

October 3, 2001

**OCT 05 2001**

Ms. Susan L. Hugo  
Supervising Hazardous Materials  
Specialist  
Alameda County Health Care  
Services Agency  
1131 Harbor Bay Parkway  
2nd Floor  
Alameda, CA 94502-6577

**Powell Street Plaza**

Dear Susan,

Thank you again for your assistance with the fuel leak site case closure for Powell Street Plaza. I have received a copy of your letter dated September 27, 2001 confirming the completion of the investigation and cleanup of the reported release at the subject site.

Under the Site Investigation and Cleanup Summary you indicated that "an approved long term risk management plan (RMP) should be implemented to address residual soil and groundwater contamination left at the site during any construction activities at the subject site." Please confirm that the Risk Assessment and Long-Term Management Strategy for Petroleum Product, dated July 1997 and amended on March 22, 2001 prepared and submitted by Geomatrix, is the approved RMP referenced in your September 27 letter.

Thank you for your assistance with this matter.

Very truly yours,



Jeffrey D. Mills  
Director  
Asset Management

LOP - CHANGE RECORD REQUEST FORM

printed:  
08/30/2001

Mark Out What Needs Changing and Hand to LOP Data Entry  
(Name/Address changes go to Annual Programs Data Entry)

Insp:

AGENCY # : 10000      SOURCE OF FUNDS: F      SUBSTANCE: 12034  
 StID : 1184      LOC: -0-  
 SITE NAME: PIE Freight Terminal Site      DATE REPORTED : 08/14/1986  
 ADDRESS : 5500 Eastshore Hwy      DATE CONFIRMED: 08/14/1986  
 CITY/ZIP : Emeryville      94608      MULTIPLE RPs : Y

SITE STATUS

-----  
 CASE TYPE: O CONTRACT STATUS: 4      PRIOR CODE:2B3      EMERGENCY RESP: -0-  
 RP SEARCH: S      DATE COMPLETED: 03/15/1992  
 PRELIMINARY ASMNT: C      DATE UNDERWAY: 09/16/1986      DATE COMPLETED: 12/18/1987  
 REM INVESTIGATION: C      DATE UNDERWAY: 04/28/1988      DATE COMPLETED: 06/03/1988  
 REMEDIAL ACTION: U      DATE UNDERWAY: 05/11/1989      DATE COMPLETED: -0-  
 POST REMED ACT MON:-      DATE UNDERWAY: -0-      DATE COMPLETED: -0-

ENFORCEMENT ACTION TYPE: 1      DATE ENFORCEMENT ACTION TAKEN: 03/15/1992  
 LUFT FIELD MANUAL CONSID: 3HSCAWG  
 CASE CLOSED: -      DATE CASE CLOSED: -0-  
 DATE EXCAVATION STARTED : 11/11/1986      REMEDIAL ACTIONS TAKEN: ED,ET,IT,GT

RESPONSIBLE PARTY INFORMATION

-----  
 RP#1-CONTACT NAME: Ms. Maria Burgi  
 COMPANY NAME: Aetna Realty Investors, Inc.  
 ADDRESS: 1740 Technology Dr. #600  
 CITY/STATE: San Jose CA 95110

RP#2-CONTACT NAME: Mr. Thomas Gram  
 COMPANY NAME: Former Eastshore Partners  
 ADDRESS: 5800 Shellmound St. #210  
 CITY/STATE: Emeryville, C A 94608

INSPECTOR VERIFICATION:

NAME \_\_\_\_\_ SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

DATA ENTRY INPUT:

Name/Address Changes Only      Case Progress Changes

ANNPMS \_\_\_\_\_ LOP \_\_\_\_\_ DATE \_\_\_\_\_      LOP \_\_\_\_\_ DATE \_\_\_\_\_

**Hugo, Susan, Env. Health**

---

**From:** Blair, Mary E.[SMTP:MBlair@mofo.com]  
**Sent:** Wednesday, July 11, 2001 4:27 PM  
**To:** 'shugo@co.alameda.ca.us'; 'knishiok@co.alameda.ca.us'  
**Cc:** Sandals, Barry S.; 'jeff.mills@ubs.com'; 'thomas.enger@ubs.com'; 'anita.hochstein@ubs.com';  
Macera, Kamen (Kay) M.  
**Subject:** Powell Street Covenant



1132776 Aetna  
Agreement 7-10-01 Covenant



COMPARERITEREPO  
RT-SF-1116079 DOC

Barry Sandals asked that I send you the following:

Here is a new draft that incorporates the points discussed at our July 9 meeting. The first attachment is a clean copy of the new draft. The second attachment is a redline showing changes against our June 21 draft. Thank you for your courtesy and cooperation.

<<1132776 Aetna Agreement 7-10-01 Covenant.doc>>  
<<COMPARERITEREPORT-SF-1116079.DOC>>

=====

This message contains information which may be confidential and privileged. Unless you are the addressee (or authorized to receive for the addressee), you may not use, copy or disclose to anyone the message or any information contained in the message. If you have received the message in error, please advise the sender by reply e-mail @mofo.com, and delete the message. Thank you very much.

=====

## **Hugo, Susan, Env. Health**

---

**From:** Mills Jeffrey[SMTP:Jeff.Mills@ubs.com]  
**Sent:** Tuesday, June 26, 2001 1:04 PM  
**To:** Susan Env. Health Hugo (E-mail)  
**Cc:** Barry Sandals (E-mail); Hochstein Anita; Fraulino Jeffrey; Lee Dodge (E-mail); Erik Skov (E-mail); Wayne Wendie; Canning Paul; Garrett Delehanty (E-mail)  
**Subject:** Powell Street Plaza

It has been a couple of days since we last spoke and I wanted to ensure that we are working together to close out the issues with Powell Street Plaza.

Please be informed that we have instructed URS to abandon the monitoring wells at Powell Street Plaza. They are working with their contractors and attempting to complete this work early next week.

I have also been informed by URS that they have forwarded to you the final report from the laboratory that tested the sample pulled from the site for the presence of MTBE. Please call Lee Dodge at URS immediately if you have not received this information.

In addition, we still have some unresolved issues with the "Covenant". Our timing with the sale of the property is growing short and we need to come to a resolution shortly. As we have discussed, the remaining issues are legal issues that require county counsel's blessing before we proceed. As neither you nor I are attorney's, we request that our attorney, Mr. Barry Sandals, speak directly with the county counsel in order to ensure that our concerns are presented in a clear and concise manner. We welcome your participation in this call in case there are any business or technical issues that also need further clarification by the county counsel. However, a call directly between the attorneys is the most expeditious manner in which to resolve this issue.

Please call me if you would like to participate in this call. Otherwise, I will ask Barry to contact county counsel directly in the next day or so. Thank you for your attention to this matter.

**Hugo, Susan, Env. Health**

---

**From:** Nishioka, Krisida, County Counsel  
**Sent:** Monday, June 25, 2001 2:41 PM  
**To:** Hugo, Susan, Env. Health  
**Cc:** Washington, Brian, County Counsel  
**Subject:** RE: Deed Restrictions  
**Importance:** High



*Successor  
@WNEHS*

Dear Susan,  
I looked at the deed restrictions and they are unacceptable because they give up too many environmental protections and they fail to give sufficient notice to successor owners. I would not approve the deed restrictions sent by the attorneys for Mortenson Development company. They will need to use our normal deed restriction that is already approved.

Do you need anything further from me?

Krisida

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

**From:** Hugo, Susan, Env. Health  
**Sent:** Wednesday, June 20, 2001 12:57 PM  
**To:** Nishioka, Krisida, County Counsel  
**Cc:** Levi, Ariu, Env. Health  
**Subject:** Deed Restrictions  
**Importance:** High

Hi Krishida;

Our office is working on closing two site remediation cases which required deed restrictions. We have provided them with the standard deed restriction model which your office approved as to form. The responsible parties for both sites have submitted deed restrictions that have been modified by their legal counsel.

Our office is requesting your review of the modified deed restrictions before Mee Ling sign them.

The legal counsels for both parties were instructed not to contact your office directly but one of them contacted Brian Washington in your office without our approval.

Can I forward these deed restrictions to you ?

The responsible parties would like to know the time frame as both properties are in the middle of property transfers.

Please let me know.

Thanks

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

## Hugo, Susan, Env. Health

---

**From:** Nishioka, Krisida, County Counsel  
**Sent:** Tuesday, June 26, 2001 9:58 AM  
**To:** Hugo, Susan, Env. Health  
**Subject:** RE: Deed Restrictions

**I would be happy to speak with Stuart Block. Please give him my number 777 2222. I will also insist they use the standard form.**

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

**From:** Hugo, Susan, Env. Health  
**Sent:** Tuesday, June 26, 2001 9:38 AM  
**To:** Nishioka, Krisida, County Counsel  
**Cc:** Levi, Ariu, Env. Health  
**Subject:** RE: Deed Restrictions  
**Importance:** High

Thanks Krishida.

I talked to Mortenson's attorney, Stuart Block. He requested if he can discuss the issue with you because they have a problem with the lender if the standard form deed restriction is to be used. I insisted that they use the standard form which they claim is very conservative.

Please advise.

-----  
**From:** Nishioka, Krisida, County Counsel  
**Sent:** Monday, June 25, 2001 2:41 PM  
**To:** Hugo, Susan, Env. Health  
**Cc:** Washington, Brian, County Counsel  
**Subject:** RE: Deed Restrictions  
**Importance:** High

**Dear Susan,**

**I looked at the deed restrictions and they are unacceptable because they give up too many environmental protections and they fail to give sufficient notice to successor owners. I would not approve the deed restrictions sent by the attorneys for Mortenson Development company. They will need to use our normal deed restriction that is already approved.**

**Do you need anything further from me?**

**Krisida**

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

**From:** Hugo, Susan, Env. Health  
**Sent:** Wednesday, June 20, 2001 12:57 PM  
**To:** Nishioka, Krisida, County Counsel  
**Cc:** Levi, Ariu, Env. Health  
**Subject:** Deed Restrictions  
**Importance:** High

Hi Krishida;

Our office is working on closing two site remediation cases which required deed restrictions. We have provided them with the standard deed restriction model which your office approved as to form. The responsible parties for both sites have submitted deed restrictions that have been modified by their legal counsel.

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The responsible parties would like to know the time frame as both properties are in the middle of property transfers.

Please let me know.

Thanks  
*Susan L. Hugo*  
*Environmental Health Department*  
*(510) 567-6780*

R# 69  
STID 1184

June 12, 2001

**JUN 15 2001**

Environmental Health Services  
Alameda County Health Services  
1131 Harbor Bay Parkway  
Alameda, CA 94501

Attention: Ms. Susan L. Hugo  
Hazardous Materials Specialist

Dear Ms. Hugo:

**Powell Street Plaza**  
**Closure Summary Information**

We have finished reviewing documents related to the remediation of impacted soil and groundwater. My sources included files at the Alameda County Health Care Services Agency as well as those in our files and those of Tom Graf of Geomatrix. Please note that there are bracketed numbers scattered throughout the attachment; they refer to source documents related to that particular question. The e-mail you received earlier Tuesday said you would be receiving a hard copy, this is it. Should you have ANY questions or need assistance please call myself or Erik Skov at (415) 896-5858. We are as familiar as you with respect to the need for promptness and therefore we're here to assist you should you call. Please don't hesitate to ask.

Very truly yours,

URS CORPORATION



Lee Dodge, P.E.  
Senior Civil Engineer



## **Hugo, Susan, Env. Health**

---

**From:** Hugo, Susan, Env. Health  
**Sent:** Wednesday, June 06, 2001 6:22 PM  
**To:** 'Jeff Mills'  
**Cc:** Levi, Ariu, Env. Health  
**Subject:** Deed Restrictions for Powell Street Plaza  
**Importance:** High

Hi Jeff:

Attached is the deed restriction you previously forwarded to me. Please note my comments in red.

I want to confirm that you got my voice mail message this afternoon that the deed restriction should be sent to our office here and not directly to county counsel. I will review your revision and if I don't have any issues I will forward the deed restriction to county counsel.



Powell Street Plaza  
Deed Restriction.doc

Thanks  
**Susan L. Hugo**  
**Environmental Health Department**  
**(510) 567-6780**

## Hugo, Susan, Env. Health

---

**To:** Jeff Mills  
**Subject:** RE: Powell Street Plaza  
**Importance:** High

Please forward the deed restriction to me and I will review and forward the document to county counsel. I was advised by our chief that the deed restriction should be reviewed by our office and then we forward the document to county counsel. I have reviewed your deed restrictions.

-----  
**From:** Mills Jeffrey[SMTP:Jeff.Mills@ubs.com]  
**Sent:** Thursday, May 31, 2001 3:44 PM  
**To:** Susan Env. Health Hugo (E-mail)  
**Cc:** Barry Sandals (E-mail); 'bsandals@pacbell.net'  
**Subject:** Powell Street Plaza  
**Importance:** High

<<File: PSP redlined comparison to County's form.DOC>>  
As promised,

attached is a copy of the redlined version of the latest draft of the deed restriction for Powell Street Plaza. In order to avoid confusion, we have not incorporated the changes that were requested during today's conference call. In this way, this version should be a direct comparison between the standard Alameda County form and the draft that we presented to you. We of course intend to make those changes discussed today upon completion of the review and discussion of this document with the County's Attorney's office.

Please forward this electronic copy to Ms. Crisida Nishioka as soon as possible. Barry Sandals and I are eager to discuss this document with Ms. Nishioka and will make ourselves available at her earliest convenience. As we have discussed, we have selected a buyer for this property and obtaining closure on this issue is paramount to closing our sale with the buyer.

As always, I appreciate all the effort that you have dedicated towards assisting us with this process and ensuring that it is and has been expedited as quickly as reasonably possible. Thank you.

This is the redlined version.

<<PSP redlined comparison to County's form.DOC>>

**MORRISON & FOERSTER LLP**

LOS ANGELES  
PALO ALTO  
WALNUT CREEK  
SACRAMENTO  
ORANGE COUNTY  
SAN DIEGO  
DENVER  
WASHINGTON, D.C.

ATTORNEYS AT LAW

425 MARKET STREET  
SAN FRANCISCO, CALIFORNIA 94105-2482  
TELEPHONE (415) 268-7000  
TELEFACSIMILE (415) 268-7522

NEW YORK  
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LONDON  
BRUSSELS  
BEIJING  
HONG KONG  
SINGAPORE  
TOKYO

May 29, 2001

*Rs#69*

Writer's Direct Contact  
(415) 268-7117  
bsandals@mof.com

**BY HAND DELIVERY**

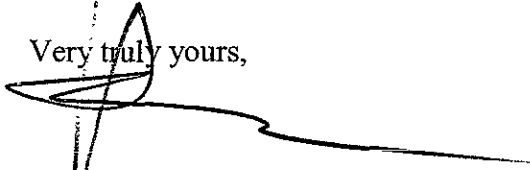
Ms. Susan L. Hugo  
Sr. Hazardous Materials Specialist  
Alameda County Environmental Health Services  
1131 Harbor Bay Parkway, Suite 250  
Alameda, CA 94502-6577

*Re: Powell Street Plaza/Covenant*

Dear Susan:

My letter to you of Thursday, May 24, indicated that I would follow up with a "hard copy" of Exhibit A (the property description) for the covenant, and one is enclosed with this letter.

Very truly yours,

  
Barry S. Sandals

Enclosure

cc w/encl.(by fax): Paul Canning  
Garrett Delehanty  
Lee Dodge  
Jeffrey Fraulino  
Anita Hochstein  
Jeff Mills

LEGAL DESCRIPTION

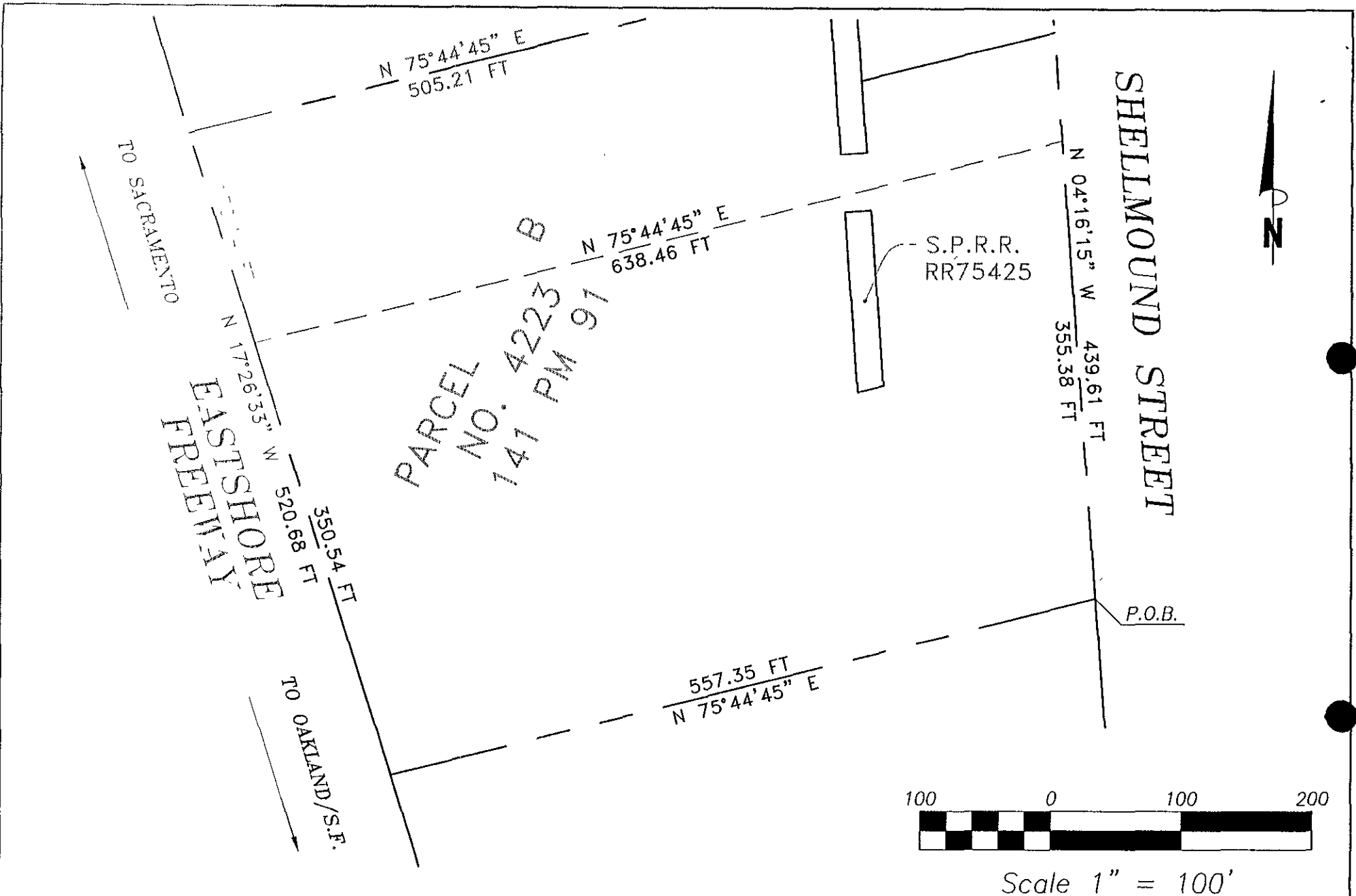
Portion of Parcel B as shown on Map No. 4223, Filed January 17, 1984, in Book 141 of Parcel Maps, at Pages 91 and 92, Alameda County Records.

Southerly 350 feet of said Parcel B, more particularly described as:

**Beginning** at the southeast corner of Parcel B as shown on said map; said point also lying on the westerly right-of-way line of Shellmound Street; **THENCE** along the southerly line of said Parcel B South 75°44'45" West 557.35 feet to the easterly right-of-way line of the Eastshore Freeway as shown on said map; **THENCE** along said right-of-way line North 17°26'33" West 350.54 feet; **THENCE** North 75°44'45" East 638.46 feet to the westerly right-of-way line of Shellmound Street; **THENCE** along said right-of-way line South 04°16'15" East 355.38 feet to the POINT OF BEGINNING.

See Exhibit 'A' attached hereto and made a part hereof.





**EXHIBIT 'A'**  
**SOUTHERLY 350 FEET**  
**OF PARCEL B**



Cullen Engineering Associates, Inc.  
Civil Engineering - Surveying

1000 Adams Street, Suite A - P.O. Box 501  
Benicia, California 94510  
(707) 745-3219 Fax (707) 745-9436

Plot date: 5/1/01  
Plot time: 9:55 am

PL1\_01122.dwg R:\2001\01122\  
Xrefs: [R:\2001\01122\, 01122.tpo]

SCALE:	AS NOTED
DATE:	4-26-01
DRAWN BY:	L.A.B.
CHECKED BY:	DWC
PROJECT NO:	01122

APPROVED BY \_\_\_\_\_

**MORRISON & FOERSTER LLP**

LOS ANGELES  
PALO ALTO  
WALNUT CREEK  
SACRAMENTO  
ORANGE COUNTY  
SAN DIEGO  
DENVER  
WASHINGTON, D.C.

ATTORNEYS AT LAW

425 MARKET STREET  
SAN FRANCISCO, CALIFORNIA 94105-2482  
TELEPHONE (415) 268-7000  
TELEFACSIMILE (415) 268-7522

NEW YORK  
BUENOS AIRES  
LONDON  
BRUSSELS  
BEIJING  
HONG KONG  
SINGAPORE  
TOKYO

May 24, 2001

Writer's Direct Contact  
(415) 268-7117  
bsandals@mof.com

*By Telecopier*

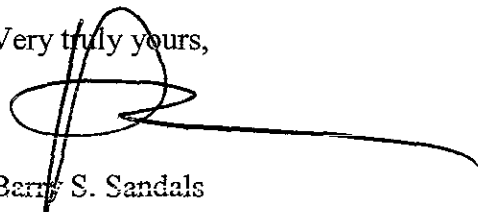
Ms. Susan L. Hugo  
Sr. Hazardous Materials Specialist  
Alameda County Environmental Health Services  
1131 Harbor Bay Parkway, Suite 250  
Alameda, CA 94502-6577

*Re: Powell Street Plaza/Covenant*

Dear Susan:

My e-mail to you of Friday, May 18, indicated that I would follow up with the referenced Exhibit A (the property description) for the covenant. The enclosed is a fax version of Exhibit A, but I will send you a "hard" copy tomorrow.

Very truly yours,

  
Barry S. Sandals

Enclosure

cc w/encl. (by fax): Paul Canning  
Lee Dodge  
Jeffrey Fraulino  
Anita Hochstein  
Jeff Mills

LEGAL DESCRIPTION

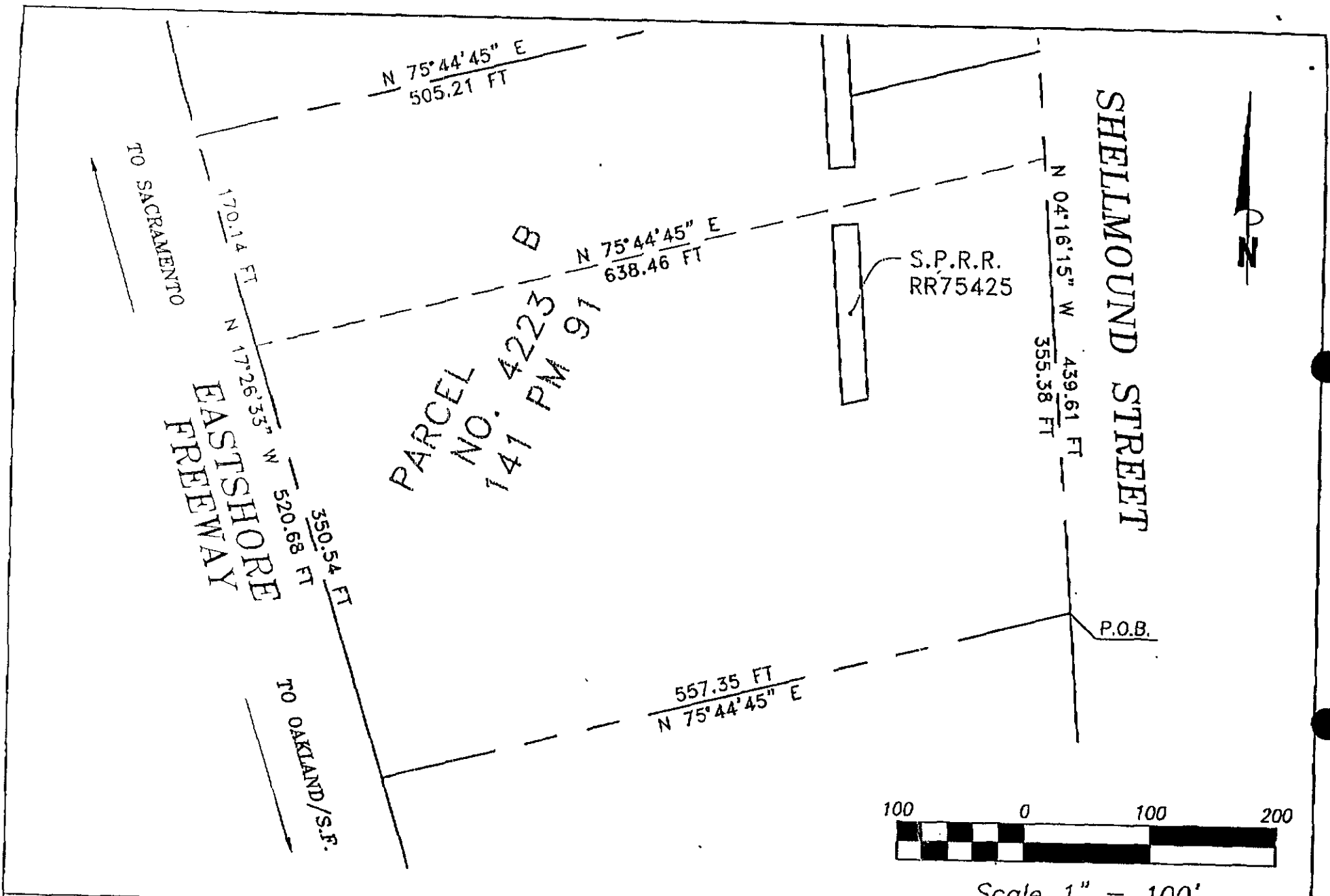
Portion of Parcel B as shown on Map No. 4223, Filed January 17, 1984, in Book 141 of Parcel Maps, at Pages 91 and 92, Alameda County Records.

