATE: 11-9-88

CONTROL NO.

AMOUNT: 30 00

PETROTEK
NON-NEGOTIABLE

AUTHORIZED SIGNATURE

FORM 68642 CALL TOLL FREE 800-257-8354; FAX NO. 1-800-451-8113 H 5 8

MULTI-USE CHECK

RapidForms REORDER FROM RAPIDFORMS, INC., 501 BENIGNO BLVD., BELLMAWR, NJ 08031

SAVE ADDRESSING TIME USE WITH CHENV ENVELOPE

acord CERTIFICATE OF INSURANCE

ISSUE DATE (MM/DD/YY): 10/12/88

PRODUCER

KENNEDY INSURANCE AGENCY
P.O. BOX 9747
SAN JOSE CA 95157

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

COMPANIES AFFORDING COVERAGE

COMPANY LETTER **A**	FREMONT COMPENSATION
COMPANY LETTER **B**	
COMPANY LETTER **C**	
COMPANY LETTER **D**	
COMPANY LETTER **E**	

INSURED

DALE MC ANALLY
DBA: PETROTEK
P.O. BOX 612317
SAN JOSE CA 95161

COVERAGES

THIS IS TO CERTIFY THAT POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED, NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS, AND CONDITIONS OF SUCH POLICIES.

CO LTR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	ALL LIMITS IN THOUSANDS
	GENERAL LIABILITY COMMERCIAL GENERAL LIABILITY CLAIMS MADE / OCCURRENCE OWNER'S & CONTRACTORS PROTECTIVE				GENERAL AGGREGATE $ PRODUCTS-COMP/OPS AGGREGATE $ PERSONAL & ADVERTISING INJURY $ EACH OCCURRENCE $ FIRE DAMAGE (ANY ONE FIRE) $ MEDICAL EXPENSE (ANY ONE PERSON) $
	AUTOMOBILE LIABILITY ANY AUTO ALL OWNED AUTOS SCHEDULED AUTOS HIRED AUTOS NON-OWNED AUTOS GARAGE LIABILITY				CSL $ BODILY INJURY (PER PERSON) $ BODILY INJURY (PER ACCIDENT) $ PROPERTY DAMAGE $
	EXCESS LIABILITY OTHER THAN UMBRELLA FORM				EACH OCCURRENCE $ / AGGREGATE $
A	**WORKERS' COMPENSATION AND EMPLOYERS' LIABILITY**	WF880368830-03	2/01/88	2/01/89	STATUTORY $1,000 (EACH ACCIDENT) $1,000 (DISEASE-POLICY LIMIT) $1,000 (DISEASE-EACH EMPLOYEE)
	OTHER				