Southerly 350 feet of said Parcel B, more particularly described as:

**Beginning** at the southeast corner of Parcel B as shown on said map; said point also lying on the westerly right-of-way line of Shellmound Street; **THENCE** along the southerly line of said Parcel B South  $75^{\circ}44'45''$  West 557.35 feet to the easterly right-of-way line of the Eastshore Freeway as shown on said map; **THENCE** along said right-of-way line North  $17^{\circ}26'33''$  West 350.54 feet; **THENCE** North  $75^{\circ}44'45''$  East 638.46 feet to the westerly right-of-way line of Shellmound Street; **THENCE** along said right-of-way line South  $04^{\circ}16'15''$  East 355.38 feet to the POINT OF BEGINNING.

See Exhibit 'A' attached hereto and made a part hereof.





**EXHIBIT 'A'**  
**SOUTHERLY 350 FEET**  
**OF PARCEL B**

**CEA** Cullen Engineering Associates, Inc.  
Civil Engineering - Surveying  
1080 Adams Street, Suite A - P.O. Box 591  
Berkeley, California 94510  
(707) 745-3219 Fax (707) 745-9439

Plot date: 5/1/01  
Plot time: 9:55 am  
PL1\_01122.dwg R:\2001\01122\  
Xref: R:\2001\01122\_01122.pce

SCALE:	AS NOTED
DATE:	4-26-01
DRAWN BY:	L.A.B.
CHECKED BY:	DWC
PROJECT NO.:	01122

APPROVED BY:



**MORRISON & FOERSTER LLP**

Attorneys at Law  
 425 Market Street  
 San Francisco, California 94105-2482  
 Telephone: (415) 268-7000  
 Facsimile: (415) 268-7522

<b>To: Ms. Susan L. Hugo</b> Alameda County Environmental Health Services	<b>Facsimile: (510) 337-9335</b> <b>Telephone: (510) 567-6700</b>
<b>To: Paul Canning</b> UBS Brinson Realty Investors, LLC	<b>Facsimile: (860) 275-2109</b> <b>Telephone: (860) 275-2564</b>
<b>To: Lee Dodge</b> UBS Brinson Realty Investors, LLC	<b>Facsimile: (415) 882-9261</b> <b>Telephone: (415) 243-3752</b>
<b>To: Jeffrey Fraulino</b> UBS Brinson Realty Investors, LLC	<b>Facsimile: (860) 275-3634</b> <b>Telephone: (860) 275-3227</b>
<b>To: Anita Hochstein Esq.</b> UBS Brinson Realty Investors, LLC	<b>Facsimile: (860) 275-2559</b> <b>Telephone: (860) 275-2196</b>
<b>To: Jeff Mills</b> UBS Brinson Realty Investors, LLC	<b>Facsimile: (415) 538-8141</b> <b>Telephone: (415) 538-4800</b>

**From:** Barry S. Sandals**Date:** May 24, 2001  
**Time:** 12:17 PM

We are transmitting a total of 4 pages (including this page).  
 Original or hard copy to follow if this box is checked .

**If you do not receive all pages, please call (415) 268-7117 as soon as possible.**

Preparer of this slip has confirmed that facsimile number given is correct: 6233/KMM2

This facsimile contains confidential information which may also be privileged. Unless you are the addressee (or authorized to receive for the addressee), you may not copy, use, or distribute it. If you have received it in error, please advise Morrison & Foerster LLP immediately by telephone or facsimile and return it promptly by mail.

Comments:

(3234/100)

# MORRISON & FOERSTER LLP

ATTORNEYS AT LAW

LOS ANGELES  
PALO ALTO  
WALNUT CREEK  
SACRAMENTO  
ORANGE COUNTY  
SAN DIEGO  
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May 24, 2001

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***By Telecopier***

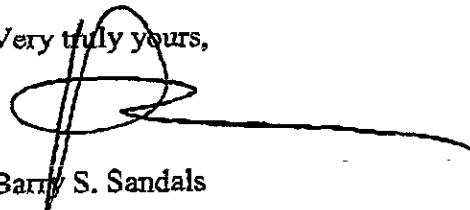
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Alameda, CA 94502-6577

*Re: Powell Street Plaza/Covenant*

Dear Susan:

My e-mail to you of Friday, May 18, indicated that I would follow up with the referenced Exhibit A (the property description) for the covenant. The enclosed is a fax version of Exhibit A, but I will send you a "hard" copy tomorrow.

Very truly yours,



Barry S. Sandals

Enclosure

cc w/encl. (by fax): Paul Canning  
Lee Dodge  
Jeffrey Fraulino  
Anita Hochstein  
Jeff Mills

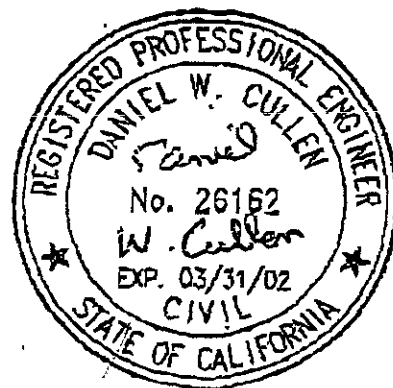
**LEGAL DESCRIPTION**

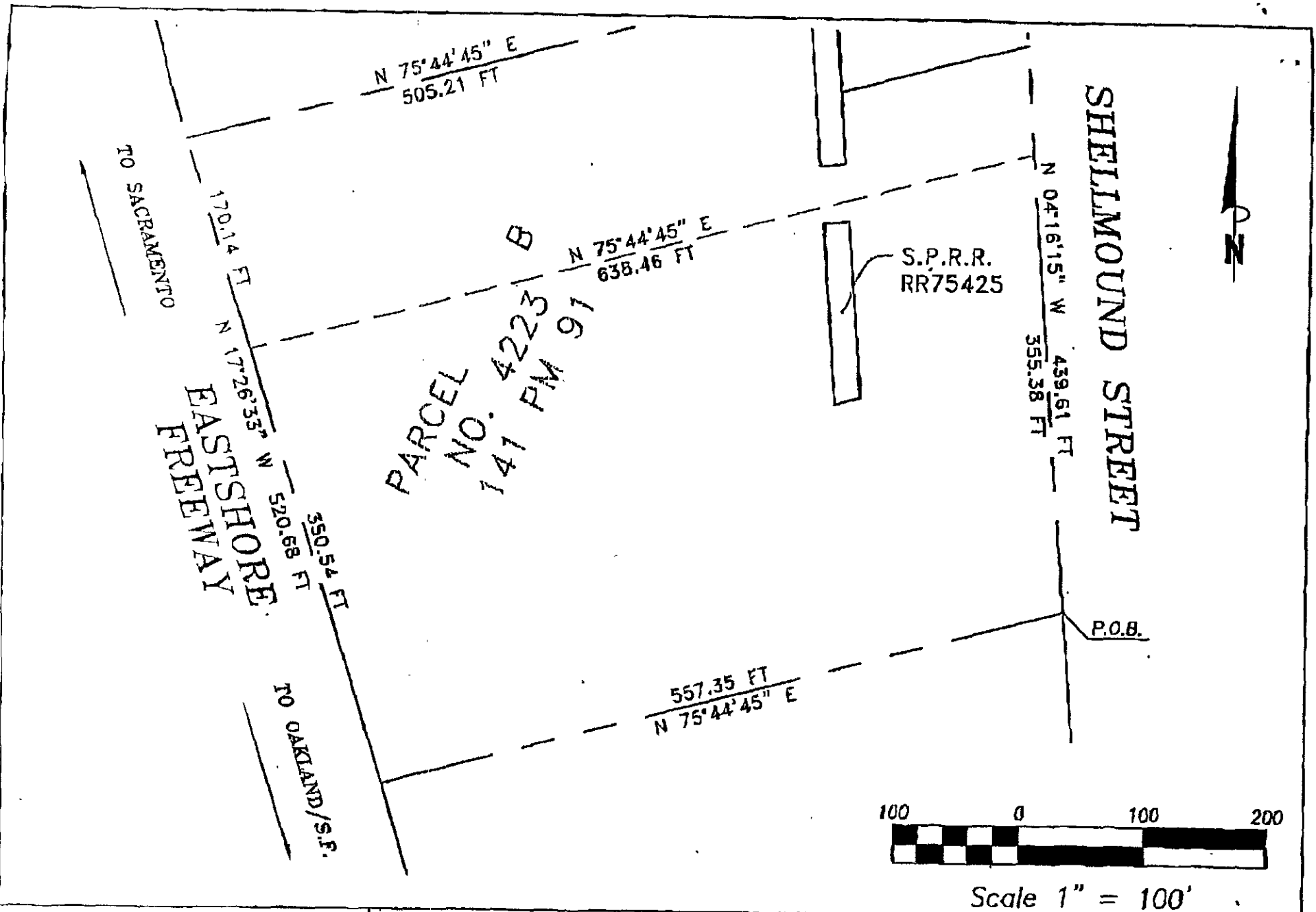
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See Exhibit 'A' attached hereto and made a part hereof.





**EXHIBIT 'A'**  
**SOUTHERLY 350 FEET**  
**OF PARCEL B**

APPROVED BY: \_\_\_\_\_

**CEA** Cullen Engineering Associates, Inc.  
Civil Engineering - Surveying

1090 Adams Street, Suite A - P.O. Box 661  
Berkeley, California 94710  
(707) 745-3810 Fax (707) 745-9136

Plot date: 5/1/01  
Plot Date: 5/26/01

Plot: 01122.dwg R:\2001\01122\122.dwg  
Xref: (R:\2001\01122\01122.dwg)

SCALE:	AS NOTED
DATE:	4-26-01
DRAWN BY:	L.A.B.
CHECKED BY:	DWC
PROJECT NO.:	01122

## **Hugo, Susan, Env. Health**

---

**From:** Mills Jeffrey[SMTP:Jeff.Mills@ubs.com]  
**Sent:** Friday, May 18, 2001 2:56 PM  
**To:** Susan Env. Health Hugo (E-mail)  
**Cc:** Barry Sandals (E-mail); Hochstein Anita; Canning Paul; Fraulino Jeffrey; Wayne Wendie; Lee Dodge (E-mail); Erik Skov (E-mail)  
**Subject:** Powell Street Plaza - Street Addresses  
**Importance:** High

5700 - 5795 Christie Ave., Emeryville, CA 94608 is the range of street addresses found at Powell Street Plaza. Unfortunately, the assessor's roll does not use specific street addresses, but rather, major street locations. I therefore thought it would be more prudent to refer to the property by its range of street addresses.

I will be out of the office until Wednesday. If there is any problem with this, feel free to call me at (415) 538-4812 and leave me a voice-mail message. I will get back to you as soon as possible.

In the meantime, our attorney, Mr. Barry Sandals, is revising the deed notification using the Alameda County Health Agency's format that you previously forwarded to me. He agreed to have this new form forwarded to you no later than Monday and hopefully, will get it to you today.

Please review the form and call either Barry (at 415 238-7117) or me with any questions or comments you may have. Again, you can leave me a message on my phone and I will return your call when I am able.

Thank you for your continuing attention to and assistance with this matter. We truly appreciate the efforts you are making to expedite the approval process. Thank you.

**MORRISON & FOERSTER LLP**

LOS ANGELES  
PALO ALTO  
WALNUT CREEK  
SACRAMENTO  
ORANGE COUNTY  
SAN DIEGO  
DENVER  
WASHINGTON, D.C.

ATTORNEYS AT LAW

425 MARKET STREET  
SAN FRANCISCO, CALIFORNIA 94105-2482  
TELEPHONE (415) 268-7000  
TELEFACSIMILE (415) 268-7522

NEW YORK  
BUENOS AIRES  
LONDON  
BRUSSELS  
BEIJING  
HONG KONG  
SINGAPORE  
TOKYO

January 8, 2001

Writer's Direct Contact  
(415) 268-7117  
BSandals@mof.com

BY OVERNIGHT COURIER

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

Re: *Powell Street Plaza/Our Client Aetna Real Estate Associates, L.P.*

Dear Ms. Hugo:

I have tried unsuccessfully to reach you by telephone several times over the last month to ask you two questions about the Powell Street Plaza matter. As you may know, Aetna Real Estate Associates, L.P. ("Aetna") is quite far along in its effort to market the property, and time is therefore of the essence on the environmental issue.

First, your letter to Mr. Thomas Gram dated October 15, 1997 stated that regulatory closure would be approved upon receipt of a letter from him providing "[a]ssurance that the [July 1997 Long-Term Management Strategy] will be maintained in the future, including a letter from you outlining the process of deed notification and financial responsibilities." Regarding deed notification, Aetna understands that this condition will be satisfied by a recitation in the deed that land use must be consistent with the LTMS. In addition, if the former Eastshore partners commit to perform LTMS work themselves rather than paying money to have it performed by the landowner, the deed must provide the Eastshore partners reasonable access to the property for that purpose. Please let me know as soon as possible if you envision anything different or will require any specific wording.

Second, Aetna is aware that Mr. Gram may have shared with you a draft letter dated July 14, 2000 from Eastshore's consultants (Geomatrix) to him proposing additional detail regarding LTMS implementation. Aetna is not satisfied that the work proposed in the letter would in fact be adequate to meet the objectives of the LTMS. Please confirm that your agency has not approved the draft July 14, 2000 letter and that the LTMS itself remains the governing document. Otherwise, Aetna requests an

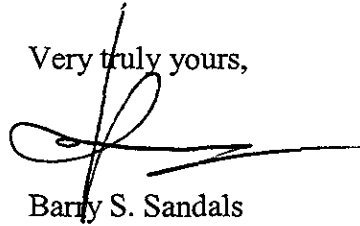
LOP 1184

00 JAN -9 AM 10:15  
LITIGATION  
PROTECTION

Ms. Susan L. Hugo  
January 8, 2001  
Page Two

opportunity to meet with you as soon as possible to explain its concerns about the draft Geomatrix letter.

Very truly yours,

A handwritten signature in black ink, appearing to read "Barry S. Sandals". The signature is stylized with a large loop and a long horizontal stroke extending to the right.

Barry S. Sandals



**DAMES & MOORE**

A DAMES & MOORE GROUP COMPANY

November 5, 1998  
14707-159-179

EMERGENCY  
PROTECTION  
98 NOV 9 11:33  
329 Montgomery Street, Suite 600  
San Francisco, CA 94105-1917  
415 896 5858 Tel  
415 882 9261 Fax

Ms. Susan L. Hugo  
Alameda County Health Care Services Agency  
1131 Harbor Bay Parkway, Suite 250  
Alameda, California 94502-6577

Dear Ms. Hugo,

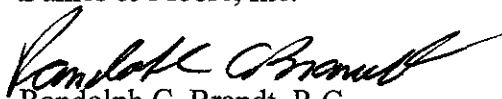
**Status of Case Closure**  
**Powell Street Plaza (STID# 1184)**  
**5500 Eastshore Highway**  
**Emeryville, California**  
**For Allegis Realty Investors, LLC**

This letter confirms the message I left on your voice mail on October 23, 1998 regarding the status of Case Closure activities at the above referenced site. According to the Case Closure letter issued by your agency on October 15, 1997, the case closure was partially contingent on, "A reasonable agreement between the property owners (of Powell Street Plaza and Shellmound II sites) and East Shore Partners concurring with the implementation of the long term management plan" (Condition 3 of the October 15, 1997 letter).

In my message I stated that Allegis Realty Investors, LLC. (Allegis), the current owner of Powell Street Plaza, and East Shore Partners have not yet reached an agreement but are working toward that end. We will notify you when an agreement has been reached, thus satisfying this condition of the case closure.

If you have any questions regarding this issue, please contact Mr. Jeff Barry of Allegis at 860-273-1372 or Mr. Berry Sandals of Morrison & Foerster at 415-268-7000.

Very truly yours,  
Dames & Moore, Inc.

  
Randolph C. Brandt, R.G.  
Principal

cc: Jeff Berry, Esq. – Allegis  
Jeff Fraulino – Allegis  
Jeff Mills – Allegis  
Berry Sandals, Esq. – Morrison & Foerster





al/EPA

Department of  
Toxic Substances  
Control

1000 Heinz Avenue  
Suite 200  
Berkeley, California  
4710-2737

April 21, 1998

Mr. Ron Gerber  
City of Emeryville  
Redevelopment Agency  
1200 Powell Street, 12th Floor  
Suite 1200  
Emeryville, California 94608-1806

Dear Mr. Gerber:

**WELL DECOMMISSIONING REPORT, SHELLMOUND PARCELS I, II  
AND III, EMERYVILLE**

The Department of Toxic Substances Control (DTSC) received the revised Well Decommissioning Report for the Shellmound Parcels I, II and III, prepared by SOMA Environmental Engineering, Inc. on behalf of the Redevelopment Agency. The revisions were made in response to comments found in our April 6, 1998 letter. DTSC has reviewed the revised report and finds that all comments were adequately addressed; therefore, the report is approved. Documentation of the monitoring wells and piezometers decommissioning completes the remedial requirements contained in the Removal Action Workplan (RAW). Please note however, that a soil management plan must be submitted to DTSC for review and approval prior to disturbing the site.

Pursuant to Health and Safety Code (HSC) section 33459.3(c), DTSC has determined that the remedial actions contained in the RAW have been properly completed and the immunity provided by HSC section 33459.3 shall apply to the City of Emeryville Redevelopment Agency. However, in the event of the failure of the courts to uphold this determination, this determination shall not create any additional rights against DTSC by the City of Emeryville Redevelopment Agency or by any third party.




Pete Wilson  
Governor

Peter M. Rooney  
Secretary for  
Environmental  
Protection

Mr. Ron Gerber  
April 21, 1998  
Page 2

DTSC appreciates your cooperation on this site and looks forward to working with the Redevelopment Agency on future projects. If you have any questions, please contact Lynn Nakashima at (510) 540-3839.

Sincerely,

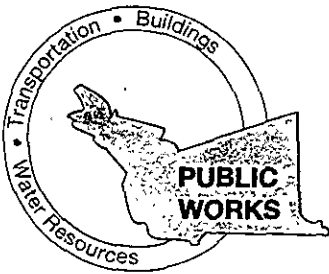
A handwritten signature in black ink that reads "Barbara J. Cook". The signature is written in a cursive, flowing style.

Barbara J. Cook, P.E., Chief  
Northern California - Coastal Cleanup  
Operations Branch

cc: Mr. Steve Morse  
San Francisco Bay  
Regional Water Quality Control Board  
2101 Webster Street, Suite 500  
Oakland, California 94612

Ms. Susan Hugo  
Alameda County Health Agency  
Department of Environmental Health  
1131 Harbor Bay Parkway  
Alameda, California 94502

Mr. Mansour Sepehr  
SOMA Environmental Engineering, Inc.  
2680 Bishop Drive, Suite 203  
San Ramon, California 94583



COUNTY OF ALAMEDA  
**PUBLIC WORKS AGENCY**

951 Turner Court, Room 300  
Hayward, CA 94545-2651  
(510) 670-5543

April 9, 1998

Mr. Mansour Sepehr, Ph.D., P.E.  
SOMA Environmental Engineering, Inc.  
2680 Bishop Drive, Suite 203  
San Ramon, CA 94583

RE: Well Decommissioning Report - Shellmound Parcels I, II, III, Emeryville,  
California, March 27, 1998

The Alameda County Public Works Agency has reviewed and approved the method of decommissioning of the six groundwater monitoring wells/piezometers (P1,P2,P3, MG-1, MG-2, and MG-7) that were located on the property.

As stated in your report, any hidden wells (MG-3, MW-4, MW-17, and MW-18) found during construction will be the financial responsibility of the City of Emeryville Redevelopment Agency to abandon these wells. (Pg. 13)

If you have any questions concerning this letter, please contact me at (510) 670-5575.

Sincerely,

Andreas Godfrey  
Assistant Engineer-Scientist

cc: Mr. Alvin Kan, Alameda County Public Works Agency  
Ms. Susan Hugo, Environmental Health



March 20, 1998

**241.0102.008**

Alameda County Environmental Health Services  
Hazardous Materials Division  
1131 Harbor Bay Parkway  
Alameda, California 94502

Attention: Ms. Susan Hugo

**NOTIFICATION OF WELL DESTRUCTION  
MONITORING WELL W-19  
POWELL STREET PLAZA  
EMERYVILLE, CALIFORNIA**

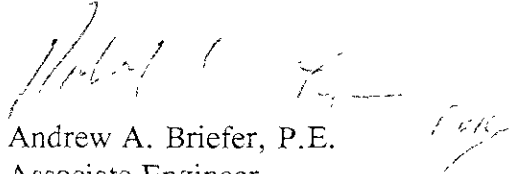
Dear Ms. Hugo:

In accordance with our telephone conversation on March 18, 1998, we have prepared this letter to notify you of the status of monitoring well MW-19, previously located on the unpaved shoulder of the west-bound Powell Street on-ramp in Emeryville, California. This monitoring well was part of the groundwater monitoring program for the former P.I.E. Trucking site, which is currently Powell Street Plaza. As part of the reconstruction of the Powell Street Interchange during 1996 and 1997, the State of California, Department of Transportation (Caltrans) expanded the width of the asphalt-paved freeway. During the grading and paving activities, monitoring well MW-19 was destroyed and covered by backfill material and asphalt.

PES contacted David Pang, project engineer at Caltrans, and confirmed that the well has been destroyed. Based on the current drawings, well MW-19 may be present beneath the center of the west-bound on-ramp to Interstate 80. Due to the traffic on the on-ramp, Caltrans will not permit access to the area. Because the well remnants are beneath the pavement, it will not present a threat to water quality or to public health. Therefore, no additional well destruction activities will be conducted for this monitoring well.

Very truly yours,

**PES ENVIRONMENTAL, INC.**

  
Andrew A. Briefer, P.E.  
Associate Engineer

cc: Tom Gram

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY  
DAVID J. KEARS, Agency Director



October 15, 1997

Mr. Thomas Gram  
Eastshore Partners  
5800 Shellmound, Suite 210  
Emeryville, California 94608

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

**Subject: Case Closure - Powell Street Plaza - 5500 Eastshore Highway ( STID # 1184) and Shellmound III Sites in Emeryville, California 94608**

Dear Mr. Gram:

This agency has received the following reports on the subject sites:

- \* Risk Assessment and Long-Term Management Strategy for Petroleum Product (July 1997) prepared by Geomatrix Consultants, Inc.
- \* Geomatrix's Response to Aetna's Concerns Regarding the Proposed Long-Term Site Management Plan for Powell Street Plaza and Shellmound III Sites (July 28, 1997)
- \* Quarterly Groundwater Monitoring Report for Powell Street Plaza and Shellmound III Sites (July 28, 1997) prepared and submitted by PES Environmental, Inc.

This agency and the San Francisco Bay Regional Water Quality Control Board have evaluated the petroleum hydrocarbon contamination found at the above referenced sites for closure. Both agencies agreed that the sites are low risk sites and can be closed with an approved Long-Term Site Management Plan. This Site Management Plan must be maintained for implementation at the above referenced sites.

The long-term management plan for the sites as detailed in Geomatrix Consultants, Inc. July 1997 "Risk Assessment and Long-Term Management Strategy for petroleum Product" report is acceptable provided the following conditions are met:

- 1) Assurance that the site management plan will be maintained in the future, including a letter from you outlining the process of deed notification and financial responsibilities
- 2) Sealing of the existing subsurface vaults to prevent petroleum hydrocarbon intrusion on the Powell Street Plaza site and your plan to facilitate adequate sealing of vaults during future construction on the Shellmound III site. The vault's integrity must also be maintained to prevent any future intrusion of petroleum product. Please provide this office with an acceptable plan to evaluate that the vaults are properly sealed

Mr. Thomas Gram  
RE: Powell Street Plaza and Shellmound III, Emeryville, CA  
October 15, 1997  
Page 2 of 2

- 3) A reasonable agreement between the property owners (of Powell Street Plaza and Shellmound III sites) and East Shore Partners concurring with the implementation of the long term management plan.

It is my understanding that discussions between representatives of Powell Street Plaza and East Shore Partners are on-going at this time.

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

Sincerely,



Susan L. Hugo  
Hazardous Materials Specialist

- c: Mee Ling Tung, Director, Environmental Health  
Gordon Coleman, Chief, Solid and Hazardous Waste Division / SH / files  
Steve Morse, San Francisco Bay RWQCB  
Ravi Arunalantham, San Francisco Bay RWQCB  
Kevin Graves, San Francisco Bay RWQCB  
Ron Gerber, Emeryville Redevelopment Agency, 2200 Powell Street, 12th Floor, Emeryville, CA 94608  
Barry Sandals, Morrison & Foerster, 425 Market Street, San Francisco, CA 94105-2432  
Tom Graf, Geomatrix Consultants, 100 Pine Street, 10th Floor, San Francisco, CA 94111

## ALAMEDA COUNTY HAZARDOUS MATERIALS DIVISION

09/30/97

## UNDERGROUND STORAGE TANK CLEANUP SITE

AGENCY#: 10000 SOURCE OF FUNDS: F-FEDERAL INSPECTOR: SH  
 StID: 1184 SUBSTANCE: 12034 -Diesel  
 SITE NAME: PIE Freight Terminal Site DATE REPORTED : 08/14/86  
 ADDRESS : 5500 Eastshore Hwy DATE CONFIRMED: 08/14/86  
 CITY/ZIP : Emeryville, CA 94608 MULTIPLE RP's : Y

CASE TYPE: O CONTRACT STATUS: 4 PRIOR:2B3 EMERGENCY RESPONSE:

RP SEARCH	: S		DATE END: 03/15/92
PRELIM ASSESSMENT	: C	DATE BEGIN: 09/16/86	DATE END: 12/18/87
REMEDIAL INVESTIG	: C	DATE BEGIN: 04/28/88	DATE END: 06/03/88
REMEDIAL ACTION	: U	DATE BEGIN: 05/11/89	DATE END:
POST REMED MONITOR:		DATE BEGIN:	DATE END:

TYPE ENFORCEMENT ACTION TAKEN: 1 DATE OF ENFORC. ACTION: 03/15/92

## UNDERGROUND STORAGE TANK CLEANUP SITE - SCREEN #2

LUFT FIELD MANUAL CONSIDERATION: 3HSCAWG CASE CLOSED: on:

DT EXC START: 11/11/86 REMEDIAL ACTIONS TAKEN: ED,ET,IT,GT

RP #1: CONTACT: Ms. Maria Burgi RP COST:  
 RP COMPANY NAME: Aetna Realty Investors, Inc. Ph:  
 ADDRESS: 1740 Technology Dr. #600  
 CITY/STATE: San Jose CA 95110

△MaMENT:

SITE ID#: 1184

## ADDITIONAL RP'S

RP #2  
 CONTACT NAME: Mr. Thomas Gram  
 COMPANY NAME: Former Eastshore Partners RP Ph:  
 ADDRESS: 5800 Shellmound St. #210  
 CITY/ST/ZIP: Emeryville, C A 94608

**MORRISON & FOERSTER LLP**

Attorneys at Law  
425 Market Street  
San Francisco, California 94105-2482  
Telephone: (415) 268-7000  
Facsimile: (415) 263-7522

<b>To:</b> Ms. Susan L. Hugo Alameda County Environmental Health Services	<b>Facsimile:</b> (510) 337-9335 <b>Phone:</b> (510) 567-6700
<b>To:</b> David D. Cooke Esq. Beveridge & Diamond	<b>Facsimile:</b> 415/397-4238 <b>Phone:</b> 415/397-0100

**From:** Barry S. Sandals

**Date:** September 23, 1997

We are transmitting a total of 2 pages (including this page).  
Original or hard copy to follow if this box is checked .

**If you do not receive all pages, please call as soon as possible .**

Preparer of this slip has confirmed that facsimile number given is correct: 8461/RCF2

This facsimile contains confidential information which may also be privileged. Unless you are the addressee (or authorized to receive for the addressee), you may not copy, use, or distribute it. If you have received it in error, please advise Morrison & Foerster immediately by telephone or facsimile and return it promptly by mail.

**Comments:** 03284/100



# MORRISON & FOERSTER LLP

LOS ANGELES  
SACRAMENTO  
ORANGE COUNTY  
PALO ALTO  
WALNUT CREEK  
DENVER

ATTORNEYS AT LAW  
425 MARKET STREET  
SAN FRANCISCO, CALIFORNIA 94105-2482  
TELEPHONE (415) 268-7000  
TELEFACSIMILE (415) 268-7522

NEW YORK  
WASHINGTON, D.C.  
LONDON  
BRUSSELS  
HONG KONG  
TOKYO

September 23, 1997

Writer's Direct Dial Number  
(415) 268-7117

BY TELECOPIER

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

Re: Powell Street Plaza, Emeryville, CA

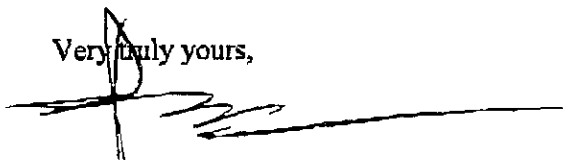
Dear Ms. Hugo:

As you know, we represent Aetna Real Estate Associates, L.P. ("Aetna") with respect to environmental issues at the Powell Street Plaza. Through discussions between Aetna representatives and representatives of the former Eastshore Partners ("Eastshore"), we understand that the regulatory agencies intend to condition "closure" of the site upon the submission of an acceptable Long Term Management Plan ("LTMP").

As the owner of the property, Aetna assumes that the agencies are interested in obtaining its concurrence that Eastshore's LTMP proposals are satisfactory. Discussions are ongoing now between representatives of Aetna and Eastshore about the contents of the LTMP. We trust that the agencies will defer action until those discussions conclude. We also assume that, if Aetna and Eastshore are unable to reach agreement, the agencies will consider Aetna's views before accepting any LTMP that Eastshore may submit without Aetna's concurrence.

If my understanding of the agencies' intentions is incorrect in any way, I would appreciate it if you would let me know at your earliest convenience.

Very truly yours,



Barry S. Sandals

cc: David Cooke, Esq (by telecopier)

sf-384354

ST 10184

September 19, 1997



Ms. Susan Hugo  
Alameda County Health Agency  
1131 Harbor Bay Parkway  
Alameda, California 94502

**Subject: Request for Decommissioning of Groundwater Monitoring Wells  
and Piezometers at Shellmound Parcels I, II and III Emeryville,  
California**

Dear Susan:

As you are aware, California Environmental Protection Agency, Department of Toxic Substances Control (DTSC) has recently approved SOMA Environmental Engineering, Inc. (SOMA) report entitled "Human Health Risk Assessment, Shellmound Parcels I, II, III" dated July 30, 1997. The human health risk assessment (HHRA) study concluded that the levels of chemicals in soil and groundwater pose no health threat to humans or water quality condition of the Temescal Creek. Based on the recommendation of HHRA and DTSC's concurrence, no groundwater monitoring is required at the present time. However, groundwater monitoring may be necessary based on the results of Brownfield Pilot Project which is currently being conducted by the City of Emeryville, Redevelopment Agency.

Currently there are seven groundwater monitoring wells and one piezometer at the Shellmound Parcel III, two piezometers on Parcel II and one piezometer on Parcel I. As a part of site preparation plan for the near future construction activities, the City of Emeryville, Redevelopment Agency is planning to decommission the existing groundwater monitoring wells and piezometers at the site. SOMA is in process of filing decommissioning permit's applications with the County of Alameda, Public Works Agency (CAPWA). Based on our communication with CAPWA, in order to obtain the necessary permits for decommissioning of the groundwater monitoring wells and piezometers, a site closure letter signed by the Alameda County Health Agency (ACHA) is required. Therefore, we respectfully request a closure letter from ACHA for the subject property in order to proceed with the site preparation plan as scheduled.

Your prompt and kindly action in issuing the site closure letter is highly appreciated. Meanwhile please do not hesitate to call me at (510) 244-6600 if you have any questions or comments.

Sincerely;



Mansour Sepehr, Ph.D., P.E.  
Principal Hydrogeologist

cc: Mr. Ron Gerber, City of Emeryville, Redevelopment Agency

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



September 19, 1997  
STID # 1184

Mr. Ron Gerber  
City of Emeryville Redevelopment Agency  
2200 Powell Street, 12th Floor  
Emeryville, California 94608

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

RE: Case Closure - Shellmound Parcels III, Emeryville, California 94608

The Alameda County Department of Environmental Health, Environmental Protection Division has received a letter of request from Soma Environmental Engineering, Inc. for the decommissioning of seven groundwater monitoring wells and one piezometer at the above referenced site. As you know, this office and the Regional Water Quality Control Board have evaluated the petroleum hydrocarbons found at the subject property for closure. Both agencies agreed that the site can be closed with an approved risk management plan and no groundwater monitoring is required.

The wells and piezometer at the site must be properly decommissioned prior to future construction activities. A report must be submitted documenting the abandonment of the monitoring wells and piezometer. Additionally, you will need to notify this office 72 hours in advance of the well abandonment field activities.

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

Sincerely,

Susan L. Hugo  
Hazardous Materials Specialist

c: Mee Ling Tung, Director, Environmental Health  
Gordon Coleman, Chief, Environmental Protection Division  
Ravi Arunantham, San Francisco Bay RWQCB  
Mansour Sepehr, Soma Environmental Engineering, Inc 2680 Bishop Drive, Suite 203  
San Ramon, CA 94583

SH / files

**Alameda County Department of Environmental Health**  
 ENVIRONMENTAL PROTECTION DIV.  
 1131 HARBOR BAY PKWY., #250  
 ALAMEDA CA 94502-6577  
 (510)567-6700

**Meeting Attendees**

Subject Shellbourn Ventures III / PIE - Emeryville  
 Date 9/2/97  
 Location \_\_\_\_\_

Name	Affiliation	Phone # / FAX #
1 <u>Susan L. Hugo</u>	<u>ACDEH</u>	<u>(510)567-6780 / (510) 337-9335</u>
2 <u>Donald D. Treadwell</u>	<u>Treadwell &amp; Rollo</u>	<u>(415) 955-9040 / (415) 955-9041</u>
3 <u>Ron Barber</u>	<u>Emeryville Redev</u>	<u>(510)596-4359 / (510)658-8095</u>
4 <u>Ravi Arulanantham</u>	<u>RWQCB-II</u>	<u>510-286-1331</u>
5 <u>Tom GRAF</u>	<u>GEOMATRIX</u>	<u>415-434-9400 / 415-434-1365</u> <del>415-434-9400 / 415-434-1365</del>
6 <u>S.T. "JOE" CHEN</u>	<u>ORIENT &amp; WESTERN (HOLDINGS) CORP.</u>	<u>(510)204-0786 / (510)204-0788</u>
7 _____	_____	_____ / _____
8 _____	_____	_____ / _____
9 _____	_____	_____ / _____
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11 _____	_____	_____ / _____
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17 _____	_____	_____ / _____



# GEOMATRIX CONSULTANTS

100 Pine Street, 10th Floor  
San Francisco, California 94111  
Tel: (415)434-9400 Fax: (415)434-1365

## FAX TRANSMITTAL

TO: SUSAN HUGO FAX: \_\_\_\_\_  
ALAMEDA COUNTY

FROM: TOM GRAF PROJECT NO: \_\_\_\_\_

DATE: 8/15/97 TIME: \_\_\_\_\_

## COMMENTS:

\_\_\_\_\_  
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PAGES INCLUDING THIS TRANSMITTAL: 3

Note: If any problems arise during transmission, please call (415) 434-9400.

510-337-9335

18 August 1997

Mr. Tom Gram  
Eastshore Partners  
5800 Shellmound, Suite 210  
Emeryville, CA 94608

**DRAFT**

Subject: Site Closure at Powell Street Plaza and Shellmound III Sites, Emeryville, CA

Dear Mr. Gram:

We have received the following reports on the subject sites:

- Geomatrix Consultants, Inc. July 1997: "Risk Assessment and Long-Term Management Strategy for Petroleum Product";
- Geomatrix Consultants, Inc. 28 July 1997: "Response to Aetna's Concerns ...."
- PES Quarterly Groundwater Monitoring Reports dated ....

Based on our review of these reports, the subject sites meet the criteria for closure under the San Francisco Regional Water Quality Control Board's (Regional Board) Guidance on Low Risk Fuel Sites dated January 5, 1996. In summary the reports indicate that:

- The ongoing sources of petroleum have been removed and remediated to the extent practicable.
- The residual petroleum compounds in site soil and groundwater are stable in their current configuration. The petroleum is relatively insoluble and immobile and is likely degrading naturally in situ.
- The extent of migration of petroleum compounds has been adequately characterized and the dissolved plume is not migrating.
- No water wells, deeper drinking water aquifers, surface water, or other sensitive receptors are likely to be impacted.
- The site does not present a significant risk to human health or the environment.

Based upon the available information and with the provision that the information provided to this agency is accurate and representative of site conditions, no further action is required at the subject sites to comply with Regional Board Guidelines. This no further action status is contingent upon maintenance of the long-term management plan for the sites as detailed in the Geomatrix Consultants, Inc. July 1997 "Risk Assessment and Long-Term Management Strategy for Petroleum Product".

In addition to the details set forth in the above-mentioned report, we require the following for long-term site management:

- Assurance that the site management plan will be maintained into the future, including a letter from you outlining the process of deed notification and financial responsibilities; and
- Sealing of the existing subsurface vaults to prevent petroleum intrusion on the Powell Street Plaza site and your plan to facilitate adequate sealing of vaults during future construction on the Shellmound III site. If it can be shown that the vaults are properly sealed to prevent future intrusion of petroleum product, future monitoring of the vaults will not be a requirement of long-term site management.

Upon our acceptance of your completion of the above requirements for long-term site management for the residual petroleum hydrocarbons, the wells may be destroyed per Alameda County guidelines. Thank you for your cooperation during this process.

*Mansour Seph*



*Letter pictures City / Eastshore  
9 P/E / Eastshore*

MORRISON & FOERSTER LLP

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April 7, 1997

Writer's Direct Dial Number  
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BY OVERNIGHT COURIER

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

ENVIRONMENTAL  
PROTECTION  
197 APR -8 AM 9:32

Re: Powell Street Plaza, Emeryville, CA

Dear Ms. Hugo:

As you know, our client Aetna Real Estate Associates, L.P. ("Aetna") is the present owner of the Powell Street Plaza property, having purchased it from Eastshore Partners in 1990. That Eastshore partnership has since disbanded, but its constituents (including The Martin Group) still exist. Pursuant to provisions in the 1990 Purchase and Sale Agreement, the former Eastshore Partners (hereafter, "Eastshore") have been investigating the Plaza property and responding to the concerns of your agency and the Regional Water Quality Control Board, which were the subject of the March 15, 1992 "Notice of Requirement to Reimburse" sent to Aetna and The Martin Group. Aetna has received and reviewed the Risk Assessment and Long-Term Management Strategy for Petroleum Hydrocarbons, Powell Street Plaza and Shellmound III, Emeryville, California, Geomatrix Consultants, Inc. (January 1997) (the "Risk Assessment"), which was prepared on behalf of Eastshore.

Technical concerns with the Risk Assessment are identified in the enclosed letter from Dames & Moore (Aetna's consultant) and are being discussed directly between Dames & Moore and Geomatrix; we understand they will be considered by Geomatrix in the context of possible revisions to the Risk Assessment. The purpose of this letter is to call your attention to several legal concerns.

First, Aetna is concerned that Eastshore is asking you to waive Eastshore's obligation to recover free product at the property. Although it is not clear from the Risk Assessment whether Eastshore intends to seek closure of the site pursuant to the



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Containment Zone Policy or not, free product recovery is mandatory in either event. This is a real concern to Aetna because free product has from time to time been observed in certain below-grade utility boxes at the property.

If Eastshore is not proceeding under the Policy, it is instead governed by the State Water Resources Control Board's Chapter 16 Underground Storage Tank Regulations, Cal. Code Regs. § 2610 et seq. (Contamination at the Plaza originated from underground storage tanks operated before Aetna's acquisition of the property by Pacific Intermountain Express, a trucking concern that has since gone bankrupt.) Section 2655(a) of the regulations provide as follows:

(a) At sites where investigations made pursuant to section 2652 indicate the presence of free product, the owner or operator shall comply with requirements of this section. The owner or operator shall remove free product to the maximum extent practicable, as determined by the local agency, while continuing to take any actions required under sections 2652 through 2654.

(Emphasis added.) Similarly, Section H.2.b of State Board Resolution No. 92-49 (as amended Oct. 2, 1996) establishes as one of the prerequisites for any containment zone designation that: "[f]loating free product must be removed to the extent practicable."

Although Section 5.0 of the Risk Assessment discusses free product, there is no evaluation of the practicability of removing the free product that apparently remains at the Site.

Second, the Risk Assessment assumes that there will be new construction at the Shellmound III property, but that there will be no land use changes at the Powell Street Plaza, and acknowledges that "[i]f the proposed current uses for the Sites change in the future, further evaluation of potential risk to exposure to chemicals in the separate-phase material or dissolved in groundwater may be warranted." (Risk Assessment at p. 44). As you know, for the many reasons stated there, we wrote you on June 26, 1995 that "Aetna strongly disagrees that a deed restriction should be placed on the Property." (A copy of the June 26, 1995 letter is enclosed for your ready reference as Ex. 1.) Aetna's opposition to a deed restriction was reiterated in a January 16, 1996 letter to the State Board by way of comments on the draft Containment Zone Policy (copy enclosed as Ex. 2). In a rebuttal letter dated January 31, 1996 from Eastshore's attorneys (copy enclosed as Ex. 3), they argued that the consent of the property owner (here, Aetna) should not be required as a condition of imposing a use restriction, and confirmed that Eastshore's risk

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assessment approach to the property will necessarily require limitations upon Aetna's property-owner rights.

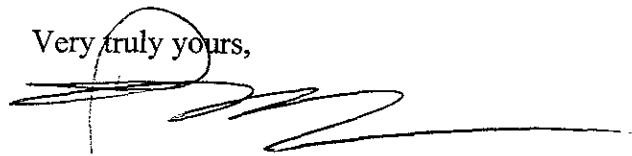
Apparently, the State Board agreed with Aetna's position (also taken by other commentors), because Section III.H.6 of Resolution No. 92-49 (as amended Oct. 2 1996) provides:

A containment zone shall be implemented only with the written agreement of all fee interest owners of the parcel(s) of property containing the containment zone. Exceptions may be allowed by the Regional Water Board where opposition is found to be unreasonable. In such cases, the Regional Water Board may use the authority of WC Section 13267 to assure access to property overlying the containment zone.

Because Section 13267 of the Water Code merely authorizes the regional boards to require access to property, it is difficult to see how that provision could form the legal basis for an involuntary deed restriction. In any event, as explained in our June 26, 1995 letter to you, Aetna's opposition to a deed restriction in this instance is far from unreasonable. In addition, when the property is ultimately redeveloped (as it inevitably will someday), residual contamination at the site will necessitate incremental expenditures (for disposal of excavated soil, worker health and safety and the like) which should not fairly be borne by Aetna.

We hope you will consider these views in evaluating the Risk Assessment and in responding to Eastshore and Geomatrix about it.

Very truly yours,



Barry S. Sandals

Enclosure

cc (w/encl.): Stephen Morse, RWQCB  
Diane Mims, RWQCB  
Sam Arigala, RWQCB  
Ravi Arulanantham, RWQCB  
David Cooke, Esq.

**MORRISON & FOERSTER LLP**

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Page Four

bcc (w/encl.): Jeffery R. Berry, Esq.  
Kathleen Burgi-Sandell  
Mr. Jeffrey M. Fraulino, P.E.



**DAMES & MOORE**

A DAMES & MOORE GROUP COMPANY

April 7, 1997  
14707-159-179

2001 Gateway Place  
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San Jose, California 95110  
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Mr. Barry S. Sandals  
Morrison & Foerster, LLP  
425 Market Street  
San Francisco, California 94105-2482

Subject: **Final Comments to Draft Report  
Risk Assessment and Long Term Management  
Strategy for Petroleum Hydrocarbons  
Powell Street Plaza  
Emeryville, California**

Dear Mr. Sandals,

As you are aware, on March 21, 1997, Dames & Moore transmitted comments on the Draft Report, Risk Assessment and Long Term Management Strategy for Petroleum Hydrocarbons, Powell Street Plaza and Shellmound III, Emeryville, California (Geomatrix Consultants, January 1997) (the "Risk Assessment") to Geomatrix. On March 31, 1997, we discussed our comments with Mr. Jamie Tull and Ms. Ann Holbrow of Geomatrix by telephone. As a result of our discussion, we understand that Geomatrix will address the following in the next revision of the report:


- a. Clarify their understanding of the extent of the free phase.
- b. Clarify the role of MW-3 in estimating the extent and volume of free phase.
- c. Consider alternatives to calculating free phase volume based on information sent by D&M.
- d. Clarify their understanding of the free phase removal efforts completed to date and their effectiveness. However, Geomatrix has declined our request that they evaluate the feasibility of recovering the remaining free product. They presumed the RWQCB would make that judgement.
- e. They would clarify that the exposed worker scenario is addressed in Section 7.0.
- f. They would make a statement that free product from MG-1 is representative of that on the Powell Street Plaza site.
- g. They will not address residential scenarios unless directed by the agencies.
- H. They will clarify that groundwater beneath the site is not a drinking water source and has no other beneficial uses other than recharge to the Bay.



Mr. Barry S. Sandals  
Morrison & Foerster, LLP  
April 7, 1997  
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Based on our review of the Risk Assessment and our subsequent discussions, our final comments to the draft report are presented as Attachment 1 to this letter. If you have any questions regarding our comments, please call me at (408) 451-1125.

Very truly yours,  
Dames & Moore, Inc.

  
Randolph C. Brandt, R.G.  
Associate/Senior Hydrogeologist

Attachment 1 (4 Pages)

cc: Jeffrey Fraulino, Allegis  
Jeffery Berry, Aetna



ATTACHMENT 1  
Dames & Moore Comments

Human Health Risk Assessment

General Comment #1 - Estimates of risks for the construction worker and maintenance worker scenarios are associated with a high degree of uncertainty due to the uncertainty associated with the exposure parameter assumptions. Unlike the residents and industrial workers, there are no standard default exposure assumptions for construction and maintenance workers which are universally accepted and which are certain to represent future conditions. Dames & Moore believes that the exposure parameters used in the analysis for the construction and maintenance workers are reasonable estimates based on best professional judgement of what may occur in the future. In the case of the construction worker and maintenance worker, one non-conservative emission model assumption was used which may potentially underestimate risks associated with worker exposures. The depth to contamination was assumed to be six feet, which was the shallowest depth to groundwater for undisturbed soil; however, if the construction workers and maintenance workers are excavating soil, the depth to contamination could be reasonably expected to be less than six feet. Assuming that the maintenance workers excavate soil to a depth of one foot above the groundwater table for a conservative 250 days/year, then the predicted air emissions would increase by a factor of six, and the excess cancer risk would be higher (i.e., approximately  $8 \times 10^{-6}$ ). Even with this increase, the excess cancer risk is within the range of  $1 \times 10^{-4}$  to  $1 \times 10^{-6}$  typically considered acceptable by the EPA and is less than the State of California's Proposition 65  $1 \times 10^{-5}$  risk level for worker notification. Therefore, no unacceptable risks are predicted even if the depth to contamination is one foot above groundwater (less than that used in the Geomatrix evaluation).

However, because groundwater has historically been shallow, and in fact free phase hydrocarbon has been observed in valve boxes, the risk assessment should also consider the scenario where the construction/maintenance workers are directly exposed to groundwater during construction activities at the site. Under this scenario, the exposure pathways would include inhalation of vapors (with no soil cover), dermal contact, and incidental ingestion of groundwater and free phase hydrocarbon.

General Comment #2 - The sampling methodology and the laboratory analytical data for BTEX was not presented, so Dames & Moore is unable to verify the concentrations and locations of detected levels. It is also our understanding that the sample of free phase hydrocarbon collected and tested for the Risk Assessment was collected from well MG-1 which is located on the Shellmound III property. The Risk Assessment does not state whether the sample is representative of that which is present under the Powell Street Plaza Site.



**General Comment #3** - It is our opinion that there is still a high degree of uncertainty by the data presented in the report on the extent, thickness, mobility, and recoverability of free phase hydrocarbons. Based on our understanding of the site characterization data and the extent of the free phase hydrocarbon as depicted in Geomatrix's Figure 4, we would interpret the extent of the free phase hydrocarbons as being more wide spread. Specifically, we believe there is one contiguous area of free product which includes wells MG-1, MG-3, MW-3, MW-7 (now abandoned), and MW-13 as opposed to the two smaller areas presented on Figure 4. Geomatrix also attempts to estimate the volume of free phase hydrocarbon present in the southernmost area (represented by well MG-1) by using an approach proposed by De Pastrovich, et al. (1979). Our concern with this approach is twofold: 1) the volume of the northernmost area is not considered; and 2) the methodology is outdated. A more appropriate approach would be to use that of Lenhard and Parker (1990) or Beckett & Huntley (1994) to estimate total volume of free phase hydrocarbon remaining in the contiguous area described above.

**General Comment #5** - While we agree that the mobility assessment suggests that migration to Temescal Creek is not likely, the Risk Assessment has not evaluated the "recoverability" of the residual free phase hydrocarbon still present under the Powell Street Plaza and Shellmound III properties. While Geomatrix's evaluation of the migration potential (Section 5.2 of the Risk Assessment) could be an indicator of the ability of the hydrocarbon to flow into a recovery well, various practical approaches to product recovery have not been adequately evaluated.

**General Comment #6** - The Risk Assessment did not consider physical hazards associated with the residual free phase hydrocarbon. Specifically, free phase hydrocarbon has been observed floating on the water which accumulates in below grade sprinkler valve boxes and other below grade utility boxes. It is our opinion that the potential for fumes, fire, or explosion hazards and exposure to landscape workers who access the utility boxes should be considered.

**General Comment #7** - The hydrogeological approach in Appendix B and C is appropriate; however no site-specific measurements of the conductivity were obtained. Permeability of the water bearing unit was derived from measurements taken at a site approximately 1/4 mile south and porosity values were taken from published literature. Based on the non-specific parameters selected the approach has a high degree of uncertainty; however, the data used could be interpreted to be generally conservative.

**General Comment #8** - The methodology used to estimate the indoor air concentration is a screening level model based upon the combination of Farmer's model for vapor emissions and a box model for dilution into indoor air. The methodology used is not consistent with the approach recommended by the ASTM risk-based corrective action (RBCA) standard; however, the approach is generally accepted by the Department of Toxic Substances Control (DTSC) and Regional Water Quality Control Board (RWQCB) and is based on simplistic, conservative

**DAMES & MOORE**

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models. The methodology to estimate outdoor air concentrations is similar, based upon the combination of Farmer's model for vapor emissions and a box model for dilution into outdoor air. The parameters used in the model (e.g., crack ratio, building exchange rates, wind speed, and height of mixing zone) were reasonable.

#### Specific Comments for Geomatrix Report-

- 1) The location of the former extraction trenches should be identified on Figure 2.
- 2) The direction of groundwater flow should be discussed in the text and an arrow added to Figure 2.
- 3) Because the LNAPL detected at the Shellmound III site is in close proximity to the East Bay MUD interceptor, the interceptor should be addressed as a potential conduit for migration of the free phase to Temescal Creek.
- 4) The basis for exclusion of future use of groundwater at the site (e.g., non-potable due to salinity, insufficient yield, etc.) should be included in the report.
- 5) The risk assessment for emissions from free product is based upon a sample from the Shellmound III property. Text should be added to indicate that a sample from the source area was not obtained (due to physical limitations) and whether the product on the PSP site is expected to be chemically similar to the product on the Shellmound III site.
- 6) The PES Reference for January 9, 1995 is missing.
- 7) Page 14. The filtering of the dissolved phase samples to remove sediments may also remove source-related PAHs, since most PAHs have relatively high organic carbon partition coefficients and tend to sorb to solids. The sorption tends to retard migration of the PAHs in groundwater, so the use of filtered samples to predict impacts from groundwater upon surface water is reasonable; however, the more conservative approach (which may be requested by the agencies) is to use the unfiltered results.
- 8) Page 26. If dermal exposure to chemicals in groundwater and to free product is considered a reasonable pathway of exposure for the construction/maintenance workers, then to be consistent the incidental ingestion should also be considered a reasonable pathway. The potential for exposure would not be "remote" (as in improbable), but the intake would presumably be very low because the workers are most likely to ingest the water when they wipe their wet hands across their mouth, and not by drinking the water directly or by swimming in it.
- 9) Page 32. The summing of hazard quotients for all chemicals, regardless of endpoint will only overestimate the potential for non-carcinogenic health effects if the chemicals have different endpoints and do not have synergistic effects.
- 10) Page D-1. No conversion factor is needed in the equation.
- 11) Page D-2. Darcy's Law should be corrected to Dalton's Law.
- 12) Page D-5. The mixing height used in the calculations for indoor air was 3.0 meters, not 3.75 meters as stated in the text.