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/RESTRICTIONS/SPECIAL ITEMS

Operation
1310 - 14th St.
Oakland, CA 94607

CERTIFICATE HOLDER

CITY OF OAKLAND
1 CITY HALL PLAZA
OAKLAND CA 94612

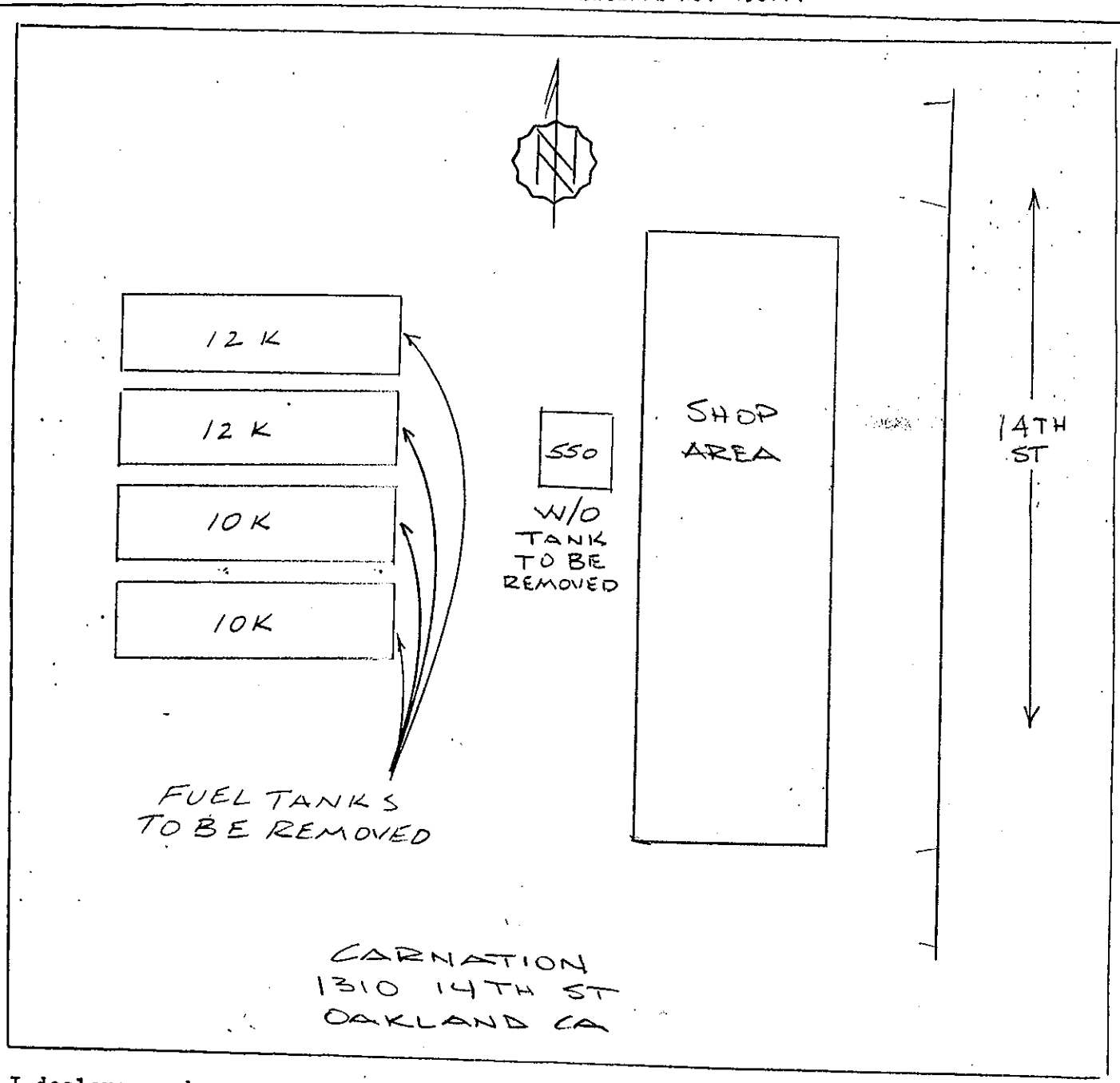
CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING COMPANY WILL ENDEAVOR TO MAIL 10 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO MAIL SUCH NOTICE SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE COMPANY, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE

G. K. CALDWELL/pc

PETROTEK
925 Commercial Street
P. O. Box 54170
San Jose, CA 95154
(408) 292-7566
CALIFORNIA CONTRACTORS LICENSE NO. 450771



I declare, under penalty of perjury, that the aforementioned information is correct to the best of my knowledge. If there is any change which would materially affect the above information, I will notify Santa Clara County Central Fire Protection District, Hazardous Materials Program Officer.

(Applicant's Signature)

11-9-88
(Date)