- 13) Table D-1. The vapor pressures for volatile chemicals in free product should be presented. These vapor pressures are used in Table D-4.
- 14) Table D-1. The Henry's Law Constant for acenaphthylene is ten times higher than reported in the table. The value should be  $1.6 \times 10^{-4}$ . The diffusivity in air should be corrected to 0.0421 for acenaphthylene, 0.0324 for anthracene, 0.030 for fluoranthene, and 0.0272 for pyrene. The correct values for all chemicals except acenaphthylene were used in Tables D-2 and D-5 through D-7.
- 15) Tables D-4 and D-6. Due to errors in the diffusivity in air and Henry's Law Constant for acenaphthylene, the emission rate and indoor air concentration should be 100-fold higher than stated. This affects all tables which present air concentrations and hazards for acenaphthylene; however, since the hazard quotients for acenaphthylene are very low, it has no effect on the overall conclusions of the risk assessment.
- 16) Table 1. Footnotes 3 and 4 are missing.
- 17) Table 3. A footnote should be added that states that the groundwater concentrations are for filtered samples.
- 18) Table 8. The EPA Region IX PRG Table (US EPA, 1996a) does not have published toxicity criteria for acenaphthylene. The toxicity criteria in the table is the criteria for a different, but structurally similar chemical named acenaphthene. A footnote should be added to indicate that the toxicity criteria for acenaphthene was used as a surrogate for acenaphthylene.

#### Ecological Evaluation:

Comment #1 - Table 5-7 is not a evaluation of only the ecological risks since many of the water quality criteria are based on protection of humans consuming aquatic organisms. These human health criteria do, however, tend to be more conservative than the ecological criteria. It appears the most conservative of any health criteria was generally selected which may not be appropriate. However, since none of the modeled surface water concentrations exceeded the most conservative of any health criteria, the basic conclusion that the groundwater does not pose adverse health effects to aquatic species in Temescal Creek and the San Francisco Bay is reasonable based on the available data.

Comment #2 - The water quality value presented on Table 5-7 for xylenes is apparently referenced incorrectly, since there is no established ambient water quality criteria (AWQC) for xylenes. However, even performing a LC50 to maximum acceptable toxicant concentration (MATC) conversion (Suter 1993):  $\text{Log}(\text{MATC}) = 0.98 \times \text{Log}(\text{LC50}) - 0.6$  ( g/L) for xylenes, conservatively yields a MATC value of 283 ug/L. This MATC value of 283 ug/L is greater than the modeled surface water concentration of 0.015 ug/L, which indicates that no adverse ecological risk from xylenes is predicted.

**FAX****Date** 20 January 1997**Number of pages including cover sheet** 2

**TO:** Susan Hugo  
Alameda Co.  
Dept. of Env. Health  
1131 Harbor Bay Pky.  
Alameda, CA 94502

**Phone** (510) 567-6780  
**Fax Phone** (510) 337-9335

**FROM:** Jamie Tull  
Geomatrix Consultants  
100 Pine Street, 10th Flr.  
San Francisco, CA 94111

**Phone** (415) 434-9400  
**Fax Phone** (415) 434-1365

**CC:** Sum Arigala

**REMARKS:**  Urgent  For your review  Reply ASAP  Please Comment

Dear Ms. Hugo:

This facsimile has been prepared to make you aware that Geomatrix Consultants, Inc. (Geomatrix) has completed the screening-level human health and ecological risk assessment for the Powell Street Plaza (PSP) and Shellmound III (sites) in Emeryville, California. This fax summarizes the results of the risk assessment, which should be delivered to you on Tuesday 21 January 1997 for your review and comment.

As specified in the site work plan (Geomatrix 1995) the risk assessment evaluated potential risks associated with exposure to petroleum hydrocarbons released from subsurface tanks on the PSP site while it was operated as a Pacific Intermountain Express (PIE) trucking facility. The results of the assessment are as follows:

- An evaluation of the migration potential of separate phase petroleum hydrocarbons detected on the groundwater at the site indicated that subsurface conditions are conducive to product degradation, and that the separate phase material is essentially immobile.



- A quantitative assessment of potential human health risks indicated that unacceptable risks are not associated with activities at the sites by:
  - ◊ Future Construction workers at the Shellmound III site;
  - ◊ Current and future maintenance workers at the sites;
  - ◊ Current and future commercial building occupants; and
  - ◊ Current and future off-site receptors.
- A quantitative assessment of potential migration of dissolved-phase petroleum hydrocarbons for the sites to Temescal Creek indicated that human recreational users and ecological receptors are not likely to be adversely impacted by migration of the chemicals of interest from the sites.

The results of the screening human health and ecological risk assessments indicated that no unacceptable risks exist under the conditions evaluated. As a result Geomatrix recommends that the site be closed without further remediation or monitoring of the petroleum hydrocarbon conditions associated with the releases from the former PIE USTs.

Based on the results of the risk assessment, recommendations for a long-term soil and groundwater management plan were developed to address other environmental issues associated with excavation of soil in areas where residual separate-phase material may be present.

We look forward to your comments. If you have any questions, please don't hesitate to call Tom Graf or myself.

*Jamie Tull*

*Sorry for the delay in getting this summary to you.*

*JOT*  
*1/27/97*

100 Pine Street, 10th Floor  
San Francisco, CA 94111  
(415) 434-9400 • FAX (415) 434-1365



28 October 1996  
Project 3182.01

Ms. Susan Hugo  
Alameda County Health Care Services Agency  
Department of Environmental Health  
Hazardous Materials Division  
1131 Harbor Bay Parkway  
Alameda, California 94502

Mr. Sum Arigala  
California Regional Water Quality Control Board  
San Francisco Bay Region  
2101 Webster Street, Suite 500  
Oakland, California 94612

Subject: Proposed Revisions to Proposed Work Plan to Develop  
a Long-Term Site Management Program  
Powell Street Plaza  
Emeryville, California

Dear Ms. Hugo and Mr. Arigala:

On behalf of the former Eastshore Partners, Geomatrix Consultants, Inc. (Geomatrix), has prepared this letter to propose a modification to the approved work plan (Geomatrix, 11 August 1995) for development of a long-term site management program for petroleum hydrocarbons in soil (the work plan) at the Powell Street Plaza and Shellmound III properties (the sites). The work plan was designed to address four issues related to the petroleum hydrocarbons that were released beneath the Powell Street Plaza site and are believed to have migrated beneath the Shellmound III site. These issues include:

- evaluation of the risks to recreational users and aquatic organisms in Temescal Creek and San Francisco Bay associated with the migration of dissolved phase petroleum hydrocarbon constituents in groundwater;
- migration of separate phase product;
- risks to human health associated with inhalation of vapors derived from petroleum hydrocarbons on or in the shallow groundwater and soil; and
- risks to construction and maintenance workers that may be exposed to petroleum hydrocarbons at the sites during excavation activities.

Geomatrix Consultants, Inc.

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Mr. Sum Arigala  
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As you are aware, initiation of our proposed field program was delayed by the City of Emeryville while a site access agreement was developed for the Shellmound III property. During that time period, a risk assessment was prepared by SOMA Environmental Engineering, Inc. (SOMA) for the Shellmound I, II, and III properties (26 September 1996). Geomatrix has reviewed this risk assessment and believes that modifications to the original work plan are appropriate based on the work completed by SOMA and the results of the risk assessment.

### **Dissolved Phase Migration and Risk Evaluation**

As described in the work plan, Geomatrix proposed the following tasks to address the migration of dissolved phase petroleum hydrocarbons and potential risks to recreational users of the Creek and aquatic organisms: 1) installation of two new wells on the Shellmound III property; 2) sampling of off-site well MW-16 and MW-19 and the new wells for groundwater chemical analysis; 3) modeling of dissolved volatile constituent migration to the Creek; and 4) assessment of risks to recreational users of the Creek and aquatic organisms related to exposure to volatile petroleum hydrocarbons. To accommodate City of Emeryville requirements, the new wells, noted under items 1 and 2 above, were changed to temporary well points. However, as described below, a number of these tasks have been addressed by the work recently completed by SOMA.

As a part of its risk assessment, SOMA conservatively evaluated the migration of dissolved petroleum hydrocarbon constituents in groundwater (i.e., benzene, toluene, ethylbenzene, and xylene [BTEX]) to Temescal Creek and predicted that these constituents do not pose a risk to aquatic organisms in the Creek. Semivolatile polynuclear aromatic hydrocarbons (PAHs) that may be associated with petroleum hydrocarbons were not addressed by in SOMA's risk assessment due to the absence of PAH data for groundwater. The model used maximum detected groundwater concentrations for all detected constituents in groundwater and conservatively assumed a groundwater conductivity of 40 feet/day. The estimated concentrations in the Creek were compared to the Regional Water Quality Control Board (RWQCB) water quality objectives (WQO) and national ambient water quality criteria.

Geomatrix has reviewed SOMA's risk assessment and believes that it conservatively demonstrates that volatile dissolved petroleum hydrocarbons in groundwater at the sites do not pose a risk to aquatic organisms in Temescal Creek. Therefore, we recommend changing the scope of work proposed for characterization and evaluation of migration of dissolved constituents to the Creek as follows:

Ms. Susan Hugo  
Mr. Sum Arigala  
28 October 1996  
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MG3 & MG1 } accessible

potential leach methane

- Geomatrix proposes that monitoring well MG-7, which is adjacent to Temescal Creek, and monitoring well MG-2, which is adjacent to the separate phase plume, be sampled for PAHs to determine if semivolatile petroleum hydrocarbon constituents are present at concentrations that may pose a risk to aquatic organisms should the groundwater discharge to Temescal Creek. The samples will be filtered to remove sediment and then analyzed for PAHs by EPA Method 8310. These samples will also be analyzed for TPH as diesel by EPA Method 8015 modified following filtration and silica gel cleanup. If PAHs are detected at concentrations exceeding the applicable WQOs for the protection of marine aquatic organisms, then a screening-level transport model such as that used by SOMA will be used to estimate the concentrations that may result at low tide in Temescal Creek. The predicted concentrations will be compared to the applicable water quality criteria. The TPH data will be used to evaluate whether the existing data for TPH in groundwater accurately report the presence of petroleum hydrocarbons or if the data are influenced by the presence of biogenic materials resulting from biodegradation of petroleum products.
- Geomatrix proposes that the BTEX concentrations estimated by SOMA in the Creek and the PAH concentrations either detected in the groundwater sample collected by Geomatrix (if any) or estimated by Geomatrix in the Creek be used to evaluate potential health risks to recreational users and aquatic organisms.

run  
- filtered &  
- analyzed

?

### Separate Phase Product Migration

The potential migration of separate phase product at the sites will be evaluated as described in the work plan to estimate chemical composition and physical potential for migration. In addition, field measurements of oxidative-reductive potential (Redox), temperature, and pH will be collected at three locations: an upgradient well (MW-6); a well containing separate phase product (MG-3); and a downgradient well (MG-7). These parameters will be used to assess the potential degradation conditions for TPH in the shallow aquifer and determine if the leading edge migration of the separate phase product is at equilibrium with product degradation, indicating that the product will not migrate.

### Potential Health Risks to Building Occupants

As described in the work plan, petroleum hydrocarbon vapor emissions from groundwater and separate phase product will be estimated using existing data and the analytical results of the separate phase product. The product sample will be analyzed for BTEX (EPA Method 8020) and PAHs (EPA Method 8310). Petroleum hydrocarbons in soil could also represent a source of vapor emissions. However, these emissions are expected to be insignificant compared to the

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emissions from groundwater, which is impacted over a wider area, and separate phase product, which contains higher concentrations of the volatile constituents.

### **Potential Health Risks to Construction and Maintenance Workers**


As described in the work plan, construction and maintenance workers involved in excavation activities at the sites may come into direct contact with soil, groundwater, and separate phase product. We originally proposed to address this issue as part of the health risk assessment; however, based on several conversations with RWQCB staff on this and other projects, we now believe it is more appropriate to address the potential risks to construction and maintenance workers in the long-term management plan for the sites.


We believe the above modifications are consistent with the goals of the work plan and will provide the data necessary to complete the evaluation of the migration of petroleum hydrocarbon constituents to Temescal Creek, and to evaluate potential human health risks associated with recreational uses of the Creek and current and future uses of both sites. We would appreciate your feedback on these changes as quickly as possible, because this project has been delayed for some time and all of the parties involved are anxious to proceed as soon as possible.

If you have any questions, please contact either of the undersigned, Amanda Spencer, or Greg Brorby.

Sincerely,

GEOMATRIX CONSULTANTS, INC.

  
James D. Tull  
Senior Scientist

  
Tom Graf, P.E.  
Principal Engineer

JDT/TEG/pp  
I:\WPDOCS\3182\POWELL.DOC

cc: Ravi Arulanantham. RWQCB  
Steve Morse. RWQCB  
Lynn Nakashima. DTSC  
Amanda Spencer. Geomatrix  
Greg Brorby. Geomatrix



August 6, 1996

241.0102.002

*STIP 11/84*

Ms. Susan Hugo  
Alameda County Department of Environmental Health  
1131 Harbor Bay Pkwy., Suite 250  
Alameda, California 94502-6577

**GROUNDWATER FLOW STUDY  
POWELL STREET PLAZA AND SHELLMOUND III SITES  
EMERYVILLE, CALIFORNIA**

Dear Ms. Hugo:

As requested in your July 18, 1996 letter to Tom Gram, PES Environmental, Inc. (PES) measured groundwater elevations in monitoring wells at the Powell Street Plaza and Shellmound III properties in Emeryville, California on July 30, 1996. Depth-to-water measurements as well as calculated water-level elevations are presented in the attached table (Table 1). As PES reported in recent quarterly groundwater monitoring reports, many of the monitoring wells on the Shellmound III property were buried during redevelopment activities; therefore, no measurements were possible in these wells.

If you have any questions, please contact Robert Creps or Andy Briefer at (415) 899-1600.

Sincerely,

**PES ENVIRONMENTAL, INC.**

Bryan J. Smith  
Project Engineer

Enclosure: Table 1 - Groundwater Elevations and Product Thickness Measurements

cc: Tom Gram



**TABLE 1**  
**Groundwater Elevations and Product Thickness Measurements**  
**Powell Street Plaza and Shellmound III Sites**  
**Emeryville, California**

PES Environmental, Inc.

Well Number	Measurement Date	Measurement Time	Top of Casing (feet MSL)	Depth to Product (feet)	Depth to Water (feet)	Product Thickness (feet)	Water-Level Elevation (feet MSL)	Corrected W-L Elevation (feet MSL)	Notes	
MW-1	7/30/96	9:06	8.72	NP	5.66		3.06			
MW-2	7/30/96	9:21	9.83	NP	6.76		3.07			
MW-3	7/30/96	9:32	10.86	NP	8.08		2.78			
MW-4	----	-----	-----	-----	-----	-----	-----	-----		Abandoned
MW-5	----	-----	-----	-----	-----	-----	-----	-----		Abandoned
MW-6	7/30/96	8:05	11.42	NP	8.07		3.35			
MW-7	----	-----	-----	-----	-----	-----	-----	-----		Abandoned
MW-8	7/30/96	9:50	7.48	NP	5.98		1.50			
MW-9	7/30/96	9:58	7.50	NP	3.76		3.74			
MW-10	7/30/96	NM	7.38	NM	NM		NM			Paved over - condition unknown
MW-11	7/30/96	8:57	11.89	NP	11.41		0.48			
MW-12	7/30/96	8:20	9.42	NP	6.56		2.86			
MW-13	7/30/96	10:26	10.83	5.66	5.67	0.01	5.16	5.17		
MW-14	7/30/96	8:38	11.74	Trace	6.78	<0.01	4.96			
MW-15	----	-----	-----	-----	-----	-----	-----	-----		Abandoned
MW-16	----	-----	-----	-----	-----	-----	-----	-----		Abandoned
MW-18	7/30/96	NM	6.21	NM	NM		NM		Buried with soil - condition unknown	
MW-19	7/30/96	NM	9.94	NM	NM		NM		Buried with soil - condition unknown	
MG-1	7/30/96	NM	11.82	NM	NM		NM		Buried with soil - condition unknown	
MG-2	7/30/96	NM	10.83	NM	NM		NM		Buried with soil - condition unknown	
MG-3	7/30/96	NM	9.76	NM	NM		NM		Buried with soil - condition unknown	
MG-4	7/30/96	NM	7.38	NM	NM		NM		Buried with soil - condition unknown	
MG-7	7/30/96	10:06	13.10	NP	11.98		1.12			
PZ-1	7/30/96	NM	7.99	NM	NM		NM		Buried with soil - condition unknown	

Notes:

Revised top of casing elevations based on December 27, 1994 and January 4, 1995 Kier & Wright survey.

NP = No free product observed

Trace = Slight residue on interface probe or other indication of free-product. Product thickness is less than 0.01 foot.

NM = Not measured

W-L = Water-Level

Corrected Water-Level Elevations were calculated as follows:

$$\text{Water-Level Elevation} = \text{Top of Casing} - \text{Depth to Water} + 0.85 \times \text{Product Thickness}$$

Shaded wells have been abandoned.

ALAMEDA COUNTY  
HEALTH CARE SERVICES



AGENCY  
DAVID J. KEARS, Agency Director

Alameda County CC4580  
Environmental Health Services  
1131 Harbor Bay Pkwy., #250  
Alameda CA 94502-6577  
(510)567-6700 FAX(510)337-9335

July 18, 1996

Mr. Thomas Gram  
Former Eastshore Partners  
5800 Shellmound Street #210  
Emeryville, California 94608

(510) 337-9335

**RE: Groundwater Flow Study in Emeryville**

Dear Mr. Gram:

The Alameda County Department of Environmental Health, Environmental Protection Division (ACDEH) and the Department of Toxic Substances Control (DTSC) are coordinating a groundwater flow study in Emeryville, specifically in the area near the Cypress Freeway (880) reconstruction project and the EBMUD North Interceptor sanitary sewer relocation due to what appeared to be inconsistent flow directions observed at nearby sites.

The following sites under the oversight of either ACDEH or DTSC are requested to participate in this study:

- Good Guys - 5800 Christie Avenue (ACDEH)
- Shellmound I, II and III - Eastshore Highway (DTSC)
- Barbary Coast - 4300 Eastshore Highway (DTSC)
- Powell Street Plaza (PIE) - 5500 Eastshore Highway (ACDEH)
- Days Inn Hotel - 1603 Powell Street (ACDEH)
- BP Oil Station - 1700 Powell Street (ACDEH)
- Shell Oil Station - 1800 Powell Street (ACDEH)
- Myers Container - 4500 Shellmound Street (DTSC)
- Hacros Pigment Plant - 4650 Shellmound Street (ACDEH)
- Goldsmith Lathrop - 5813 Shellmound Street (ACDEH)

It is necessary to coordinate / tie-in (using the same bench mark) the groundwater elevation readings of the monitoring wells at 5500 Eastshore Highway (Powell Street Plaza, PIE) with wells at the above listed sites.

Please inform your consultants that the tentative schedule for the groundwater elevation measurements for all the sites listed above will be on July 30, 1996.

If you have any questions regarding this letter, please contact me at (510) 567-6780 or Ted Park of DTSC at (510) 540-3847.

Sincerely,

Susan L. Hugo, Senior Hazardous Materials Specialist

- c: Mee Ling Tung, Director, Environmental Health
- Gordon Coleman, Acting Chief, Environmental Protection / files
- Ted Park, DTSC, 700 Heinz Ave., Berkeley, CA 94710-2737
- Sum Arigala, San Francisco Bay RWQCB
- John Skalbeck, PES, 1682 Novato Blvd., #100, Novato, CA 94947

MORRISON & FOERSTER LLP

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WASHINGTON, D.C.  
LONDON  
BRUSSELS  
HONG KONG  
TOKYO

January 16, 1996

Writer's Direct Dial Number  
(415) 677-7117

Land Disposal Section  
Division of Clean Water Programs-SWRCB  
P.O. Box 944212  
Sacramento, CA 94244-2120  
Attn: Ms. Christine Bailey

Re: Written Comments -- Amendment of Resolution No. 92-49,  
"Policies and Procedures for Investigation and Clean-Up and  
Abatement Under Section 13304 of the Water Code"

Dear Ms. Bailey:

On behalf of our client, Aetna Real Estate Associates, L.P. ("Aetna"), please accept these comments on the September 14, 1995 draft Amendment of Resolution 92-49 (the "Amendment"). We understand that the comment period officially closed on October 30, 1995 but that the Board will nevertheless consider comments submitted after that date at least to the extent that they raise new or important issues.

Our comments relate to the land use restriction provisions of the Amendment. We have reviewed the Summary of Comments and Responses included in the draft Functional Equivalent Document dated September 14, 1995 (the "Summary") and believe there is still some confusion on this point. As you know, in many cases the discharger at a particular site is not also the site's owner. In those situations, the discharger may propose a land use restriction to minimize cleanup costs, in circumstances where the proposed restriction is unacceptable to the owner as an inappropriate limitation on the value and usefulness of the property. For example, Aetna is the owner of a site in Emeryville, California which is contaminated with petroleum hydrocarbons. When Aetna purchased the property, it bargained for an indemnity from the seller to protect the value of the property. However, the seller is now attempting to convince the County of Alameda and the Regional Water Quality Control Board that minimal remediation and a deed restriction will solve the problem. In the enclosed letter to the County (and copied to the RWQCB) dated June 26, 1995, we raised Aetna's objections to an "involuntary" deed restriction, but have had no

Land Disposal Section  
January 16, 1996  
Page Two

written response from the agencies. We believe it is critical for the State Board to make clear in the Amendment that the Regional Boards do not have the authority under the Water Code to force a property owner to accept a deed restriction where the property owner is unwilling to do so.

Several of the comments submitted to the Board last year made this point. Specifically, the comment identified as Comment 011.1.c on page C15 of the Summary suggested that the following language be included in the Amendment:

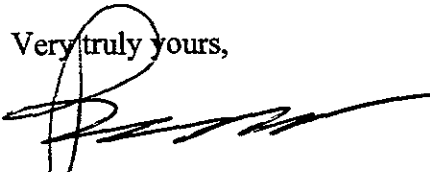
A non-attainment zone shall be implemented only with the written agreement of all fee interest owners of the parcel(s) of property containing the non-attainment zone.

Although the Board's response to this comment was "Accept," the text of the Amendment still does not adequately address the point:

The discharger or a group of dischargers is responsible for applying for designation of a containment zone.

Section III.H.5. As is presently true with Aetna's Emeryville property, there will occasionally be instances when a discharger applies for a designation against the wishes of the property owner. Therefore, Aetna respectfully suggests that the Board amend Section III.H.5 as it appears in the September 14, 1995 draft of the Amendment to include the language suggested by Comment 011.1.c. The State Board should also clarify that the Water Code does not authorize the Regional Boards to impose or require deed restrictions over the objections of a property owner.

Thank you very much for considering these views.

Very truly yours,  
  
Barry S. Sandals

Enclosure

cc: David Cooke, Esq.  
Susan Hugo, Sr. Hazardous Material Specialist  
Sum Arigala, Regional Water Quality Control Board  
Rafat A. Shahid, Assistant Agency Director, Environmental Health

Land Disposal Section  
January 16, 1996  
Page Three

Gordon Coleman, Acting Chief, Hazardous Materials Division  
Lynn Nakashima, Department of Toxic Substances Control  
Juan Arreguin, Emeryville Redevelopment Agency  
Diane Mims, Regional Water Quality Control Board  
John Kaiser, Regional Water Quality Control Board  
Stephen Morse, Regional Water Quality Control Board

# MORRISON & FOERSTER

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DIRECT DIAL NUMBER

(415) 677-7117

June 26, 1995

BY OVERNIGHT COURIER

Susan L. Hugo  
Senior Hazardous Materials Specialist  
Department of Environmental Health  
Alameda County Health Care Services Agency  
80 Swan Way, Room 200  
Oakland, California 94621

Re: Former P.I.E. Freight Terminal Site  
5500 Eastshore Highway, Emeryville, CA

Dear Ms. Hugo:

We are writing on behalf of Etna Real Estate Associates, L.P. ("Etna"), the owner of the above-referenced property (the "Property"), regarding the possibility of limiting the level of environmental remediation that would occur at the Property by restricting future land use. We understand that, at a May 25, 1995 meeting, a representative of the former Eastshore Partners, Mr. Tom Graf with Geomatrix Consultants, suggested the possibility of placing a deed restriction on the Property. In response to Mr. Graf's suggestion, you inquired about Etna's position on this issue.

As initially expressed at the May 25 meeting, Etna strongly disagrees that a deed restriction should be placed on the Property. As you may know, imposing a deed restriction runs counter to a basic tenet of property law, because deed restrictions impair the free alienability and use of affected property. See, e.g., Wharton v. Mollinet, 103 Cal. App. 2d 710, 713 (4th Dist. 1951) (disfavor of restraints on alienation "is founded on grounds of clear public policy for the purpose of clarifying and protecting titles for the benefit of the public at large as well as the grantees"); Emergency Standard Guide for Risk-Based Corrective Action Applied at Petroleum Release Sites, ASTM ES 38-94 (May 27, 1994) at 36 (restricting land use contradicts basic principles of property law).

MORRISON & FOERSTER

Susan L. Hugo  
June 26, 1995  
Page Two

In this case, restraining future land use is particularly inappropriate. Although the site is currently used as a shopping center, it is certainly possible, and even likely, that the Property will be utilized for other purposes in the future, possibly including a hotel or other residential-type uses. The site is readily accessible and offers views of San Francisco, the San Francisco Bay and the East Bay. The demand for housing and hotels in the region is high. In addition, predicting future land use is highly speculative due to the fluid pattern of development in Emeryville. The use of a deed restriction to curtail future land use could therefore place a severe and unnecessary restriction on potential future uses of the Property.

A deed restriction would not only unnecessarily restrict the future use of the site, but would also severely impact the marketability of the Property. As you know, a deed restriction is a covenant that runs with the land in perpetuity. Property that can be used only for certain purposes is less valuable than property that is free of such restrictions. In the case of restrictions based upon environmental contamination, a deed restriction threatens to permanently stigmatize the Property, reducing its value even further. Moreover, title to properties subject to deed restrictions generally remain impaired even where the conditions that gave rise to the restrictions have been eliminated. As an innocent landowner, Etna should not be expected or required to permanently restrict its use of the Property and thereby voluntarily reduce its market value. See Internal Memorandum from Stephen Hill, Section Leader, to Steven Ritchie, Executive Officer, California Regional Water Quality Control Board, San Francisco Bay Region, Regarding Survey of Potential Non-Attainment Areas at Regional Board Lead Groundwater Cleanup Sites - Status Report (February 1, 1995) at 5 ("deed restrictions . . . cannot be forced on a down-gradient property owner"); See also Preamble to the 1990 Revisions to the National Contingency Plan ("NCP"), 60 Fed. Reg. 8666, 8706 (March 8, 1990) ("EPA agrees that institutional controls [such as deed restrictions] should not substitute for more active response measures that actually reduce, minimize, or eliminate contamination unless such measures are not practicable.").

Etna does not intend to address in this letter other issues discussed at the May 25, 1995 meeting, including the appropriateness of considering the draft Ground Water Non-Attainment Areas policy adopted by the

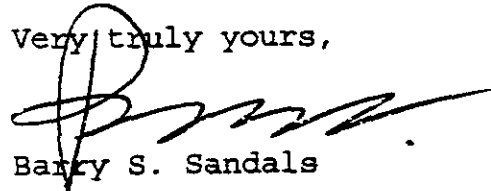
MORRISON & FOERSTER

Susan L. Hugo  
June 26, 1995  
Page Three

Regional Water Quality Control Board on August 17, 1994, because it has not been approved by the State Water Resources Control Board. Atna also reserves comment regarding whether conditions at the Property would qualify for consideration under the draft policy, including, among others, whether complying with all applicable water quality objectives will not be technologically or economically achievable within a reasonable period of time, whether no significant pollutant migration will occur, and whether adequate source removal will limit future migration of pollutants to ground water.

Thank you for your time and consideration. Please do not hesitate to contact me if you have any questions or comments.

Very truly yours,



Barry S. Sandals

BSS/1a

cc: David Cooke, Esq.  
Sum Arigala, Regional Water Quality Control Board  
Rafat A. Shahid, Assistant Agency Director,  
Environmental Health  
Edgar B. Howell, Chief, Hazardous Materials Division  
Lynn Nakashima, Department of Toxic Substances Control  
Juan Arreguin, Emeryville Redevelopment Agency



## MEMORANDUM

**DATE:** October 27, 1995

**TO:** Lynn Nakashima, Department of Toxic Substances Control  
Sum Arigala, Regional Water Quality Control Board  
Susan Hugo, Alameda County Dept. of Environmental Health

**FROM:** Ron Gerber, Emeryville Redevelopment Agency

**SUBJECT:** Scoping session regarding environmental engineering services related to the remediation of the Shellmound Ventures Parcels.

### TIMES AND LOCATION

**Date:** Thursday, November 2, 1995  
**Time:** 1:30 pm  
**Place:** DTSC Offices, 700 Heinz Avenue, Berkeley  
Administrative Conference Room #315 (take the elevator to the 3rd floor, turn right and proceed to the end of the hall)

The scoping session will cover two major items:

- Preparation of the Risk Assessment. The discussion will include the format contemplated, the calculation requirements, and various details related to the fate and transport model. The discussion should include all pertinent information needed so that the consultant has a clear understanding of what is expected in order to complete the Risk Assessment. The discussion should serve to clarify the diesel and non-diesel requirements of the Risk Assessment.
- Review and brief discussion of the general and specific comments to the Agency's Environmental Site Characterization Report. The purpose of this discussion is to clarify any outstanding issues so that the consultant has a clear understanding of what services will be required for the contractual obligations of this phase of the project.

#### Distribution List

Patrick D. O'Keeffe, Emeryville Redevelopment Agency  
Ignacio Dayrit, Emeryville Redevelopment Agency  
Tom Gram, The Martin Group  
Mansour Sepchr, Soma Environmental Engineering, Inc  
John Adams, Kleinfelder Inc  
Christina Kennedy, Kleinfelder Inc

**SHELLMOUND VENTURES REMEDIATION**  
**NEXT STEPS - Revised 10/24/95**

- I. Review/Finalize Site Characterization Plan
  - A. Respond to Comments made by DTSC - The Regional Water Quality Board has indicated that these are the same concerns that they have
  - B. As an appendix to the Characterization Plan, include a Baseline Risk Assessment. This document will be submitted to DTSC, RWQCB & Alameda County. Prior to the preparation of the Risk Assessment, there will be coordination among the Agency, their consultant, Alameda County, The Martin Group, and their consultant regarding a separate Risk Assessment that they will prepare related to the former P.I.E. site.
- II. Prepare a Draft Removal Action Workplan (Includes all necessary Remedial Design Work)
  - A. Respond to the comments and submit as a final draft
  - B. Public Notice is prepared and a public meeting is held to discuss the Draft Removal Action Workplan
  - C. Respond to any public comments and submit to DTSC and the RWQCB as a final plan for review
  - D. Finalize the Removal Action Workplan pursuant to any comments made by the regulatory agencies
- III. The Agency Implements the Plan (Including the Health and Safety Plan) /
- IV. Prepare Removal Action Completion Report, which documents the work that was done, and submit it to the regulatory agencies for comment
  - A. Respond to comments and finalize report
- V. Prepare the Operations and Maintenance Plan and submit for review
  - A. Respond to comments and finalize the report

Alameda County Department of Environmental Health  
ENVIRONMENTAL PROTECTION DIV.  
1131 HARBOR BAY PKWY., #250  
ALAMEDA CA 94502-6577  
(510)567-6700

Meeting Attendees

Subject POWELL STREET PLAZA- Emeryville

Date 7/14/95

Location ACDEH 1131 Harbor Bay Parkway Alameda

	<u>Name</u>	<u>Affiliation</u>	<u>Phone# / FAX#</u>
1	<u>SUSAN HUGO</u>	<u>ACDEH</u>	<u>(510) 567-6780 / (510) 337-9335</u>
2	<u>Sum Arigala</u>	<u>RWQCB</u>	<u>510 286 0434 / 286 1380.</u>
3	<u>Tom GRAF</u>	<u>GEOMATRIX</u>	<u>415 434-9400 / 434-1365</u>
4	<u>Tom Green</u>	<u>Eastshore Partners</u>	<u>510 652 5852 / 5-652-1967</u>
5	<u>Greg Bromby</u>	<u>Geomatrix</u>	<u>415 434-9400 / 434-1365</u>
6	<u>Ravi Arulanantham</u>	<u>RWQCB/ACDEH</u>	<u>286-1331 /</u>
7			<u>/</u>
8			<u>/</u>
9			<u>/</u>
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17			<u>/</u>

LOS ANGELES  
SACRAMENTO  
ORANGE COUNTY  
PALO ALTO  
WALNUT CREEK  
SEATTLE

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DENVER  
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BRUSSELS  
HONG KONG  
TOKYO

June 26, 1995

DIRECT DIAL NUMBER  
(415) 677-7117

BY OVERNIGHT COURIER

Susan L. Hugo  
Senior Hazardous Materials Specialist  
Department of Environmental Health  
Alameda County Health Care Services Agency  
80 Swan Way, Room 200  
Oakland, California 94621

Re: Former P.I.E. Freight Terminal Site  
5500 Eastshore Highway, Emeryville, CA

Dear Ms. Hugo:

We are writing on behalf of Aetna Real Estate Associates, L.P. ("Aetna"), the owner of the above-referenced property (the "Property"), regarding the possibility of limiting the level of environmental remediation that would occur at the Property by restricting future land use. We understand that, at a May 25, 1995 meeting, a representative of the former Eastshore Partners, Mr. Tom Graf with Geomatrix Consultants, suggested the possibility of placing a deed restriction on the Property. In response to Mr. Graf's suggestion, you inquired about Aetna's position on this issue.

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## MORRISON & FOERSTER

Susan L. Hugo  
June 26, 1995  
Page Two

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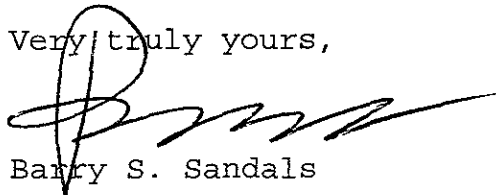
## MORRISON & FOERSTER

Susan L. Hugo  
June 26, 1995  
Page Three

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Thank you for your time and consideration. Please do not hesitate to contact me if you have any questions or comments.

Very truly yours,



Barry S. Sandals

BSS/la

cc: David Cooke, Esq.  
Sum Arigala, Regional Water Quality Control Board  
Rafat A. Shahid, Assistant Agency Director,  
Environmental Health  
Edgar B. Howell, Chief, Hazardous Materials Division  
Lynn Nakashima, Department of Toxic Substances Control  
Juan Arreguin, Emeryville Redevelopment Agency

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

June 8, 1995  
STID# 1184

Ms. Katherine M. Burgi  
Investment Officer  
Aetna Realty Investors, Inc.  
1740 Technology Drive, Suite 600  
San Jose, California 95110

Mr. Thomas Gram  
Former Eastshore Partners  
5800 Shellmound Street, Suite 210  
Emeryville, California 94608

RE: Powell Street Plaza ( Former P.I.E. Freight Terminal Site -  
5500 Eastshore Highway) and Shellmound III Site, Emeryville,  
California 94608

Dear Ms. Burgi and Mr. Gram:

This letter documents our office concurrence with regards to the Proposed Well Replacement Plan for the Powell Street Plaza and Shellmound III sites in Emeryville, California dated February 23, 1995, prepared and submitted by PES Environmental, Inc.

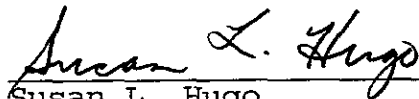
A meeting coordinated by ACDEH in conjunction with DTSC and RWQCB was held on February 1, 1995 and attended by representatives from Cal Trans, EBMUD, City of Emeryville, PES Environmental and Clayton Environmental. Monitoring wells (MW-4 and MW-5) will be abandoned due to the realignment of the EBMUD Interceptor and replacement wells (MW-4R and MW-5R) will be installed. Monitoring wells (MW-7, MW-15 and MW-16) will be abandoned due to the realignment of Cal Trans I-80 freeway and replacement wells (MW-7R, MW-15R and MW-16R) will be installed. These replacement wells are scheduled for installation as soon as possible following the completion of the EBMUD construction activities in the area by November / December 1995.

Please give our office 72 hours advance notice of the well abandonment and replacement field activities so I can schedule a site visit.

Ms. Burgi and Mr. Gram  
RE: Powell Street Plaza & Shellmound III Sites, Emeryville, CA  
June 8, 1995  
Page 2 of 2

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

Sincerely,



---

Susan L. Hugo  
Senior Hazardous Materials Specialist

cc: Rafat A. Shahid, Director, Environmental Health  
Sum Arigala, San Francisco Bay RWQCB  
Lynn Nakashima, DTSC, 700 Heinz Ave., Suite 200,  
Berkeley, CA 94710  
Gil Jensen, Alameda County District Attorney's Office  
Mee Ling Tung, Acting Chief, Environmental Protection  
Division / files  
Tony McElligott, Clayton Environmental, 1252 Quarry Lane,  
Pleasanton, CA 94566  
John Skalbeck / Robert Creps, PES Environmental, Inc.,  
1682 Novato Blvd., Suite 100, Novato, CA 94947



ALAMEDA COUNTY HAZARDOUS MATERIALS DIVISION

05/25/95

UNDERGROUND STORAGE TANK CLEANUP SITE

AGENCY#: 10000	SOURCE OF FUNDS: F-FEDERAL	INSPECTOR: SH
StID: 1184	SUBSTANCE: 12034 -Diesel	
SITE NAME: PIE Freight Terminal Site	DATE REPORTED : 08/14/86	
ADDRESS : 5500 Eastshore Hwy	DATE CONFIRMED: 08/14/86	
CITY/ZIP : Emeryville, CA 94608	MULTIPLE RP's : Y	
CASE TYPE: G CONTRACT STATUS: 4 PRIOR:2B3 EMERGENCY RESPONSE:		
RP SEARCH : S	DATE END: 03/15/92	
PRELIM ASSESSMENT : C	DATE BEGIN: 09/16/86	DATE END: 12/18/87
REMEDIAL INVESTIG : C	DATE BEGIN: 04/28/88	DATE END: 06/03/88
REMEDIAL ACTION : U	DATE BEGIN: 05/11/89	DATE END:
POST REMED MONITOR:	DATE BEGIN:	DATE END:
TYPE ENFORCEMENT ACTION TAKEN: 1 DATE OF ENFORC. ACTION: 03/15/92		

UNDERGROUND STORAGE TANK CLEANUP SITE - SCREEN #2

LUFT FIELD MANUAL CONSIDERATION: 3HSCAWG	CASE CLOSED: on:
DT EXC START: 11/11/86	REMEDIAL ACTIONS TAKEN: ED,ET,IT,GT
RP #1: CONTACT: Ms. Maria Burgi	RP COST:
RP COMPANY NAME: Aetna Realty Investors, Inc.	Ph:
ADDRESS: 1740 Technology Dr. #600	
CITY/STATE: San Jose, California 95110	
ΔMaMENT:	

SITE ID#: 1184

ADDITIONAL RP'S

RP #2

CONTACT NAME: Mr. Thomas Gram

COMPANY NAME: Former Eastshore Partners

RP Ph:

ADDRESS: 5800 Shellmound St. #210

CITY/ST/ZIP: Emeryville, C A 94608



February 23, 1995

RECEIVED  
FEB 27 1995 3:07

**241.0102.011**

Ms. Susan L. Hugo  
Senior Hazardous Materials Specialist  
Alameda County Department of Environmental Health  
1131 Harbor Bay Parkway  
Alameda, California 94501

**PROPOSED WELL REPLACEMENT PLAN  
POWELL STREET PLAZA AND SHELLMOUND III SITES  
EMERYVILLE, CALIFORNIA**

Dear Ms. Hugo:

This letter has been prepared by PES Environmental, Inc. (PES) on behalf of the former partners of Eastshore Partners (Eastshore) for the Powell Street Plaza and Shellmound III sites, Emeryville, California. This letter describes the proposed well replacement plan for monitoring wells that will be abandoned due to construction activities by the California Department of Transportation (Caltrans) and East Bay Municipal Utilities District (EBMUD). As you requested in our February 1, 1995 meeting, PES has prepared this plan to document that one replacement well will be installed for each well that will be abandoned due to the realignment of the EBMUD Interceptor and the Caltrans I-80 freeway.

Eastshore is continuing to work with Caltrans towards reaching an equitable compensation agreement for these well replacement activities. We are optimistic that this matter will be resolved soon so that the well replacement can commence.

PES and EBMUD verified the wells to be impacted by EBMUD's and Caltrans' construction activities during a site visit following our February 1, 1995 meeting. The wells that are scheduled to be abandoned include: MW-4 and MW-5 (EBMUD) and MW-<sup>7</sup> MW-15, and MW-16 (Caltrans). PES proposes to replace these well at the locations shown on Plate 1.

These replacement wells will be installed following completion of EBMUD construction activities in the area which will be in approximately November/December 1995. This schedule will allow for proper well location sitting relative to realignment features and eliminates the possibility for accidental damage to replacement wells from heavy equipment used during construction activities.

Ms. Susan L. Hugo  
February 23, 1995  
Page 2

PES Environmental, Inc.

PES trusts this is the information you require at this time. Please feel free to contact either of the undersigned if you have any questions.

Yours very truly,

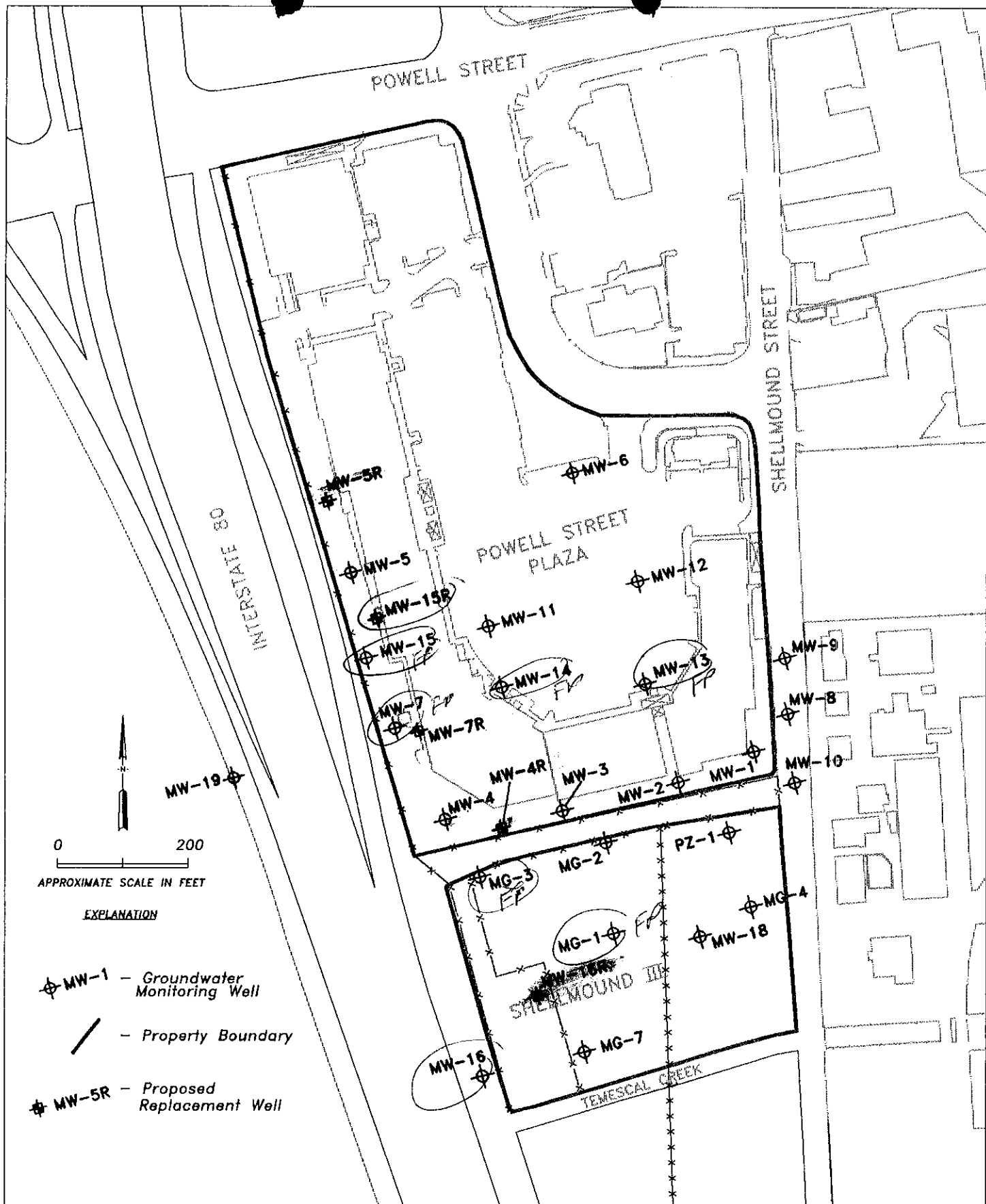
**PES ENVIRONMENTAL, INC.**



John D. Skalbeck, C.E.G.  
Associate Hydrogeologist

Attachment: Plate 1. Site Plan

cc: Tom Gram; Former Eastshore Partners  
David Cooke, Esq.; Beveridge & Diamond  
Tony McElligott; Clayton Environmental Consultants  
Albert Weitz, EBMUD  
Joel Howie; Caltrans  
Brian Fitzpatrick; Caltrans  
Lynn Nakashima; California Environmental Protection Agency - DTSC  
Sumadhu Arigala; California Regional Water Quality Control Board, S.F. Region  
Juan Arreguin; City of Emeryville



**PES Environmental, Inc.**  
Engineering & Environmental Services

Site Plan  
Powell Street Plaza and  
Shellmound III Sites  
Emeryville, California

PLATE  
**1**



February 14, 1995

**241.0102.010**

Ms. Susan L. Hugo  
Senior Hazardous Materials Specialist  
Alameda County Department of Environmental Health  
1131 Harbor Bay Parkway  
Alameda, California 94501

**REVISED SCHEDULE FOR REPORT SUBMITTALS  
POWELL STREET PLAZA AND SHELLMOUND III SITES  
EMERYVILLE, CALIFORNIA**

Dear Ms. Hugo:

This letter was prepared by PES Environmental, Inc. (PES) on behalf of the former Eastshore Partners for the Powell Street Plaza and Shellmound III sites, Emeryville, California. This letter documents the proposed revised schedule for report submittals as discussed in our February 1, 1995 meeting.

As you requested, PES will prepare a Well Replacement Plan for submittal by February 24, 1995. The Feasibility Study Report and the Remedial Action Plan can be completed and submitted by March 15, 1995.

PES trusts this is the information you require at this time. Please feel free to contact either of the undersigned if you have any questions.

Yours very truly,

**PES ENVIRONMENTAL, INC.**

John D. Skalbeck, C.E.G.  
Associate Hydrogeologist

cc. Tom Gram, Former Eastshore Partners  
David Cooke, Esq., Beveridge & Diamond  
Tony McElligott, Clayton Environmental Consultants

2410102L 019

## DEPARTMENT OF TRANSPORTATION

BOX 23660  
OAKLAND, CA 94623-0660  
(510) 286-4444  
TDD (510) 286-4454



February 9, 1995

Ms. Susan Hugo  
Senior Hazardous Materials Specialist  
Alameda County Health Care Services Agency  
1131 Harbor Bay Parkway  
Alameda, CA 94502

Subject: Powell Street Plaza/ Shellmound III Properties

Dear Ms. Hugo:

This is a follow up to the February 1, 1995 meeting at your office regarding the impact of Caltrans construction projects to monitoring wells at the subject sites. It was determined by Al Weitz of EBMUD and Robert Creps of PES Environmental that monitoring wells MW-4 and MW-7 will be impacted by the north interceptor relocation project.

EBMUD will demolish MW-4 and MW-7 through a permit from the Zone 7 Water Resources Agency and replacement wells will be installed by PES Environmental. The locations of the replacement wells will be determined by PES Environmental through discussions with your office.

As discussed in the meeting, monitoring wells MW-5, MW-15 and MW-16 will be impacted by the I-80 widening (flyover) project. The demolition of these wells was not included in the contract plans but may be accomplished through a contract change order or by PES Environmental. This will be determined after receipt of a proposed cost estimate from PES Environmental and the flyover contractor.

This letter confirms Caltrans intentions to demolish monitoring wells prior to installation of replacement wells. Please respond to this letter by February 24, 1995 if Alameda County Health Services Agency has any objections. Otherwise, EBMUD will proceed with subsequent demolition of monitoring wells MW-4 and MW-7. Demolition of monitoring wells MW-5, MW-15 and MW-16 will occur in late March or April.

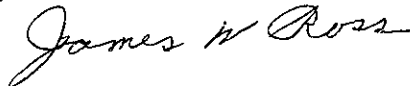
Ms. Susan Hugo  
February 9, 1995  
Page 2

If you have any questions or comments, please contact Joel  
Howie at (510) 286-5651 or Jim Ross at (510) 286-5629.

Sincerely yours,

JOE BROWNE  
District Director

By:



*for* DIANNE STEINHAUSER, OFFICE CHIEF  
Office of Environmental Engineering

DS:jh

cc: Mr. Robert Creps/Mr. John Skalbeck  
PES Environmental, Inc.  
1682 Novato Boulevard, Suite 100  
Novato, California 94947

Mr. Sum Arigala  
Regional Water Quality Control Board  
San Francisco Bay Region  
2101 Webster Street, Suite 500  
Oakland, California 9412

Ms. Lynn Nakashima  
Department of Toxic Substances Control, Region 2  
700 Heinz Avenue, Suite 200  
Berkeley, California 94710-2737

Mr. Al Weitz  
East Bay Municipal Utility District  
P.O. Box 24055  
Oakland, California 94623-1055

Mr. Juan Arreguin  
City of Emeryville  
Department of Public Works  
2200 Powell Street  
Emeryville, California 94608

Anthony McElligott  
Clayton Environmental Consultants, Inc.  
P.O. Box 9019  
Pleasanton, California 94566

SHislop, Caltrans Cypress Construction  
BFitzpatrick, Caltrans Right of Way



**Alameda County Department of Environmental Health  
Hazardous Materials Division**

~~80 Swan Way, Rm. 200, Oakland, CA 94621~~

~~PH: 510-271-4320 FAX: 510-568-3786~~

1131 HARBOR BAY PARKWAY, ALAMEDA, CA 94502

**Meeting Attendees**

Subject POWELL STREET PLAZA / SHELLMOUND III PROPERTIES

Date February 1, 1995

Location 1131 HARBOR BAY PARKWAY, ALAMEDA, CA 94502

Name	Affiliation	Phone # / FAX #
1 <u>SUSAN L. HUGO</u>	<u>ACPEH</u>	<u>(510) 567-6780 / (510) 337-9335</u>
2 <u>Sum Arigala</u>	<u>RWQUB # 2:</u>	<u>510 286 0434 / 510 286 1380.</u>
3 <u>Tony McElligott</u>	<u>Clayton Environmental Consultants</u>	<u>510 426 2216 / 510 426 0106</u>
4 <u>Juan C. Arreguin</u>	<u>City of Emeryville</u>	<u>510 596-4333 / 658-0895</u>
5 <u>SCOTT HISLOP</u>	<u>CALTRANS - CYPRESS CONST.</u>	<u>510-286-0717 / 510-286-1099</u>
6 <u>Lynn Nakashima</u>	<u>DTSC</u>	<u>(510) 540-3839 / (510) 540-3819</u>
7 <u>Brian Fitzpatrick</u>	<u>Caltrans - Right of Way</u>	<u>510 286 5371 / 510 286 5366</u>
8 <u>Jim Ross</u>	<u>Caltrans - Env. Engineering</u>	<u>510-286-5629</u>
9 <u>Joel Howie</u>	<u>Caltrans - Env. Eng.</u>	<u>(510) 286-5659 / (510) 286-5642</u>
10 <u>Robert Creps</u>	<u>PES Environmental</u>	<u>(415) 899-1600 / (415) 899-1601</u>
11 <u>JOHN SKALBECK</u>	<u>PES Environmental</u>	<u>(415) 899-1600 / (415) 899-1601</u>
12 <u>Al Weitz</u>	<u>EBMUD</u>	<u>(510) 287-1624 / 287 1714</u>
13		/
14		/
15		/
16		/
17		/



November 8, 1994

241.0102.010

*STID 1184*

HAZMAT  
NOV 15 AM 7:59

Ms. Susan L. Hugo  
Senior Hazardous Materials Specialist  
Alameda County Department of Environmental Health  
1131 Harbor Bay Parkway  
Alameda, California 94501

**SCHEDULE FOR REPORT SUBMITTALS  
POWELL STREET PLAZA AND SHELLMOUND III SITES  
EMERYVILLE, CALIFORNIA**

Dear Ms. Hugo:

This letter was prepared by PES Environmental, Inc. (PES) on behalf of the former Eastshore Partners for the Powell Street Plaza and Shellmound III sites, Emeryville, California. This letter documents the proposed schedule for report submittals as discussed in our September 2, 1994 meeting.