TABLE #2
2 JUNE 1988

RECOMMENDED MINIMUM VERIFICATION ANALYSES FOR UNDERGROUND TANK LEAKS

HYDROCARBON LEAK	SOIL ANALYSIS		WATER ANALYSIS	
Unknown Fuel	TPH G TPH D BTX&E	GCFID(5030) (sonication) 8020 or 8240	TPH G TPH D BTX&E	GCFID(5030) (sonication) 602 or 624
Leaded Gas	TPH G BTX&E ---Optional--- TEL EDB	GCFID(5030) 8020 or 8240 DHS-LUFT DHS-AB1803	TPH G BTX&E TEL EDB	GCFID(5030) 602 or 624 DHS-LUFT DHS-AB1803
Unleaded Gas	TPH G BTX&E	GCFID(5030) 8020 or 8240	TPH G BTX&E	GCFID(5030) 602 or 624
Diesel	TPH D BTX&E	(sonication) 8020 or 8240	TPH D BTX&E	(sonication) 602 or 624
Jet Fuel	TPH D BTX&E	GCFID(5030) 8020 or 8240	TPH D BTX&E	GCFID(5030) 602 or 624
Kerosene	TPH D BTX&E	GCFID(5030) 8020 or 8240	TPH D BTX&E	GCFID(5030) 602 or 624
Fuel Oil	TPH D BTX&E	GCFID (5030) 8020 or 8240	TPH D BTX&E	GCFID(5030) 602 or 624
Chlorinated Solvents	CL HC BTX&E	8010 or 8240 8020 or 8240	CL HC BTX&E	601 or 624 602 or 624
Non Chlorinated Solvents	TPH D BTX&E	GCFID(5030) 8020 or 8240	TPH D BTX&E	GCFID(5030) 602 or 624
Waste Oil or Unknown	TPH G&D O & G BTX&E CL HC ICAP or AA TO DETECT METALS: METHOD 8270 FOR SOIL OR PCB* PCP* PNA CREOSOTE	GCFID(5030) 503D&E 8020 or 8240 8010 or 8240 Cd, Cr, Pb, Zn WATER TO DETECT:	TPH G&D O & G BTX&E CL HC PCB* PCP* PNA CREOSOTE	GCFID(5030) 503A&E 602 or 624 601 or 624

*If found, analyze for dibenzofurans (PCBs) or dioxins (PCP)

NOTA BENE: GCMS using Focused Cryogenic procedures may be substituted for BTX&E,TPH or chlorinated hydrocarbon analyses. Method 5030 is a purge and trap preparation for analysis.

EXPLANATION FOR TABLE #2: MINIMUM VERIFICATION ANALYSIS

TOTAL PETROLEUM HYDROCARBONS (TPH) as gasoline (G) and diesel (D) ranges (volatile and extractible, respectively) are to be analyzed and characterized by GC FID with a fused capillary column and prepared by EPA method 5030 for volatile hydrocarbons, or extracted by sonication using 3550 methodology for extractible hydrocarbons.

TETRAETHYLLEAD (TEL) may be analyzed as total lead. However, a confirming analysis must be completed using a soil sample at the same soil depth in another borehole, or for water, from an upgradient well that is not contaminated with hydrocarbons.

CHLORINATED HYDROCARBONS (CL HC) and BENZENE, TOLUENE, XYLENE AND ETHYLBENZENE (BTX&E) are analyzed in soil by EPA methods 8010 and 8020, respectively, (or 8240) and for water 601 and 602, respectively, (or 624).

OIL AND GREASE (O & G) may be used when heavy, straight chain hydrocarbons may be present. Infrared analysis by method 418.1 may also be acceptable for O & G if proper standards are used.

Notes:

- To avoid false positive detection of benzene, benzene-free solvents are to be used. Fused capillary columns are preferred to packed columns; a packed column may be used as a "first cut" with "dirty" samples or once the hydrocarbons have been characterized and proper QA/QC is followed.
- For DRINKING WATER SOURCES, EPA recommends that the 500 series for volatile organics be used in preference to the 600 series because the detection limits are lower and the QA/QC is better.
- For all analyses on Table #2, appropriate standards are to be used for the material stored in the tank. For instance, seasonally, there may be five different jet fuel mixtures to be considered.
- Other methodologies are continually being developed (such as cryogenic focusing), and as they are accepted by EPA or DHS, they also can be used.

ATTACHMENT 2

GENERAL INFORMATION REQUIRED ON CROSS SECTIONS

STRATIGRAPHIC INFORMATION

The location of each cross section must be shown on a plan view map at the same scale as the cross section.

Scale:

1. Horizontal scale should not exceed 1 in. = 200 ft.
2. Vertical exaggeration should not exceed 10x. (The vertical scale should permit the depiction of a sandy zone 6 in. thick.)

The ground surface should be represented accurately, after all the wells have surveyed elevations (top of casing and ground surface).

Materials indicated on the cross section:

1. Sediment types present should be accurately represented on the cross section. This includes fill. The sediment types should be readily recognized from the boring logs. The explanation should be detailed.
2. Position and depth of impoundments, tank excavations, pipelines or other potential contaminant sources should be shown.
3. Formation boundaries may be shown if they are present.