PES completed groundwater sampling of the new monitoring well MW-19 on October 30, 1994. Laboratory chemical analyses results for the groundwater sample are expected by November 14, 1994. PES can complete the Characterization Report upon receipt of these results and submit a final report by November 30, 1994. The Feasibility Study Report and the Remedial Action Plan can be completed and submitted by December 30, 1994.

The Characterization Report submittal is dependent on receipt of reports by Blymyer and Sons Engineers, Inc. (Blymyer) regarding tank removal and soil excavation activities at the Powell Street Plaza site during occupancy by Pacific Intermountain Express (PIE). These reports are required to complete the background characterization for the site. The release of these reports to PES by Blymyer is subject to authorization by PIE's bankruptcy trustee. PES has requested authorization for release of these reports in a September 28, 1994 letter to Chris Falbo of Blymyer. Sylvia Lee of PIE indicated in a telephone conversation today that the authorization from PIE's bankruptcy trustee may be forthcoming in a couple of weeks or more depending on bankruptcy court backlog.

PES trusts this is the information you require at this time. Please feel free to contact either of the undersigned if you have any questions.

Yours very truly,

**PES ENVIRONMENTAL, INC.**

John D. Skalbeck, C E G.  
Associate Hydrogeologist

cc Tom Gram, Former Eastshore Partners  
David Cooke, Esq., Beveridge & Diamond  
Tony McElligott, Clayton Environmental Consultants



October 24, 1994

STID 1184

241.0102.010

Ms. Susan L. Hugo  
Senior Hazardous Materials Specialist  
Alameda County Department of Environmental Health  
1131 Harbor Bay Parkway  
Alameda, California 94501

**SAMPLING SCHEDULE MODIFICATION  
GROUNDWATER MONITORING PROGRAM  
POWELL STREET PLAZA AND SHELLMOUND III SITES  
EMERYVILLE, CALIFORNIA**

Dear Ms. Hugo:

This letter was prepared by PES Environmental, Inc. (PES) on behalf of the former Eastshore Partners for the Powell Street Plaza and Shellmound III sites, Emeryville, California. This letter documents sampling schedule modifications for the groundwater monitoring program as discussed in our September 2, 1994 meeting.

PES submitted a letter dated June 29, 1994 to Alameda County Department of Environmental Health (ACDEH) outlining the proposed modifications of the groundwater monitoring program sampling schedule to reduce redundant monitoring and associated costs. Comments to this letter were discussed during our September 2, 1994 meeting and changes to the proposed modifications were agreed upon by ACDEH and PES at that time. The following paragraphs document and provide the rationale for these changes.

As requested by you, monitoring well MW-8 was sampled on September 6, 1994 to verify the apparent anomalous detection of total petroleum hydrocarbons (quantified as diesel) in the sample from this well during the June 2, 1994 sampling event. The laboratory chemical analyses results indicate no detectable concentrations of petroleum hydrocarbons in the September 6, 1994 sample. These results will be reported in the quarterly report scheduled for submittal at the end of this month. Based on these results, Well MW-8 will be eliminated from the monitoring schedule as agreed during the September 2, 1994 meeting.

Because of the groundwater mounding near the southern portion of the Powell Street Plaza site, monitoring well MW-12 will be monitored quarterly (originally proposed for elimination) to assess potential northeastern migration of petroleum hydrocarbons due to radial groundwater flow from the mound. During the September 2, 1994 meeting we agreed that monitoring well MW-6 would be eliminated (originally proposed for annual sampling) from the sampling schedule upon resolving the former lead issue regarding boring EB8 from a 1986 Geomatrix investigation. Resolution of the lead issue is documented in the October 12, 1994 letter *Geomatrix Soil Investigation, Powell Street Plaza, Emeryville, California*

Ms. Susan L. Hugo

October 24, 1994

Page 2

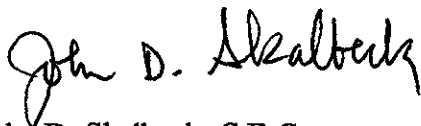
PES Environmental, Inc.

As you requested, monitoring well MG-4 will continue to be sampled quarterly (originally proposed for annual sampling) to serve as an upgradient monitoring location for the Shellmound III site. We agreed that well PZ-1 (originally proposed for annual sampling) will be eliminated from the monitoring schedule. We also agreed that well MW-1 will be sampled quarterly (originally proposed for annual sampling) but only analyzed annually unless petroleum hydrocarbons are found in the sample from well MW-2. If a quarterly sample from MW-2 contains petroleum hydrocarbons, the sample collected from well MW-1 will be analyzed. Monitoring wells MW-16 and MW-18 will be eliminated from the monitoring schedule as originally proposed.

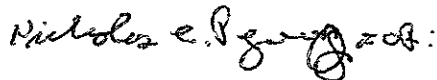
PES trusts this is the information you require at this time. Please feel free to contact either of the undersigned if you have any questions.

Yours very truly,

**PES ENVIRONMENTAL, INC.**



John D. Skalbeck, C.E.G.  
Associate Hydrogeologist



Robert S. Creps, P.E.  
Principal Engineer

cc: Tom Gram, Former Eastshore Partners  
David Cooke, Esq., Beveridge & Diamond  
Tony McElligott, Clayton Environmental Consultants



October 12, 1994

241.0102.010

STIP 1184

RECEIVED  
HAZMAT  
OCT 14 11 3:09 AM '94

Ms. Susan L. Hugo  
Senior Hazardous Materials Specialist  
Alameda County Department of Environmental Health  
1131 Harbor Bay Parkway  
Alameda, California 94501

**GEOMATRIX SOIL INVESTIGATIONS  
POWELL STREET PLAZA SITE  
EMERYVILLE, CALIFORNIA**

Dear Ms. Hugo:

This letter was prepared by PES Environmental, Inc. (PES) on behalf of the former Eastshore Partners for the Powell Street Plaza site, Emeryville, California. It addresses a concern you identified during our September 2, 1994 meeting regarding elevated lead concentrations found in a soil sample collected from the northern portion of the site (at Boring EB8) during a soil investigation conducted by Geomatrix in September 1986.

PES has reviewed the boring log data and laboratory results from the January 28, 1987 Geomatrix report *Soils Quality Assessment, PIE Freight Terminal Site, Emeryville, California*. Enclosed are copies of the boring logs and a site location map from the report. The logs indicate that construction debris was encountered in the surface fill material (0 to 4 feet below ground surface) over most of the site. Samples of this fill contained total lead concentrations ranging from 8 to 380 parts per million (ppm) with the exception of the sample from EB8 at 2.0 feet which had an initial concentration of 24,000 ppm. Retesting of this sample found a total lead concentration of 11,000 ppm.

During a telephone conversation with Mr. Tom Gram of the former Eastshore Partners on September 26, 1994, Mr. Gram stated that the elevated lead concentration in EB8 had been reviewed and resolved by Geomatrix and representatives of the Alameda County Department of Environmental Health prior to the close of escrow on the property.

Review of the March 12, 1987 Geomatrix report *Supplemental Soil Quality Assessment, Days Inn Parking Lot, Emeryville, California* and the October 26, 1987 Geomatrix report *Soil Quality Test Results, Days Inn Parking Lot, Eastshore Center, Emeryville, California* indicate that the extent of elevated lead concentrations in soil has been delineated and the lead contaminated soil has been excavated and hauled to an approved disposal site. Copies of these two reports are attached

Ms. Susan Hugo  
October 12, 1994  
Page 2

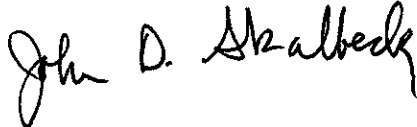
PES Environmental, Inc.

On the basis of this information it appears that this issue was resolved in 1987. The elevated lead concentration found in the northern portion of the site is clearly not related to the hydrocarbon contamination problems resulting from underground storage tanks in the southern portion of the site and the isolated soil sample with the elevated lead concentration is not representative of current conditions. Therefore, the groundwater monitoring program related to the hydrocarbon problem does not need modification based on the former lead issue.

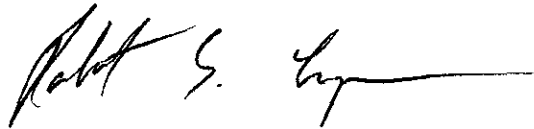
PES trusts this is the information you require at this time. Please feel free to contact either of the undersigned if you have any questions.

Yours very truly,

**PES ENVIRONMENTAL, INC.**



John D. Skalbeck, C.E.G.  
Associate Hydrogeologist



Robert S. Creps, P.E.  
Principal Engineer

**Attachments**

cc: Tom Gram, Former Eastshore Partners  
David Cooke, Esq., Beveridge & Diamond  
Tony McElligott, Clayton Environmental Consultants



September 28, 1994

HAZARDOUS  
SEP 24 AM 7:52

**241.0102.010**

Clayton Environmental Consultants  
1252 Quarry Lane  
P.O. Box 9019  
Pleasanton, California 94566

Attention: Mr. Tony McElligott

**GROUNDWATER MOUNDING INVESTIGATION  
POWELL STREET PLAZA AND SHELLMOUND III SITES  
EMERYVILLE, CALIFORNIA**

Dear Tony:

This letter has been prepared by PES Environmental, Inc. (PES) to request your cooperation in the investigation of surface or near-surface water sources on the Powell Street Plaza property (the Site) in Emeryville, California. We understand that your client, Aetna Realty Investors, Inc., has retained American Leak Detection Services (ALDS) to conduct a water line leak detection survey at the Site. PES is concerned that a water line leak may be a source of water causing groundwater mounding at the Site. We understand that ALDS has submitted a written report regarding the results of the survey. PES would very much appreciate your assistance in obtaining this report to evaluate the results of the survey.

Please call if you have any questions or require further information regarding this request.

Yours very truly,

**PES ENVIRONMENTAL, INC.**

John D. Skalbeck, C.E.G.  
Associate Hydrogeologist

cc Mr Tom Gram - Former Eastshore Partners  
David Cooke, Esq - Beveridge & Diamond  
Ms Maria Burgi - Aetna Realty Investors, Inc  
Barry Sandals, Esq - Morrison & Foerster  
Ms Susan Hugo - Alameda County Department of Environmental Health ✓



September 28, 1994

**241.0102.010**

Mr. Chris Falbo  
Blymer and Sons Engineers, Inc.  
1829 Clement Avenue  
Alameda, California 94501-1396

**SOIL AND GROUNDWATER INVESTIGATION  
POWELL STREET PLAZA AND SHELLMOUND III SITES  
EMERYVILLE, CALIFORNIA**

Dear Mr. Falbo:

This letter has been prepared by PES Environmental, Inc. (PES) to request your cooperation in the investigation of soils characterization data on the Powell Street Plaza property (the Site) in Emeryville, California. PES represents the former Eastshare Partners (the previous property owner) and have been requested by Alameda County Department of Environmental Health to compile all historical environmental information for the site. We understand that Blymer and Sons had performed site work for Pacific Intermountain Express (PIE), the former long-time occupant of the Powell Street Plaza property, and that you and they may have records and information regarding excavation and treatment of hydrocarbon-bearing soils at the site. We also understand that PIE has filed for bankruptcy and is in the process of liquidating assets.

PES would very much appreciate your assistance in obtaining copies of the reports related to soil excavation and treatment activities including pre- and post-excavation sampling locations and laboratory analytical reports as well as site maps showing the relocation areas of the treated soils on the Site.

PES appreciates your cooperation in these matters. If you require further information or have any questions, please feel free to call us.

Yours very truly,

**PES ENVIRONMENTAL, INC.**

John D. Skalbeck, C E G  
Associate Hydrogeologist

cc Tom Gram - Former Eastshore Partners  
Sylvia Lee - Pacific Intermountain Express  
David Cooke, Esq - Beveridge & Diamond  
Susan Hugo - Alameda County Department of Environmental Health ✓

24101011.001



white -env.health  
 yellow -facility  
 pink -files

ALAMEDA COUNTY, DEPARTMENT OF ENVIRONMENTAL HEALTH

80 Swan Way, #200  
 Oakland, CA 94621  
 (415) 271-4320

Hazardous Materials Inspection Form

II, III

Site ID # 1187 Site Name POWELL STREET PLAZA Today's Date 9/22/94

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)

Site Address 5500 Eastshore Highway  
 City Emeryville Zip 94608 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

II.B ACUTELY HAZ. MATLS

- 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

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

Comments:

On site:

Monitoring well installation  
 east of property across I-80  
 - not ready by 2:00 PM

Called John Skalbeck - around  
 3:00 PM. Dulles on site

III. UNDERGROUND TANKS (Title 23)

- |   |   |
|---|---|
| General   | <input type="checkbox"/> 1. Permit Application 25284 (H&S)                              |
|   | <input type="checkbox"/> 2. Pipeline Leak Detection 25292 (H&S)                         |
|   | <input type="checkbox"/> 3. Records Maintenance 2712                                    |
|   | <input type="checkbox"/> 4. Release Report 2651   |
|   | <input type="checkbox"/> 5. Closure Plans 2670  |
| Monitoring for Existing Tanks                   | <input type="checkbox"/> 6. Method  |
|   | 1) Monthly Test   |
|   | 2) Daily Vadose<br>Semi-annual groundwater<br>One time soils                            |
|   | 3) Daily Vadose<br>One time soils<br>Annual tank test                                   |
|   | 4) Monthly Gndwater<br>One time soils   |
|   | 5) Daily Inventory<br>Annual tank testing<br>Cont pipe leak det<br>Vadose/gndwater mon. |
|   | 6) Daily Inventory<br>Annual tank testing<br>Cont pipe leak det                         |
|   | 7) Weekly Tank Gauge<br>Annual tank testing   |
|   | 8) Annual Tank Testing<br>Daily Inventory   |
|   | 9) Other _____  |
|   | <input type="checkbox"/> 7. Precs Tank Test 2643  |
|   | Date: _____   |
|   | <input type="checkbox"/> 8. Inventory Rec. 2644   |
|   | <input type="checkbox"/> 9. Soil Testing 2646   |
| <input type="checkbox"/> 10. Ground Water. 2647 |   |
| New Tanks                                       | <input type="checkbox"/> 11. Monitor Plan 2632  |
|   | <input type="checkbox"/> 12. Access Secure 2634   |
|   | <input type="checkbox"/> 13. Plans Submit 2711  |
|   | Date: _____   |
| <input type="checkbox"/> 14. As Built 2635      |   |
| Date: _____                                     |   |

Rev 6.88

II, III

Contact: \_\_\_\_\_

Title \_\_\_\_\_

Signature: \_\_\_\_\_

Inspector: \_\_\_\_\_

Signature: \_\_\_\_\_



August 30, 1994

ALSO  
HAZMAT  
~~VIA FAX AND US MAIL~~  
11:09

**241.0102.010**

Ms. Susan L. Hugo  
Senior Hazardous Materials Specialist  
Alameda County Department of Environmental Health  
1131 Harbor Bay Parkway  
Alameda, California 94502

**PROPOSED SAMPLING SCHEDULE MODIFICATION  
GROUNDWATER MONITORING PROGRAM  
POWELL STREET PLAZA AND SHELLMOUND III SITES  
EMERYVILLE, CALIFORNIA**

Dear Ms. Hugo:

This letter has been prepared by PES Environmental, Inc. (PES) on behalf of the former partners of Eastshore Partners for the Powell Street Plaza and Shellmound III sites located in Emeryville, California. This letter documents telephone conversations and voice mail messages regarding the proposed sampling schedule modification for the groundwater monitoring program.

PES submitted a letter dated June 29, 1994 to Alameda County Department of Environmental Health outlining the proposed a modification to the groundwater monitoring schedule to reduce redundant monitoring and associated costs. The revisions were also discussed during our meeting at your office on June 14, 1994. PES requested in the June 29 letter that you review this proposal before the next quarterly sampling event scheduled for early September 1994.

During a telephone conversation on August 2, 1994, you indicated you would be responding to the proposed sampling modification by August 15, 1994. PES telephoned on August 15 to inquire about the status of your response and you said you would be sending a response letter by the end of that week. PES left telephone voice mail messages on August 26 and 29, 1994 to inform you of our quarterly groundwater sampling event scheduled for August 30, 1994 and request a response to the proposed sampling modification. PES has not received your response letter nor any return calls or voice mail messages from you.

It is our understanding, based on our discussions during the June 14 meeting and subsequent telephone conversations, that you are in general agreement that the current monitoring is redundant and the modifications are warranted. PES therefore plans to proceed with the quarterly groundwater sampling event scheduled for August 30, 1994 in accordance with the

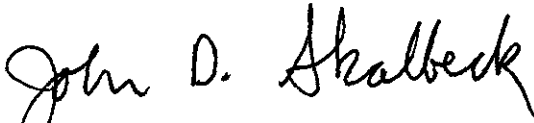
Ms. Susan L. Hugo  
August 30, 1994  
Page 2

proposed sampling schedule modification outlined in the June 29, 1994 letter. We still request written approval of the proposed sampling schedule modification to complete our files on this issue.

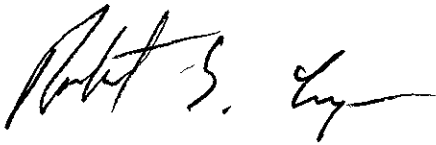
PES trusts this is the information you require at this time. Please feel free to contact either of us if you have any questions.

Yours very truly,

PES ENVIRONMENTAL, INC.



John D. Skalbeck, C.E.G.  
Senior Hydrogeologist



Robert S. Creps, P.E.  
Associate Engineer

cc: Tom Gram, Former Eastshore Partners  
David Cooke, Beveridge & Diamond  
Tony McElligott, Clayton Environmental Consultants



August 15, 1994

**241.0102.010**

Mr. Auro P. Bustillo  
Maintenance Permits Branch  
California Department of Transportation  
Box 23660  
Oakland, CA 94623-0660

AUG 17 1994

**TRANSMITTAL  
ADDITIONAL INFORMATION FOR  
ENCROACHMENT PERMIT APPLICATION  
FILE NO. 94-1296  
POWELL STREET PLAZA / SHELLMOUND III  
EMERYVILLE, CALIFORNIA**

Dear Mr. Bustillo:

PES Environmental, Inc. (PES) submits this letter in response to your August 1, 1994 letter requesting additional information for an encroachment permit application (File No. 94-1296). We are requesting an encroachment permit to install and sample one groundwater monitoring well west of Interstate 80 (I-80) at Post Mile 3.48 approximately 900 feet south of the Powell Street overpass.

The proposed monitoring well location is shown on Plate 1 relative to I-80 and the Powell Street overpass. The aerial photograph enlargement presented on Plate 2, included as an additional reference, also shows the well location.

The proposed monitoring well location is west of western shoulder of south-bound I-80 on an abandoned section of pavement that appears to be a former frontage road within the State right of way. Siting the proposed well outside the State right of way was deemed unsuitable due to inaccessibility of the location and environmental sensitivities related to the tidal flat area at the edge of the San Francisco Bay.

PES anticipates accessing the groundwater monitoring well area directly from I-80 the south-bound Powell Street off-ramp during a low traffic time periods. All activities will be kept completely clear of I-80 and the paved shoulder. The access required for the proposed well location includes a time schedule for well installation, well development, and collection of groundwater samples as follows:

- Day 1: Six hours to drill, install, and seal the monitoring well.
- Day 2: Four hours to develop the well and collect an initial water sample.
- Subsequent Days: One hour of sampling approximately every three months.

Mr. Auro P. Bustillo  
August 15, 1994  
Page 2

We trust this is the information you require. If you should have further questions please feel free to call Mr. John Skalbeck at (415) 899-1600.

Yours very truly,

**PES ENVIRONMENTAL, INC.**

*Nicholas P. Smith For:*

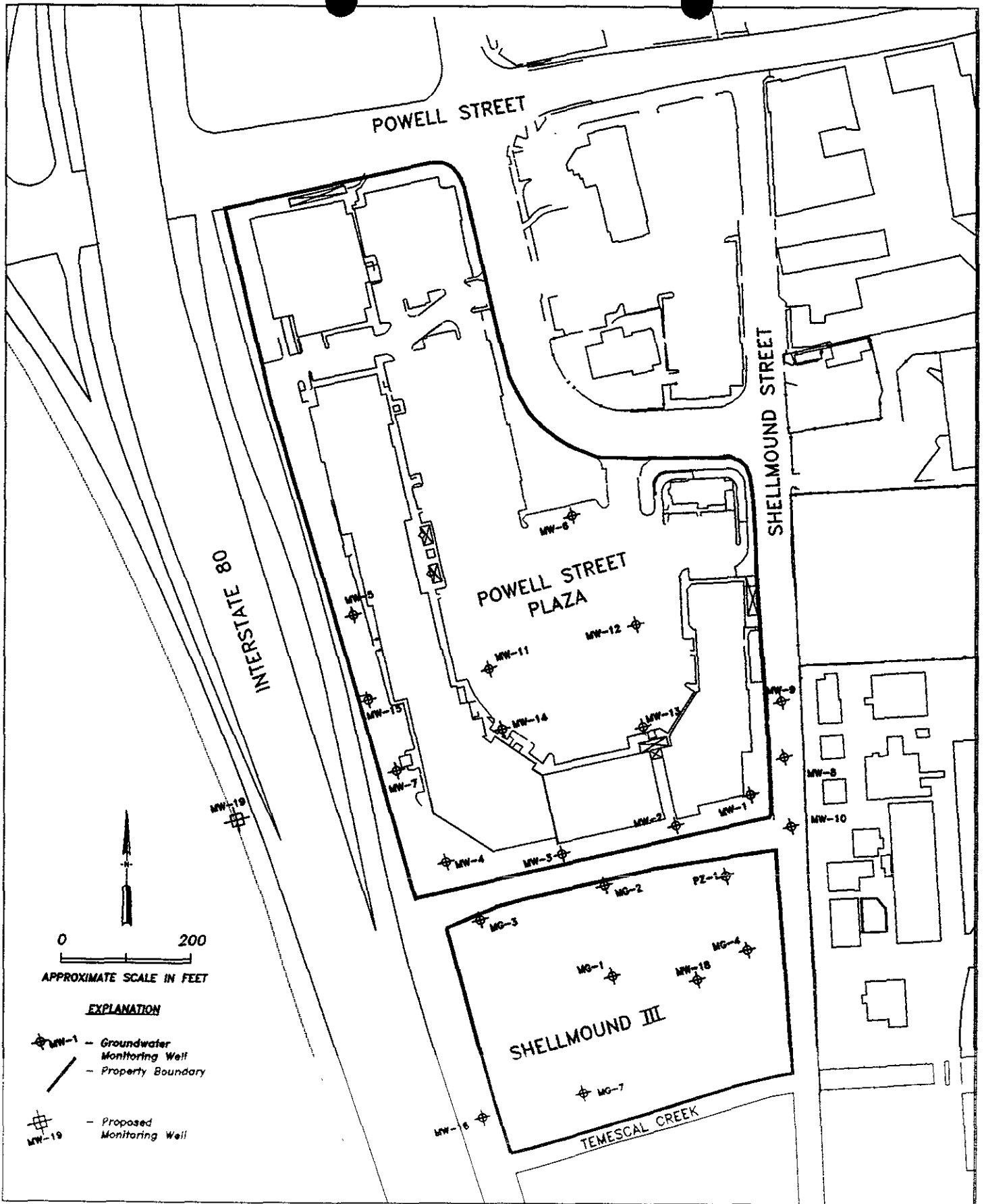
Bryan J. Smith  
Staff Engineer

*John D. Skalbeck*

John D. Skalbeck, C.E.G.  
Associate Hydrogeologist

Enclosures: Plate 1 - Proposed Monitoring Well Location  
Plate 2 - Aerial Photograph

cc: Mr. Tom Gram, Former Eastshore Partners  
Ms. Susan Hugo, Alameda County Health Agency

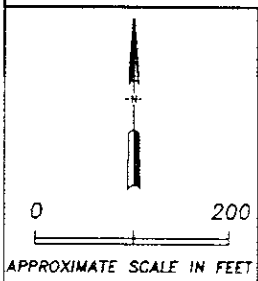
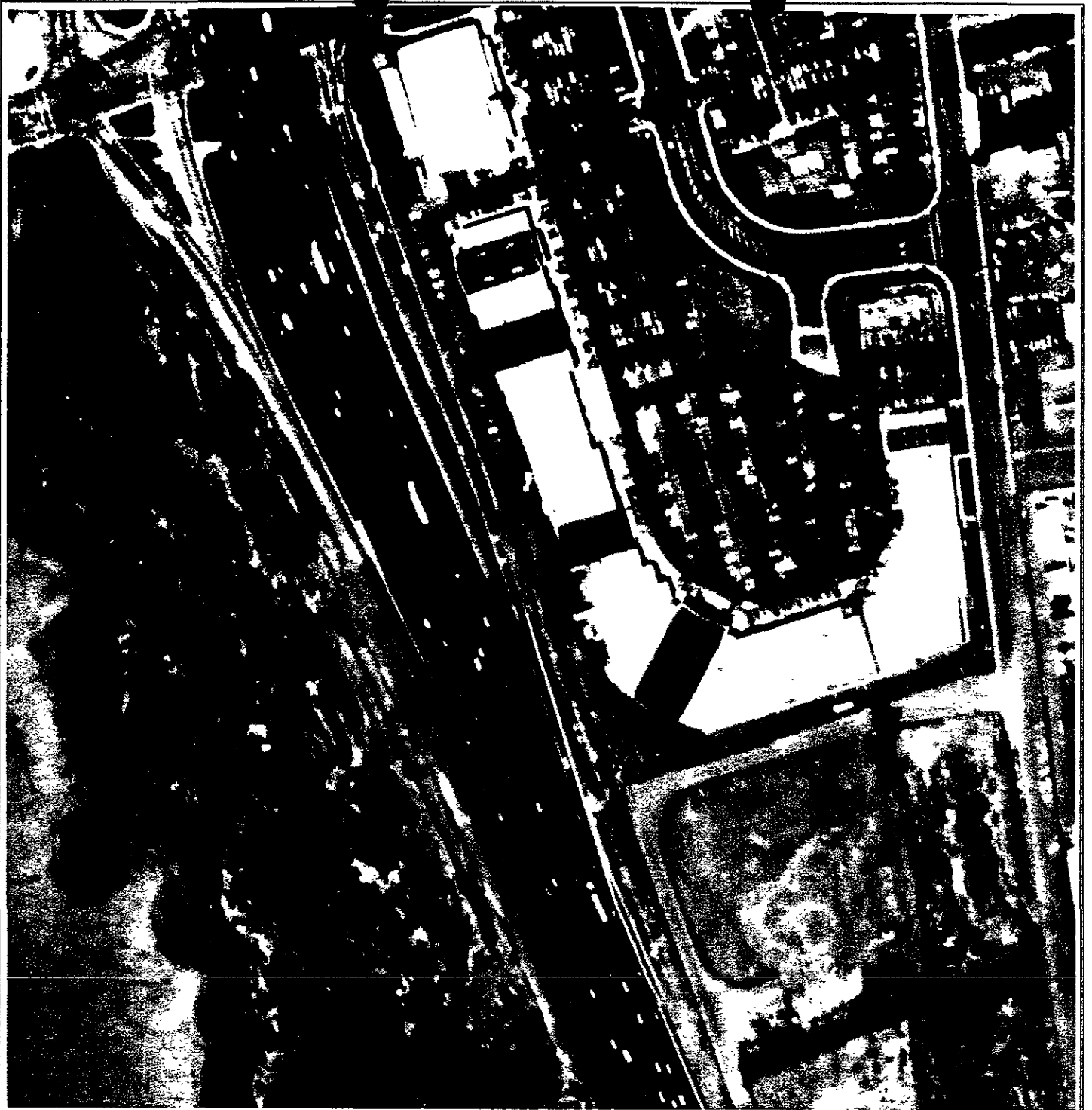


**PES Environmental, Inc.**  
 Engineering & Environmental Services

Site Plan  
 Powell Street Plaza and  
 Shellmound III Sites  
 Emeryville, California

PLATE

**1**



 **PES Environmental, Inc.**  
Engineering & Environmental Services

Aerial Photograph  
Powell Street Plaza and  
Shellmound III Sites  
Emeryville, California

PLATE

**2**

241.0102.005  
JOB NUMBER

020060GX  
DWG NUMBER

8/94  
DATE

## DEPARTMENT OF TRANSPORTATION

BOX 23660  
OAKLAND, CA 94623-0660  
(510) 286-4444  
TDD (510) 286-4454



August 1, 1994

04-Ala-80 3.48  
94-1296

PES Environmental, Inc.  
1682 Novato Boulevard, Suite 100  
Novato, CA 94947

Attention Mr. John Skalbelk

Gentlemen:

This is in regard to your June 30, 1994 Encroachment Permit Application to drill one soil boring and install one monitoring well on State Highway 04-Ala-80, Post Mile 3.48, at Powell Street, in Emeryville.