Additional information:

1. Position of wells and borings accurately depicted with identifying numbers.
2. Position of well screens, filter packs and seals indicated.
3. Position of encountered water, with dates if applicable.
4. Position of potentiometric surface indicated, with dates if applicable.

CONTAMINANT INFORMATION

Second cross section to depict contamination and direction of contaminant movement.

Using the first cross section, show areas of:

1) free product (floating portion) - "floaters"
2) dissolved contamination
3) contaminants heavier than water (if present) - "sinkers"
4) soil contamination

January 26, 1989

Ms. Katherine Chesick
Hazardous Materials Specialist
Alameda County Health Agency
80 Swan Way, Room 200
Oakland, CA 94621

SUBJECT: **Transmittal of UST Unauthorized Release/ Contamination Site Report**

REFERENCE: **AGE Contract 004-88-059**

Dear Ms. Chesick:

Per your request, enclosed is the contamination site report form described above. Please call me if you have questions.

Yours truly,

ANANIA GEOLOGIC ENGINEERING

Mary L. Scruggs
Project Geologist

MLS/jc

Enc.

UNDERGROUND STORAGE TANK UNAUTHORIZED RELEASE (LEAK) / CONTAMINATION SITE REPORT

EMERGENCY [X] YES [ ] NO

HAS STATE OFFICE OF EMERGENCY SERVICES REPORT BEEN FILED? [ ] YES [ ] NO

REPORT DATE 01/24/89

CASE #

FOR LOCAL AGENCY USE ONLY
I HEREBY CERTIFY THAT I AM A DESIGNATED GOVERNMENT EMPLOYEE AND THAT I HAVE REPORTED THIS INFORMATION TO LOCAL OFFICIALS PURSUANT TO SECTION 25180.7 OF THE HEALTH AND SAFTY CODE.
SIGNED Katherine Chesick DATE 1/27/89

REPORTED BY

NAME OF INDIVIDUAL FILING REPORT: Mary Scruggs/Karl Anania
PHONE: (916) 451-0921
SIGNATURE: Karl J Anania RG No. 4306 1/24/89
REPRESENTING: [XX] OWNER/OPERATOR [ ] REGIONAL BOARD [ ] LOCAL AGENCY [ ] OTHER
COMPANY OR AGENCY NAME: Anania Geologic Engineering
ADDRESS: 1447 35th St. (STREET) Sacramento, (CITY) CA (STATE) 95816 (ZIP)

RESPONSIBLE PARTY

NAME: Carnation [ ] UNKNOWN
CONTACT PERSON: Shmuckler
PHONE: (213) 932-6464
ADDRESS: 5045 Wilshire Blvd. (STREET) Los Angeles, (CITY) CA (STATE) 90036 (ZIP)

SITE LOCATION

FACILITY NAME (IF APPLICABLE): Carnation
OPERATOR: Geno DiMaggio
PHONE: (415) 451-8161
ADDRESS: 1310 14th St. (STREET) Oakland (CITY) Alameda (COUNTY) 94607 (ZIP)
CROSS STREET: Poplar Street
TYPE OF AREA: [ ] COMMERCIAL [XX] INDUSTRIAL [ ] RURAL [ ] RESIDENTIAL [ ] OTHER
TYPE OF BUSINESS: [ ] RETAIL FUEL STATION [ ] FARM [X] OTHER Dairy

IMPLEMENTING AGENCIES

LOCAL AGENCY AGENCY NAME: Alameda County Health Agency Hazardous Materials Division
CONTACT PERSON: Katherine Chesick
PHONE: 415) 271-4320
REGIONAL BOARD: San Francisco Bay Regional Water Quality Board
CONTACT PERSON: Lisa McCann
PHONE: (415) 464-1255

SUBSTANCES INVOLVED

	NAME	QUANTITY LOST (GALLONS)
(1)	Gasoline	[XX] UNKNOWN
(2)	Diesel	[XX] UNKNOWN

DISCOVERY/ABATEMENT

DATE DISCOVERED: 01/05/89
HOW DISCOVERED: [ ] INVENTORY CONTROL [ ] SUBSURFACE MONITORING [ ] NUISANCE CONDITIONS [ ] TANK TEST [X] TANK REMOVAL (4) [ ] OTHER
DATE DISCHARGE BEGAN: [X] UNKNOWN
HAS DISCHARGE BEEN STOPPED? [X] YES [ ] NO IF YES, DATE 01/05/89
METHOD USED TO STOP DISCHARGE (CHECK ALL THAT APPLY): [ ] REMOVE CONTENTS [ ] REPLACE TANK [ ] CLOSE TANK [ ] REPAIR TANK [ ] REPAIR PIPING [ ] CHANGE PROCEDURE [X] OTHER Tanks removed (4)

SOURCE/CAUSE

SOURCE OF DISCHARGE: [ ] TANK LEAK [X] UNKNOWN [ ] PIPING LEAK [ ] OTHER
TANKS ONLY/CAPACITY: (2) 12,000 / (2) 10,000 GAL.
AGE ____ YRS [ ] UNKNOWN
MATERIAL: [ ] FIBERGLASS [XX] STEEL [ ] OTHER
CAUSE(S): [ ] OVERFILL [ ] RUPTURE/FAILURE [ ] CORROSION [ ] UNKNOWN [ ] SPILL [ ] OTHER

CASE TYPE

CHECK ONE ONLY: [ ] UNDETERMINED [ ] SOIL ONLY [X] GROUNDWATER [ ] DRINKING WATER - (CHECK ONLY IF WATER WELLS HAVE ACTUALLY BEEN AFFECTED)

CURRENT STATUS

CHECK ONE ONLY: [X] SITE INVESTIGATION IN PROGRESS (DEFINING EXTENT OF PROBLEM) [ ] CLEANUP IN PROGRESS [ ] SIGNED OFF (CLEANUP COMPLETED OR UNNECESSARY) [ ] NO ACTION TAKEN [ ] POST CLEANUP MONITORING IN PROGRESS [ ] NO FUNDS AVAILABLE TO PROCEED [ ] EVALUATING CLEANUP ALTERNATIVES

REMEDIAL ACTION

CHECK APPROPRIATE ACTION(S) (SEE BACK FOR DETAILS)
[ ] CAP SITE (CD) [ ] EXCAVATE & DISPOSE (ED) [XX] REMOVE FREE PRODUCT (FP) [ ] ENHANCED BIO DEGRADATION (IT)
[ ] CONTAINMENT BARRIER (CB) [X] EXCAVATE & TREAT (ET) [ ] PUMP & TREAT GROUNDWATER (GT) [ ] REPLACE SUPPLY (RS)
[ ] TREATMENT AT HOOKUP (HU) [ ] NO ACTION REQUIRED (NA) [XX] OTHER (OT) Final remediation to be determined.

COMMENTS

Free product observed floating on groundwater in tank excavation pit. K. Chesick

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INSTRUCTIONS

EMERGENCY
Indicate whether emergency response personnel and equipment were involved at any time. If so, a Hazardous Material Incident Report should be filed with the State Office of Emergency Services (OES) at 2800 Meadowview Road, Sacramento, CA 95832. Copies of the OES report form may be obtained at your local underground storage tank permitting agency. Indicate whether the OES report has been filed as of the date of this report.

LOCAL AGENCY ONLY
To avoid duplicate notification pursuant to Health and Safety Code Section 25180.7, a designated government employee should sign and date the form in this block. A signature here does not mean that the leak has been determined to pose a significant threat to human health or safety, only that notification procedures have been followed if required.

REPORTED BY
Enter your name, telephone number, and address. Indicate which party you represent and provide company or agency name.

RESPONSIBLE PARTY
Enter name, telephone number, contact person, and address of the party responsible for the leak. The responsible party would normally be the tank owner.

SITE LOCATION
Enter information regarding the tank facility and surrounding area. At a minimum, you must provide the facility name and full address.

IMPLEMENTING AGENCIES
Enter names of the local agency and Regional Water Quality Control Board involved.

SUBSTANCES INVOLVED
Enter the name and quantity lost of the hazardous substance involved. Room is provided for information on two substances if appropriate. If more than two substances leaked, list the two of most concern for cleanup.