The following comments must be addressed before we can consider your application complete:

1. Show the exact location of the well on plans.
2. The well should be located outside the State right of way or at least beyond the shoulder.
3. Specify how to access the well, and how often the access will be needed for maintenance or other purposes.

Please revise your plan sheets accordingly and submit five sets of revised plan sheets for our further action.

Be sure to reference File No. 94-1296 with your submittal and correspondence.



PES Environmental  
August 1, 1994  
Page two

Should you have any questions, please call  
Mr. Auro P. Bustillo at (510) 286-4416.

Sincerely,

JOE BROWNE  
District Director

By *Bahman Zerehi*  
for NADER Z. EBRAHIMI  
Senior Engineer  
Maintenance Permits Branch

STID 1184

Post-It™ brand fax transmittal memo 7571		# of pages ▶ 4	
To	SUSAN HUGO	From	JANE GILL
Co.	ACDEH	Co.	PES
Dept.		Phone #	415 899 1600
Fax #	510 337 9335	Fax #	415 899 1601

# Fax Memorandum

DATE: July 12, 1994

TO: Susan Hugo, ACDEH

FROM: Jane Gill, PES Environmental

RE: Request for copies of documents

JOB #: 241.0102.006

This memo is to request copies of the attached documents referred to in a June 4, 1993 ACDEH letter. I would like to obtain these reports as soon as possible. I have tried to reach you by telephone, and have left several messages.

Thanks for your help, and please call me at (415) 899-1600 if you have any questions or comments.

I hope your move hasn't been too traumatic!

*Permit - permit for MWS.*

*Schedule site search / copy file 7/26/94*

*Send letter*

ALAMEDA COUNTY  
HEALTH CARE & SERVICES  
AGENCY



DAVID J. ...

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

June 4, 1993  
STID# 1184

Ms. Maria Burgi  
Investment Officer  
Aetna Realty Investors, Inc.  
1740 Technology Drive, Suite 600  
San Jose, California 95110

**RE: Status of the Soil and Groundwater Investigation/Remediation  
at Former P.I.E. Freight Terminal Site  
5500 Eastshore Highway, Emeryville, California 94608**

Dear Ms. Burgi:

The Alameda County Department of Environmental Health, Hazardous Materials Division has recently reviewed the files concerning the soil and groundwater investigation/remediation at the referenced site. Eight underground storage tanks were removed at the site between July, 1986 thru November, 1986 ( 2 - 10,000 gallons diesel tanks; 1 - 10,000 gallons gasoline tank; 1 - unknown capacity waste oil tank; 1 unknown capacity motor oil tank; 3 unknown capacity waste oil/grease tanks ). We are in receipt of the following reports:

- \* Results of Soil Sample Analyses During UGTs Removal dated 8/11/86 and submitted by Blymer Engineers, Inc.
- \* Soil and Groundwater Testing dated 8/15/86 and prepared by Peter Kaldveer and Asso.
- \* P.I.E. Soil Remediation prepared by Groundwater Technology and submitted under Blymyer Engineers' cover letter dated 9/16/86
- \* Subsurface Assessment Report (9/5/86) prepared by Groundwater Technology and submitted under Blymer Engineers' cover letter dated 9/16/86
- \* Soil Quality Assessment (1/28/87) prepared by Geomatrix and submitted under The Martin Company's cover letter 2/3/87
- \* Analytical Results (Stockpiled Soil Sampling) submitted by Blymer Engineers
- \* Proposal for In-Situ Site Remediation of Soil and Groundwater Hydrocarbon Contamination by Augmented Bioreclamation Using Laboratory Selected Bacterial Culture (July 29, 1987) prepared by Cyto Culture
- \* Report on Additional Site Characterization Studies at P.I.E. Nationwide Property (April 28, 1988) prepared by Alton Geoscience and submitted under Cyto Culture's cover letter 6/15/88
- \* Phase II Report on Hydrogeology and Site Characterization Studies (6/3/88) submitted under Cyto Culture's cover letter 8/3/88

Ms. Maria Burgi

RE: 5500 Eastshore Highway, Emeryville, CA 94608

June 4, 1993

Page 2 of 4

- Need all these*
- \* Waste Discharge Permit (Groundwater Treatment), Second Monthly Report of Treatment & Discharge Operation for May 1989 prepared by Cyto Culture and dated June 13, 1989
  - \* Fourth Monthly Report of Treatment & Discharge Operation for June 1989 prepared by Cyto Culture and dated July 17, 1989
  - \* Additional Subsurface Investigative Work (July 7, 1989) prepared by Blymer Engineers, Inc.
  - \* Fifth Monthly Report of Treatment & Discharge Operations for July 1989 prepared by Cyto Culture and dated August 1989
  - \* Sixth Monthly Report of Treatment & Discharge Operations for August 1989 prepared by Cyto Culture & dated September 1989
  - \* Seventh Monthly Report of Treatment and Discharge Operations for September 1989 prepared by Cyto Culture and dated October 1989
  - \* Ninth Monthly Report of Treatment & Discharge Operations for November 1989 prepared by Cyto Culture & dated December 15, 1989
  - \* Tenth Monthly Report of Treatment & Discharge Operations for December 1989 prepared by Cyto Culture & dated January 15, 1990
  - \* Correspondence dated March 22, 1990 from Cyto Culture regarding Site Plan of P.I.E.'s present and proposed reinfiltration plan

Based upon the review process of all the reports submitted to this office for the referenced site, the following issues needed clarification and must be addressed:

- 1) Please clarify the status of the in-situ remediation of soil and groundwater contamination by Augmented Bioreclamation as proposed by Cyto Culture (July 29, 1987) for the referenced site. Has the proposed reinfiltration plan been implemented? Is the remediation system currently running? If not, what is the rationale behind the termination of the remediation treatment system?
- 2) It appears that the extent of the soil and groundwater contamination at the site remains undefined. A workplan to delineate the vertical and lateral extent of the plume must be submitted to this office no later than July 19, 1993.
- 3) Free floating product had been detected in MW-3, MW-4, MW-7, and MW-15. Please clarify the total volume of free floating product recovered from the extraction trenches located south and west of the referenced site to date. Free Floating product must be measured in all the wells using an optical probe or a comparable instrument capable of

Alameda County Department of Environmental Health  
Hazardous Materials Division

80 Swan Way, Rm. 200, Oakland, CA 94621  
Ph: 510-271-4320

**BILLING FOR SERVICES**

SHD# 1184

A. Site Name FORMER PIE FREIGHT TERMINAL Phone \_\_\_\_\_  
Site Address 5500 EASTSHORE HIGHWAY EMERYVILLE 94608  
(if no address, description of area) Number Street City Zip  
Prior Business Name \_\_\_\_\_ Prior Owner's Name \_\_\_\_\_

B. Service Requestor JANE GILL PES ENVIRONMENTAL (415) 899-1600  
Contact Person Company Name Phone  
Billing Address 1682 NOVATO BLVD. Suite 100 NOVATO 94947  
Number Street City Zip

Category of Service	
<input type="checkbox"/> Site Search	#Hours <u>2</u> x \$ <u>90<sup>00</sup></u> /Hr \$ <u>180.<sup>00</sup></u>
<input checked="" type="checkbox"/> File Search	(Whole Hours Only)
<input type="checkbox"/> Other _____	#Copies _____ x \$ _____/Copy \$ _____
	Other _____ x \$ _____ \$ _____
	TOTAL CHARGE: \$ <u>180.<sup>00</sup></u>

REMARKS: COPY REPORTS / COPY SERVICE - KNIGHT RIDER

**You will receive an invoice in accordance with Article 11 of Chapter 6, Title 3 of the Ordinance Code of Alameda County**

Service Requestor \_\_\_\_\_ printed name \_\_\_\_\_ signature \_\_\_\_\_ Date \_\_\_\_\_  
HazMat Specialist \_\_\_\_\_ printed name \_\_\_\_\_ signature \_\_\_\_\_ Date \_\_\_\_\_



June 28, 1994

ALCO  
HAZMAT

94 JUL -6 P11 2:47

241.0102.010

Ms. Susan L. Hugo  
Senior Hazardous Materials Specialist  
Alameda County Department of Environmental Health  
80 Swan Way, Room 200  
Oakland, California 94621

**PROGRESS UPDATE  
POWELL STREET PLAZA  
AND SHELLMOUND III SITES  
EMERYVILLE, CALIFORNIA**

Dear Ms. Hugo:

This letter has been prepared by PES Environmental, Inc. ("PES") on behalf of the former Eastshore Partners to apprise you of our progress in addressing petroleum hydrocarbon contamination at the Powell Street Plaza and Shellmound III properties, located in Emeryville, California. This letter is in response to your request during our meeting on June 14, 1994 for the current status of tasks outlined in PES' August 2, 1993 letter *Investigation and Remediation Workplan - Recommended Scope of Work*.

**PROJECT STATUS**

The following paragraphs describe the status of the project tasks and provide an updated schedule for remaining tasks.

**Task 1 - Groundwater Monitoring / First Monitoring Quarter** - Field activities for the first quarterly monitoring of groundwater wells at the Powell Street Plaza site and adjacent Shellmound III site were completed on November 10, 1993. A report dated March 21, 1994 documenting the results of the monitoring has been submitted to the Alameda County Department of Environmental Health ("ACDEH") and the California Regional Quality Control Board ("RWQCB").

**Task 2 - Free-phase Product Removal** - Passive free-phase product skimmers were installed in Monitoring Wells MW-13 and MW-15 in November, 1993 and continue to operate at this time. Product thickness measurements indicate that very little product is observed in the wells. The skimmers are currently monitored bi-weekly and product volume that is recovered is measured and transferred to a 55-gallon drum at the site. The results of product thickness measurements and product removal are included in quarterly groundwater monitoring reports.

Ms. Susan L. Hugo  
June 28, 1994  
Page 2

**Task 3 - Chemical Characterization of Free-phase Product** - Samples of the free-phase product were collected on November 10, 1993 and submitted to the project analytical laboratory for chemical analyses. Results of the analyses will be included in the site characterization report (see Task 8 below).

**Task 4 - Tidal Influence Study** - Field activities for the tidal influence study at the Powell Street Plaza and Shellmound III sites were conducted on December 28 to December 31, 1993. Water levels in Monitoring Wells MG-3 and MG-7, Piezometer PZ-1, and Temescal Creek were measured continuously using pressure transducers and data was stored using electronic data loggers. The results of the study show that there is limited but variable tidal influence on groundwater elevations in monitoring wells at the site. The results of the study will be included in the site characterization report (Task 8).

**Task 5 - Groundwater Monitoring - Subsequent Quarters** - Field activity for the second and third quarterly groundwater monitoring events at the sites have been completed. The results of the February 23, 1994 monitoring has been documented in a quarterly report dated June 3, 1994 and submitted to ACDEH and RWQCB. The results of the June 2, 1994 monitoring will be submitted in a quarterly report at the end of July 1994. The next quarterly monitoring event is scheduled for early September 1994.

**Task 6 - Site Characterization Data Evaluation** - Environmental data previously collected at the sites by other investigators and data collected during PES' investigations have been used to characterize the lateral and vertical extent of petroleum hydrocarbons in soil and groundwater. Based on discussions during the June 14, 1994 meeting, PES understands that ACDEH requests additional groundwater investigation at this time to define the western extent of petroleum hydrocarbons in groundwater. PES understands that ACDEH will approve the installation of one groundwater monitoring well located west of Interstate I-80 upon receipt of a work plan which PES is preparing under separate cover. The results of characterization activities will be presented in the characterization and feasibility study report (Task 8).

**Task 7 - Remedial Feasibility Study** - The remedial alternative feasibility study is completed. PES evaluated 12 remedial alternatives including a number of alternatives that utilized the proposed East Bay Municipal Utility District (EBMUD) sanitary sewer pipeline re-alignment. A numerical simulation of groundwater flow was performed to assess the effect the EBMUD pipeline would have on groundwater conditions at the site. These effects on groundwater conditions were considered for the feasibility analysis of remedial alternatives involving the EBMUD pipeline. The feasibility study evaluation indicates that passive in-situ biotreatment technology is the preferred remedial alternative for the sites.

Ms. Susan L. Hugo  
 June 28, 1994  
 Page 3

**Task 8 - Site Characterization and Feasibility Study Reporting** - Preparation of the reports documenting the results of site characterization and the feasibility evaluation of remedial alternatives is in progress. The site characterization report will include a compilation of data from Tasks 1 through 6 and historical data collected at the sites. The feasibility study report will document the results of Task 7.

**Task 9 - Remedial Design and Workplan Preparation** - Based on discussions during the June 14, 1994 meeting, PES understands that tentative ACDEH approval of the proposed conceptual remedial plan using passive in-situ bioremediation technology at the sites will be granted provided the western extent of petroleum hydrocarbons is defined as described above. PES is currently conducting the appropriate remedial design and preparing a workplan for implementing a pilot study phase of the remedial program.

## SCHEDULE

The following is an updated schedule for completing the activities described above.

<b><u>Task Description</u></b>	<b><u>Schedule</u></b>
Groundwater Monitoring/First Quarter	Completed
Free-phase Product Removal	Ongoing as scheduled
Product Characterization	Completed
Tidal Influence Study	Completed
Groundwater Monitoring/Subsequent Quarters	Report due end of July 1994. Next monitoring scheduled for early September 1994
Site Characterization Data Evaluation	Completed
Remedial Feasibility Study	Completed
Site Characterization and Feasibility Study Report	August 31, 1994
Remedial Design and Workplan	September 30, 1994

During the June 14, 1994 meeting, PES proposed a modification to the groundwater monitoring program to reduce redundant monitoring of adjacent wells and associated costs. PES understands from this discussion that ACDEH will evaluate the proposed modifications upon receipt of a letter from PES outlining the proposed changes. PES will submit this letter



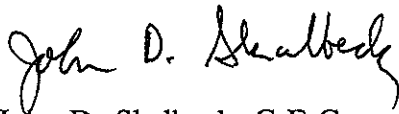
Ms. Susan L. Hugo  
June 28, 1994  
Page 4

under separate cover and requests that ACDEH's prompt review of the proposal so that adjustments can be made to the program before the next quarterly sampling event, which is scheduled for early September 1994.

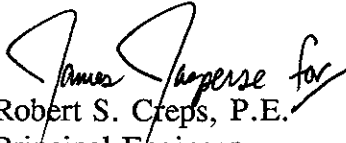
PES trusts this is the information you require at this time. Please feel free to contact either of the undersigned if you have any questions.

Yours very truly,

**PES ENVIRONMENTAL, INC.**



John D. Skalbeck, C.E.G.  
Associate Hydrogeologist



Robert S. Creps, P.E.  
Principal Engineer

cc: Tom Gram, Former Eastshore Partners  
David Cooke, Beveridge & Diamond  
Tony McElligott, Clayton Environmental Consultants



## **AGENDA**

**June 14, 1994**  
**Office of Alameda County**  
**Health Agency**

Status of Site Characterization, Feasibility Analysis of  
Remedial Alternatives and Proposed Remedial Action Plan At  
Powell Street Plaza and Shellmound III, Emeryville, California

### **SITE CHARACTERIZATION**

Free Product Chemistry, Measurement, and Collection  
Tidal Influence Evaluation  
Water-Level Elevations and Groundwater Flow  
Quarterly Groundwater Sampling and Reporting  
Proposed Reduction in Monitoring Well Network

### **FEASIBILITY ANALYSIS OF REMEDIAL ALTERNATIVES**

Identification of Remedial Alternatives  
Evaluation of Alternatives were Standard Criteria  
Detailed Analysis of Leading Alternatives  
Numerical Modeling of Groundwater Flow

### **PROPOSED REMEDIAL ACTION PLAN**

Passive Insitu Bioremediation Technology  
Pilot Study Phase for One Year  
Hydrogen Peroxide Enriched Water Introduction  
Utilize Existing Monitoring Well Network  
Coordinate with Quarterly Groundwater Monitoring  
Quarterly Introduction of H<sub>2</sub>O<sub>2</sub> Water  
Monitor Dissolved Oxygen Every 6 Weeks

**Proposed Monitoring Schedule Modification  
Powell Street Plaza and Shellmound III, Emeryville, California**

**Proposed Wells for Elimination  
From Monitoring Schedule**

**Rational**

MW-12

Redundant with MW-6 and MW-11

MW-8, MW-9, MW-10

Redundant with MW-1, MW-2 and  
PZ-1

MW-18

Redundant with MG-4 and  
Inaccessible during rainy season

**Proposed Wells for Annual  
Monitoring Frequency**

**Rational**

MW-6

Redundant with MW-11 and  
Perimeter Well with ND History

MW-1

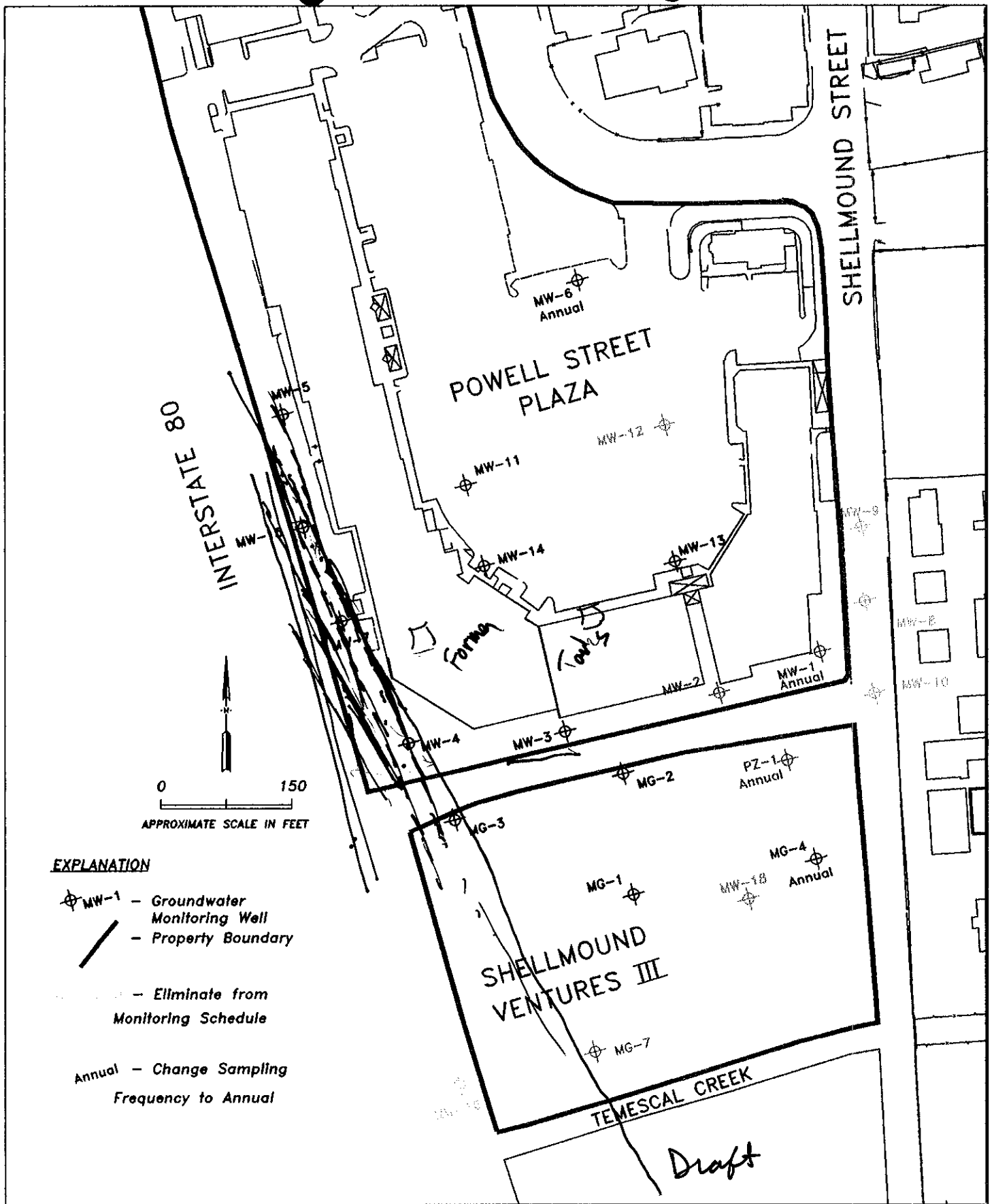
Redundant with MW-2 and  
Perimeter Well with ND History

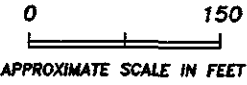
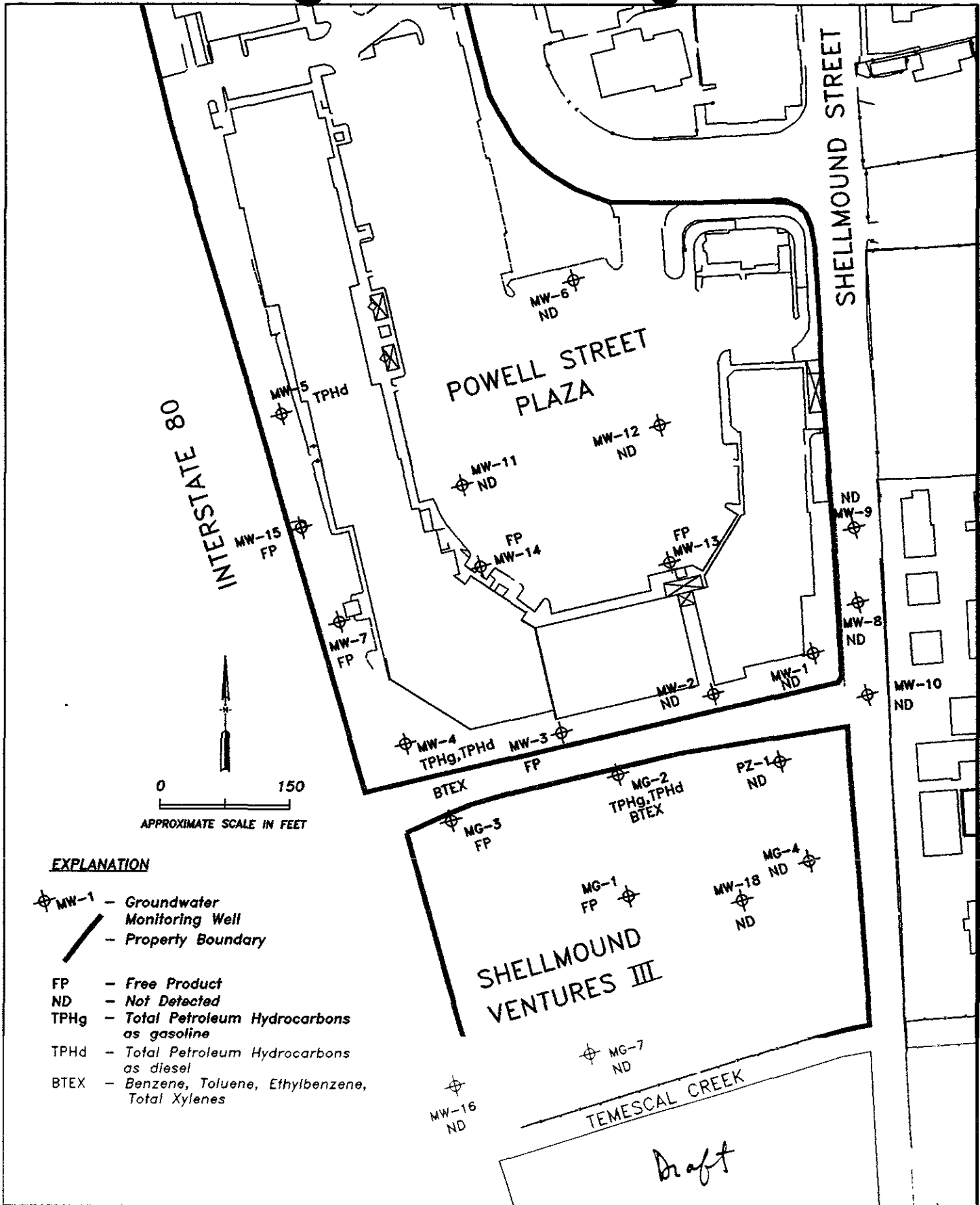
PZ-1

Perimeter Well with ND History

MG-4

Perimeter Well with ND History





**EXPLANATION**

- MW-1 - Groundwater Monitoring Well
- Property Boundary
- FP - Free Product
- ND - Not Detected
- TPHg - Total Petroleum Hydrocarbons as gasoline
- TPHd - Total Petroleum Hydrocarbons as diesel
- BTEX - Benzene, Toluene, Ethylbenzene, Total Xylenes

*Draft*



**PES Environmental, Inc.**  
Engineering & Environmental Services

**PES ENVIRONMENTAL, INC.**

**TEL: (415) 899-1600**

**FAX: (415) 899-1601**

**TO:**

Susan Hugo

**COMPANY:**

Alameda County Health Care Services Agency /

**FAX NO:**

Department of Environmental Health  
(510) 569-4757

**PHONE NO:**

\_\_\_\_\_

**FROM:**

John Skalbeck / James Ash

**JOB NO:**

246 0102 010

**RE:**

Powell Street Plaza

**DATE:**

2/14

**TIME:**

5:00p

**SENT BY:**

JKA

**NUMBER OF PAGES** 4  
**(INCLUDING COVER SHEET)**

**HARD COPY TO FOLLOW: YES  NO**

**NOTES:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED  
DATE 09-12-2001 BY 60322 UCBAW  
FOR ENVIRONMENTAL BY YOUR EARLIEST CONVENIENCE (415) 899-1600

Copyright © 1994 by Environmental Engineering & Environmental Services, Inc. All rights reserved.