DISCOVERY/ABATEMENT
Provide information regarding the discovery and abatement of the leak.

SOURCE/CAUSE
Indicate source(s) of leak. Provide details on tank age; capacity and material if known. Check box(es) indicating cause of leak.

CASE TYPE
Indicate the case type category for this leak. Check one box only. Case type is based on the most sensitive resource affected. For example, if both soil and ground water have been affected, case type will be "Ground Water". Indicate "Drinking Water" only if one or more municipal or domestic water wells have actually been affected. A "Ground Water" designation does not imply that the affected water cannot be, or is not, used for drinking water, but only that water wells have not yet been affected. It is understood that case type may change upon further investigation.

CURRENT STATUS
Indicate the category which best describes the current status of the case. Check one box only. The response should be relative to the case type. For example, if case type is "Ground Water", then "Current Status" should refer to the status of the ground water investigation or cleanup, as opposed to that of soil.

IMPORTANT: THE INFORMATION PROVIDED ON THIS FORM IS INTENDED FOR GENERAL STATISTICAL PURPOSES ONLY AND IS NOT TO BE CONSTRUED AS REPRESENTING THE OFFICIAL POSITION OF ANY GOVERNMENTAL AGENCY

REMEDIAL ACTION
Indicate which actions have been used to cleanup or remediate the leak. Descriptions of options follow:

Cap Site - install horizontal impermeable layer to reduce rainfall infiltration.
Containment Barrier - install vertical dike to block horizontal movement of contaminant.
Excavate and Dispose - remove contaminated soil and dispose in approved site.
Excavate and Treat - remove contaminated soil and treat (includes spreading or land farming).
Remove Free Product - remove floating product from water table.
Pump and Treat Groundwater - generally employed to remove dissolved contaminants.
Enhanced Biodegradation - use of any available technology to promote bacterial decomposition of contaminants.
Replace Supply - provide alternative water supply to affected parties.
Treatment at Hookup - install water treatment devices at each dwelling or other place of use.
No Action Required - incident is minor, requiring no remedial action.

COMMENTS - Use this space to elaborate on any aspects of the incident.
SIGNATURE - Sign the form in the space provided.
DISTRIBUTION

If the form is completed by the tank owner or his agent, retain the last copy and forward the remaining copies in tact to your local tank permitting agency for distribution.

1. Original - Local Tank Permitting Agency
2. State Water Resources Control Board, Division of Water Quality, Underground Tank Program, P. O. Box 100, Sacramento, CA 95801
3. Regional Water Quality Control Board
4. County Board of Supervisors or designee to receive Proposition 65 notifications.
5. Owner/responsible party.

UNDERGROUND STORAGE TANK UNAUTHORIZED RELEASE (LEAK) / CONTAMINATION SITE REPORT

EMERGENCY [X] YES [ ] NO

HAS STATE OFFICE OF EMERGENCY SERVICES REPORT BEEN FILED? [ ] YES [ ] NO

FOR LOCAL AGENCY USE ONLY
I HEREBY CERTIFY THAT I AM A DESIGNATED GOVERNMENT EMPLOYEE AND THAT I HAVE REPORTED THIS INFORMATION TO LOCAL OFFICIALS PURSUANT TO SECTION 25180.7 OF THE HEALTH AND SAFTY CODE.

SIGNED _____ DATE _____

REPORT DATE 01 24 89 | CASE # |

REPORTED BY

NAME OF INDIVIDUAL FILING REPORT: Mary Scruggs/Karl Anania
PHONE: (916) 451-0921
SIGNATURE: Karl J Anania RG No. 4306 1/24/89

REPRESENTING [XX] OWNER/OPERATOR [ ] REGIONAL BOARD [ ] LOCAL AGENCY [ ] OTHER _____
COMPANY OR AGENCY NAME: Anania Geologic Engineering

ADDRESS: 1447 35th St. (STREET) Sacramento, (CITY) CA (STATE) 95816 (ZIP)

RESPONSIBLE PARTY

NAME: Carnation [ ] UNKNOWN
CONTACT PERSON: Shmuckler
PHONE: (213) 932-6464

ADDRESS: 5045 Wilshire Blvd. (STREET) Los Angeles, (CITY) CA (STATE) 90036 (ZIP)

SITE LOCATION

FACILITY NAME (IF APPLICABLE): Carnation
OPERATOR: Geno DiMaggio
PHONE: (415) 451-8161

ADDRESS: 1310 14th St. (STREET) Oakland (CITY) Alameda (COUNTY) 94607 (ZIP)

CROSS STREET: Poplar Street
TYPE OF AREA [ ] COMMERCIAL [XX] INDUSTRIAL [ ] RURAL [ ] RESIDENTIAL [ ] OTHER _____
TYPE OF BUSINESS [ ] RETAIL FUEL STATION [ ] FARM [X] OTHER Dairy

IMPLEMENTING AGENCIES

LOCAL AGENCY / AGENCY NAME: Alameda County Health Agency Hazardous Materials Division
CONTACT PERSON: Katherine Chesick
PHONE: (415) 271-4320

REGIONAL BOARD / NAME: San Francisco Bay Regional Water Quality Board
CONTACT PERSON: Lisa McCann
PHONE: (415) 464-1255

SUBSTANCES INVOLVED

		QUANTITY LOST (GALLONS)
(1)	Gasoline	[XX] UNKNOWN
(2)	Diesel	[XX] UNKNOWN

DISCOVERY/ABATEMENT

DATE DISCOVERED: 01 10 89
HOW DISCOVERED [ ] TANK TEST [X] TANK REMOVAL [ ] INVENTORY CONTROL [ ] SUBSURFACE MONITORING [ ] NUISANCE CONDITIONS [ ] OTHER _____

DATE DISCHARGE BEGAN: [X] UNKNOWN

HAS DISCHARGE BEEN STOPPED? [X] YES [ ] NO IF YES, DATE 01 05 89

METHOD USED TO STOP DISCHARGE (CHECK ALL THAT APPLY)
[ ] REMOVE CONTENTS [ ] REPLACE TANK [ ] CLOSE TANK
[ ] REPAIR TANK [ ] REPAIR PIPING [ ] CHANGE PROCEDURE
[X] OTHER Tanks removed

SOURCE/CAUSE

SOURCE OF DISCHARGE
[ ] TANK LEAK [X] UNKNOWN
[ ] PIPING LEAK
[ ] OTHER

TANKS ONLY/CAPACITY
_____ GAL.
AGE _____ YRS
[ ] UNKNOWN

MATERIAL
[ ] FIBERGLASS
[XX] STEEL
[ ] OTHER _____

CAUSE(S)
[ ] OVERFILL [ ] RUPTURE/FAILURE
[ ] CORROSION [ ] UNKNOWN
[ ] SPILL [ ] OTHER _____

CASE TYPE

CHECK ONE ONLY
[ ] UNDETERMINED [ ] SOIL ONLY [X] GROUNDWATER [ ] DRINKING WATER - (CHECK ONLY IF WATER WELLS HAVE ACTUALLY BEEN AFFECTED)

CURRENT STATUS

CHECK ONE ONLY
[X] SITE INVESTIGATION IN PROGRESS (DEFINING EXTENT OF PROBLEM) [ ] CLEANUP IN PROGRESS [ ] SIGNED OFF (CLEANUP COMPLETED OR UNNECESSARY)
[ ] NO ACTION TAKEN [ ] POST CLEANUP MONITORING IN PROGRESS [ ] NO FUNDS AVAILABLE TO PROCEED [ ] EVALUATING CLEANUP ALTERNATIVES

REMEDIAL ACTION

CHECK APPROPRIATE ACTION(S) (SEE BACK FOR DETAILS)
[ ] CAP SITE (CD)
[ ] CONTAINMENT BARRIER (CB)
[ ] TREATMENT AT HOOKUP (HU)
[ ] EXCAVATE & DISPOSE (ED)
[X] EXCAVATE & TREAT (ET)
[ ] NO ACTION REQUIRED (NA)
[XX] REMOVE FREE PRODUCT (FP)
[ ] PUMP & TREAT GROUNDWATER (GT)
[XX] OTHER (OT) Final remediation to be determined.
[ ] ENHANCED BIO DEGRADATION (IT)
[ ] REPLACE SUPPLY (RS)

COMMENTS

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