**PES Environmental, Inc.**  
Engineering & Environmental Services

February 14, 1994

241.0102.010

Ms. Susan L. Hugo  
Senior Hazardous Materials Specialist  
Alameda County Department of Environmental Health  
80 Swan Way, Room 200  
Oakland, California 94621

**PROGRESS UPDATE**  
**POWELL STREET PLAZA AND SHELLMOUND III SITES**  
**EMERYVILLE, CALIFORNIA 94608**

Dear Ms. Hugo:

This progress update was prepared by PES Environmental, Inc. (PES) on behalf of Eastshore Partners for the Powell Street Plaza and Shellmound III sites at 5500 Eastshore Highway, Emeryville, California. This letter is in response to your January 21, 1994 request for an updated schedule, a list of tasks that have been accomplished, and the status of Tasks 7 through 9 of PES' August 2, 1993 *Investigation and Remediation Workplan - Recommended Scope of Work*. The following paragraphs describe the status of the project tasks and provide an updated schedule.

**Task 1 - Groundwater Monitoring / First Monitoring Quarter** - Field activities for quarterly monitoring of groundwater wells at the Powell Street Plaza site and adjacent Shellmound III site were completed on November 10, 1993. A report documenting the results of the monitoring will be submitted to you in approximately one week.

**Task 2 - Free-phase Product Removal** - Passive free-phase product skimmers were installed in Monitoring Wells MW-13 and MW-7 on November 10, 1993. The skimmer in Monitoring Well MW-7 was moved to MW-15 on November 23, 1993. The skimmers are monitored weekly and collected product is measured and transferred to a 55-gallon drum at the site. The results of product removal will be included in the quarterly groundwater monitoring report.

**Task 3 - Chemical Characterization of Free-phase Product** - A sample of the free-phase product was collected on November 10, 1993 and submitted the project analytical laboratory for chemical analysis. Results of the analysis will be included in the site characterization report (Task 8).

*Also see "Final Investigation Report" dated November 10, 1993. Field activities for a second monitoring quarter at the Powell Street Plaza and Shellmound III sites were conducted on December 14, 1993. Water levels in Monitoring Wells MW-13 and MW-7 (monitoring*

PES Environmental, Inc.

Ms. Susan L. Hugo  
February 14, 1994  
Page 2

PZ-1, and Temescal Creek were measured continuously using pressure transducers and collected data was stored by electronic data loggers. The results of the study show that there is variable tidal influence on groundwater elevations in monitoring wells at the site. The results of the study are being incorporated into a numerical simulation of groundwater flow at the two sites and will be included in the site characterization report (Task 8).

**Task 5 - Groundwater Monitoring - Subsequent Quarters** - The second quarterly monitoring of groundwater monitoring wells at the two sites is scheduled to occur within two weeks. The results of the monitoring will be documented in a quarterly report and submitted to the Alameda County Department of Environmental Health (ACDEH).

**Task 6 - Site Characterization Data Evaluation** - Data collected during Tasks 1 through 5 are being used to characterize the lateral and vertical extent of petroleum hydrocarbon affected groundwater at the sites. Groundwater monitoring data are also being used to generate a numerical simulation of groundwater flow conditions. The simulation will be used to evaluate the affects on groundwater flow of the East Bay Municipal Utility District (EBMUD) sanitary sewer pipeline that will be installed along the western boundary of the sites later this year. The results of characterization activities will be presented in the characterization and feasibility study report (Task 8). Additional investigation activities have not been recommended at this time.

**Task 7 - Remedial Feasibility Study** - The remedial alternative feasibility study is ongoing. The construction of the EBMUD sanitary sewer pipeline is anticipated to have a significant affect on groundwater conditions at the site. Therefore, evaluation of remedial alternatives will commence subsequent to completion of the numerical simulation of groundwater flow.

**Task 8 - Site Characterization and Feasibility Study Reporting** - The report documenting the results of site characterization and an evaluation of remedial alternatives will be presented after Task 7 activities are completed.

**Task 9 - Remedial Design and Workplan Preparation** - Upon receiving ACDEH's approval of the conceptual remedial plan, PES will conduct the appropriate remedial design and prepare a detailed workplan for implementing the remediation.

## SCHEDULE

The following is an updated schedule for completing the activities described above.



PES Environmental, Inc.

Ms. Susan L. Hugo  
 February 14, 1993  
 Page 3


<u>Task Description</u>	<u>Schedule</u>
Groundwater Monitoring/First Quarter	Completed
Free-phase Product Removal	Initiated November 10, 1993 and ongoing
Product Characterization	Completed
Tidal Influence Study	Completed
Groundwater Monitoring/Subsequent Quarters	Next monitoring scheduled for February, 1994
Site Characterization Data Evaluation	Ongoing
Remedial Feasibility Study	Ongoing
Site Characterization and Feasibility Study Report	To be determined
Remedial Design and Workplan	To be determined

PES would like to meet with you in early March to discuss the results of the groundwater flow simulation and the potential remedial alternatives for the site.

PES trusts this is the information you require at this time. Please feel free to contact either of the undersigned if you have any questions.

Yours very truly,

PES ENVIRONMENTAL, INC.

  
 John D. Skalbeck, C.E.G.  
 Senior Hydrogeologist

  
 Robert S. Creps, P.E.  
 Associate Engineer

cc: Tom Gram, Eastshore Partners  
 David Cooke, Beveridge & Diamond



February 14, 1994

241.0102.010

ALCO  
HAZMAT  
94 FEB 17 PM 4:03

Ms. Susan L. Hugo  
Senior Hazardous Materials Specialist  
Alameda County Department of Environmental Health  
80 Swan Way, Room 200  
Oakland, California 94621

**PROGRESS UPDATE  
POWELL STREET PLAZA AND SHELLMOUND III SITES  
EMERYVILLE, CALIFORNIA 94608**

Dear Ms. Hugo:

This progress update was prepared by PES Environmental, Inc. (PES) on behalf of Eastshore Partners for the Powell Street Plaza and Shellmound III sites at 5500 Eastshore Highway, Emeryville, California. This letter is in response to your January 21, 1994 request for an updated schedule, a list of tasks that have been accomplished, and the status of Tasks 7 through 9 of PES' August 2, 1993 *Investigation and Remediation Workplan - Recommended Scope of Work*. The following paragraphs describe the status of the project tasks and provide an updated schedule.

✓ **Task 1 - Groundwater Monitoring / First Monitoring Quarter** - Field activities for quarterly monitoring of groundwater wells at the Powell Street Plaza site and adjacent Shellmound III site were completed on November 10, 1993. A report documenting the results of the monitoring will be submitted to you in approximately one week.

✓ **Task 2 - Free-phase Product Removal** - Passive free-phase product skimmers were installed in Monitoring Wells MW-13 and MW-7 on November 10, 1993. The skimmer in Monitoring Well MW-7 was moved to MW-15 on November 23, 1993. The skimmers are monitored weekly and collected product is measured and transferred to a 55-gallon drum at the site. The results of product removal will be included in the quarterly groundwater monitoring report.

**Task 3 - Chemical Characterization of Free-phase Product** - A sample of the free-phase product was collected on November 10, 1993 and submitted the project analytical laboratory for chemical analysis. Results of the analysis will be included in the site characterization report (Task 8).

**Task 4 - Tidal Influence Study** - Field activities for a tidal influence study at the Powell Street Plaza and Shellmound III sites were conducted on December 28 to December 31, 1993. Water levels in Monitoring Wells MG-3 and MG-7, Piezometer

Ms. Susan L. Hugo  
February 14, 1994  
Page 2

PZ-1, and Temescal Creek were measured continuously using pressure transducers and collected data was stored by electronic data loggers. The results of the study show that there is variable tidal influence on groundwater elevations in monitoring wells at the site. The results of the study are being incorporated into a numerical simulation of groundwater flow at the two sites and will be included in the site characterization report (Task 8).

**Task 5 - Groundwater Monitoring - Subsequent Quarters** - The second quarterly monitoring of groundwater monitoring wells at the two sites is scheduled to occur within two weeks. The results of the monitoring will be documented in a quarterly report and submitted to the Alameda County Department of Environmental Health (ACDEH).

**Task 6 - Site Characterization Data Evaluation** - Data collected during Tasks 1 through 5 are being used to characterize the lateral and vertical extent of petroleum hydrocarbon affected groundwater at the sites. Groundwater monitoring data are also being used to generate a numerical simulation of groundwater flow conditions. The simulation will be used to evaluate the effects on groundwater flow of the East Bay Municipal Utility District (EBMUD) sanitary sewer pipeline that will be installed along the western boundary of the sites later this year. The results of characterization activities will be presented in the characterization and feasibility study report (Task 8). Additional investigation activities have not been recommended at this time.

**Task 7 - Remedial Feasibility Study** - The remedial alternative feasibility study is ongoing. The construction of the EBMUD sanitary sewer pipeline is anticipated to have a significant affect on groundwater conditions at the site. Therefore, evaluation of remedial alternatives will commence subsequent to completion of the numerical simulation of groundwater flow.

**Task 8 - Site Characterization and Feasibility Study Reporting** - The report documenting the results of site characterization and an evaluation of remedial alternatives will be presented after Task 7 activities are completed.

**Task 9 - Remedial Design and Workplan Preparation** - Upon receiving ACDEH's approval of the conceptual remedial plan, PES will conduct the appropriate remedial design and prepare a detailed workplan for implementing the remediation.

## SCHEDULE

The following is an updated schedule for completing the activities described above.

Ms. Susan L. Hugo  
February 14, 1993  
Page 3


<u>Task Description</u>	<u>Schedule</u>
Groundwater Monitoring/First Quarter	Completed
Free-phase Product Removal	Initiated November 10, 1993 and ongoing
Product Characterization	Completed
Tidal Influence Study	Completed
Groundwater Monitoring/Subsequent Quarters	Next monitoring scheduled for February, 1994
Site Characterization Data Evaluation	Ongoing
Remedial Feasibility Study	Ongoing
Site Characterization and Feasibility Study Report	To be determined
Remedial Design and Workplan	To be determined


PES would like to meet with you in early March to discuss the results of the groundwater flow simulation and the potential remedial alternatives for the site.

PES trusts this is the information you require at this time. Please feel free to contact either of the undersigned if you have any questions.

Yours very truly,

**PES ENVIRONMENTAL, INC.**

  
John D. Skalbeck, C.E.G.  
Senior Hydrogeologist

  
Robert S. Creps, P.E.  
Associate Engineer

cc: Tom Gram, Eastshore Partners  
David Cooke, Beveridge & Diamond

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

January 21, 1994  
STID# 1184

Ms. Maria Burgi  
Investment Officer  
Aetna Realty Investors, Inc.  
1740 Technology Drive, Suite 600  
San Jose, California 95110

Mr. Thomas Gram  
Former Eastshore Partners  
5800 Shellmound Street, Suite 210  
Emeryville, California 94608

**RE: Powell Street Plaza ( Former P.I.E. Freight Terminal Site )  
5500 Eastshore Highway, Emeryville, California 94608**

Dear Ms. Burgi and Mr. Gram:

This letter documents our office concurrence with regards to the "Investigation and Remediation Program - Recommended Scope Of Work" (August 2, 1993) prepared by PES Environmental, Inc. for the referenced site.

The elements of the workplan subdivided into nine different tasks had been discussed with Robert Creps of PES Environmental, Inc. during a telephone conversation on July 29, 1993 and was given verbal concurrence.

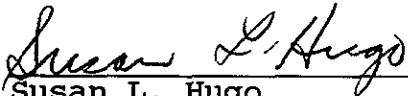
This department is currently awaiting for the reports documenting the findings and results of the listed Task 1 through Task 6 as stated in the workplan. Reports must be submitted within **45 days** after the implementation of the workplan and must include all the items for report submittal as listed in page 4 of the correspondence dated June 4, 1993 from this office.

Please submit a copy of the updated schedule and the corresponding task that has been accomplished or will be accomplished, specifically the status of Task 7 through Task 9 by **February 14, 1994**.

Ms. Burgi and Mr. Gram  
RE: 5500 Eastshore Highway, Emeryville, CA 94608  
January 21, 1994  
Page 2 of 2

If you have any questions concerning this letter, please contact me at (510) 271-4530.

Sincerely,



---

Susan L. Hugo  
Senior Hazardous Materials Specialist

cc: Rafat A. Shahid, Asst. Agency Director, Environmental Health  
Rich Hiett, San Francisco Bay RWQCB  
Gil Jensen, Alameda County District Attorney's Office  
Edgar B. Howell, Chief, Hazardous Materials Division - files  
Barry Sandals, Morrison & Foerster - 345 California St.  
San Francisco, CA 94104-2675  
Robert Creps, PES Environmental, Inc., 1682 Novato Boulevard  
Suite 100, Novato, California 94947



**PES Environmental, Inc.**  
Engineering & Environmental Services

August 2, 1993

241.0101.002

Mr. Tom Gram  
Eastshore Partners  
5800 Shellmound Street, Suite 210  
Emeryville, California 94608

**RECOMMENDED SCOPE OF WORK**



**PES Environmental, Inc.**  
Engineering & Environmental Services

**PES ENVIRONMENTAL, INC.**  
**TEL: (415) 899-1600**

**FAX: (415) 899-1601**

TO: Susan Hugo  
COMPANY: Alameda County Health Care Services Agency  
FAX NO: 510/569-4757  
PHONE NO: \_\_\_\_\_  
FROM: John Skarbeck  
JOB NO: 241.0101.002  
RE: Powell Street Plaza

DATE: 8/2 TIME: \_\_\_\_\_ SENT BY: gds

NUMBER OF PAGES \_\_\_\_\_ HARD COPY TO FOLLOW: YES  NO   
(INCLUDING COVER SHEET)

NOTES: Scope of Work Investigation and  
Remediation Program  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

IF THIS TRANSMITTAL HAS BEEN RECEIVED IN ERROR  
PLEASE CONTACT

PES ENVIRONMENTAL AT YOUR EARLIEST CONVENIENCE (415) 899-1600

Baywood Center • 1882 Novato Boulevard • Suite 100 • Novato, California 94947

PES Environmental, Inc.

**Mr. Tom Gram**  
**August 2, 1993**  
**Page 2**

is an absence of current information on the site. Therefore, it is recommended as an initial task, that a single round of groundwater monitoring be performed for all wells on the Powell Street Plaza and Shellmound III sites. This new data will then be used to evaluate the adequacy of the characterization and guide further investigation, as needed.

Other recommended activities that should be performed at this time include a tidal influence study, free-phase hydrocarbon product removal, product characterization, and initiation of a remedial feasibility evaluation to be performed concurrently with the characterization process. Each of these activities and a schedule are described below.

### **Task 1 - Groundwater Monitoring / First Monitoring Quarter**

To obtain current information on the degree and extent of dissolved-phase hydrocarbon contamination, PES recommends collecting and analyzing groundwater samples from all groundwater monitoring wells (except those containing free-phase product at the time of sampling) on the subject site and Shellmound III site during the first quarter. There are 23 wells on the two sites (Wells MW-1, MW-2, MW-3, MW-4, MW-5, MW-6, MW-7, MW-8, MW-9, MW-10, MW-11, MW-12, MW-13, MW-14, MW-15, MW-16, MW-18, MG-1, MG-2, MG-3, MG-4, MG-7 and PZ-1). These are shown on the attached Plate 1.

The wells will be purged and samples will be collected and sent to a State-certified laboratory for analysis. Samples will be analyzed by EPA Test Method 8240/8260 for total petroleum hydrocarbons (TPH) quantified as gasoline and diesel, and the aromatic gasoline constituents benzene, toluene, ethylbenzene and total xylenes (BTEX).

### **Task 2 - Free-phase Product Removal**

Because the free-phase product remaining on the two site constitutes a continuing source of dissolved-phase groundwater contamination, PES has recommended continuation of the free-phase product removal that was begun earlier this year. In the attached June 9, 1993 letter, PES described a Phase II product removal program utilizing passive skimmer devices placed in wells. This program should be implemented at this time.

### **Task 3 - Chemical Characterization of Free-phase Product**

This task consists of the chemical characterization of the free-phase product currently found in monitoring wells. The purpose of the chemical characterization is to verify that no contaminants are present other than fuel constituents from the former fuel tanks. This information will be used to: (1) evaluate waste management alternatives for the recovered product; and (2) verify the adequacy of groundwater monitoring for dissolved-phase contaminants.



**Mr. Tom Gram**  
**August 2, 1993**  
**Page 3**

This task will consist of collecting two composite product samples from wells historically shown to consistently contain product. The samples will be analyzed for the following constituents:

- TPH quantified as gasoline and diesel by EPA Test Method 8260;
- Total Oil and Grease by Standard Method 5520 D & F;
- Volatile organic compounds (including BTEX) by EPA Test Method 8240;
- Semivolatile organic compounds by EPA Test Method 8270;
- Chlorinated hydrocarbons (including PCBs) by EPA Test Method 8080;
- Total metals (Title 22, Section 66261.24 list) by EPA Test Method 6010/7000 series;  
and
- Organic lead by California DHS HML Method 338.

#### **Task 4 - Tidal Influence Study**

There has been conflicting information regarding the influence of tidal changes in San Francisco Bay and Temescal Creek (located along the southern boundary of the Shellmound III site) on groundwater levels on the Powell Street Plaza and Shellmound III sites. PES therefore recommends conducting a continuous tidal influence study, covering a 48-hour period, to identify whether tidal influence is occurring. The study will consist of continuous water-level determinations in four selected wells using pressure transducers and dataloggers. The 48-hour period is intended to cover at least two complete tidal cycles (two high/low tide cycles). Periodic water level measurements will be made in wells without transducers during the study period.

Tidal cycles will be determined from published tide tables, corrected to the site.

#### **Task 5 - Groundwater Monitoring / Subsequent Quarters**

Based upon the results of the preceding four tasks, PES will recommend a groundwater monitoring program for subsequent quarterly periods (beginning in November 1993). The scope of the monitoring will be discussed with ACDEH and described in a groundwater monitoring plan for ACDEH's review and approval.

**PES Environmental, Inc.**

**Mr. Tom Gram  
August 2, 1993  
Page 4**

**Task 6 - Site Characterization Data Evaluation**

Upon receipt of the data from Tasks 1 through 4, PES will compile and summarize all environmental data related to the hydrocarbon contamination on the Powell Street Plaza and



August 2, 1993

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Mr. Tom Gram  
Eastshore Partners  
5800 Shellmound Street, Suite 210  
Emeryville, California 94608

**RECOMMENDED SCOPE OF WORK  
INVESTIGATION AND REMEDIATION PROGRAM  
POWELL STREET PLAZA (FORMER P.I.E. FREIGHT TERMINAL)  
EMERYVILLE, CALIFORNIA**

Dear Mr. Gram:

This letter describes a recommended scope of work for investigation and remediation of petroleum hydrocarbon contamination from former underground storage tanks at the Powell Street Plaza site in Emeryville, California. PES Environmental, Inc. (PES) has prepared these recommendations in response to an Alameda County Department of Environmental Health ACDEH) letter, dated June 4, 1993, to Aetna Real Estate Associates, L.P., (the current owner) requesting information on the site. PES understands that Eastshore Partners (Eastshore) acquired the site from Pacific Intermountain Express (P.I.E.), redeveloped the site, and subsequently sold the property to Aetna.

The recommendations contained herein are based on: (1) PES' experience at the subject site and the adjacent Shellmound III site which has been affected by the fuel releases on the Powell Street Plaza site; (2) our ~~June 13, 1993~~ <sup>July 15, 1993</sup> meeting with Susan Hugo of ACDEH and Rich Hiett of the San Francisco Bay Regional Water Quality Control Board (RWQCB) during which we discussed site conditions and remedial objectives; and (3) a telephone conversation with Ms. Hugo on July 29, 1993 during which PES described these recommendations and received her concurrence.

**RECOMMENDED SCOPE OF WORK**

As we have discussed, there is a considerable amount of site characterization data that has been collected since the underground fuel storage tanks were removed in 1986. This includes investigations and/or remediation work for P.I.E. conducted by Blymyer Engineering Company, Cytoculture, Alton Geosciences and Groundwater Technology. Additionally, PES has conducted an investigation and prepared a Preliminary Endangerment Assessment (dated September 27, 1991) for the Shellmound III site for Shellmound Ventures Partners III, the owner of that site. Earlier this year, PES conducted a Phase I free-phase hydrocarbon product removal program for groundwater monitoring wells on both sites (results attached). Notwithstanding the availability of considerable environmental data, there

**Mr. Tom Gram**

**August 2, 1993**

**Page 2**

is an absence of current information on the site. Therefore, it is recommended as an initial task, that a single round of groundwater monitoring be performed for all wells on the Powell Street Plaza and Shellmound III sites. This new data will then be used to evaluate the adequacy of the characterization and guide further investigation, as needed.

Other recommended activities that should be performed at this time include a tidal influence study, free-phase hydrocarbon product removal, product characterization, and initiation of a remedial feasibility evaluation to be performed concurrently with the characterization process. Each of these activities and a schedule are described below.

### **Task 1 - Groundwater Monitoring / First Monitoring Quarter**

To obtain current information on the degree and extent of dissolved-phase hydrocarbon contamination, PES recommends collecting and analyzing groundwater samples from all groundwater monitoring wells (except those containing free-phase product at the time of sampling) on the subject site and Shellmound III site during the first quarter. There are 23 wells on the two sites (Wells MW-1, MW-2, MW-3, MW-4, MW-5, MW-6, MW-7, MW-8, MW-9, MW-10, MW-11, MW-12, MW-13, MW-14, MW-15, MW-16, MW-18, MG-1, MG-2, MG-3, MG-4, MG-7 and PZ-1). These are shown on the attached Plate 1.

The wells will be purged and samples will be collected and sent to a State-certified laboratory for analysis. Samples will be analyzed by EPA Test Method 8240/8260 for total petroleum hydrocarbons (TPH) quantified as gasoline and diesel, and the aromatic gasoline constituents benzene, toluene, ethylbenzene and total xylenes (BTEX).

### **Task 2 - Free-phase Product Removal**

Because the free-phase product remaining on the two site constitutes a continuing source of dissolved-phase groundwater contamination, PES has recommended continuation of the free-phase product removal that was begun earlier this year. In the attached June 9, 1993 letter, PES described a Phase II product removal program utilizing passive skimmer devices placed in wells. This program should be implemented at this time.

### **Task 3 - Chemical Characterization of Free-phase Product**

This task consists of the chemical characterization of the free-phase product currently found in monitoring wells. The purpose of the chemical characterization is to verify that no contaminants are present other than fuel constituents from the former fuel tanks. This information will be used to: (1) evaluate waste management alternatives for the recovered product; and (2) verify the adequacy of groundwater monitoring for dissolved-phase contaminants.

Mr. Tom Gram

August 2, 1993

Page 3

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- Semivolatile organic compounds by EPA Test Method 8270;
- Chlorinated hydrocarbons (including PCBs) by EPA Test Method 8080;
- Total metals (Title 22, Section 66261.24 list) by EPA Test Method 6010/7000 series;  
and
- Organic lead by California DHS HML Method 338.

#### Task 4 - Tidal Influence Study

There has been conflicting information regarding the influence of tidal changes in San Francisco Bay and Temescal Creek (located along the southern boundary of the Shellmound III site) on groundwater levels on the Powell Street Plaza and Shellmound III sites. PES therefore recommends conducting a continuous tidal influence study, covering a 48-hour period, to identify whether tidal influence is occurring. The study will consist of continuous water-level determinations in four selected wells using pressure transducers and dataloggers. The 48-hour period is intended to cover at least two complete tidal cycles (two high/low tide cycles). Periodic water level measurements will be made in wells without transducers during the study period.

Tidal cycles will be determined from published tide tables, corrected to the site.

#### Task 5 - Groundwater Monitoring / Subsequent Quarters

Based upon the results of the preceding four tasks, PES will recommend a groundwater monitoring program for subsequent quarterly periods (beginning in November 1993). The scope of the monitoring will be discussed with ACDEH and described in a groundwater monitoring plan for ACDEH's review and approval.

Mr. Tom Gram  
August 2, 1993  
Page 4

#### **Task 6 - Site Characterization Data Evaluation**

Upon receipt of the data from Tasks 1 through 4, PES will compile and summarize all environmental data related to the hydrocarbon contamination on the Powell Street Plaza and Shellmound III sites. PES will evaluate the adequacy of the data with respect to defining the extent of free- and dissolved-phase hydrocarbon contamination. PES will make recommendations for further investigation, if needed, to provide the additional data to characterize the contamination. If additional investigation is appropriate, it will be described in a workplan for ACDEH's review and approval.

#### **Task 7 - Remedial Alternative Feasibility Study**

PES will conduct a remedial feasibility study that will begin immediately and continue throughout the completion of Tasks 1 through 6. This analysis will include: (1) identification of cleanup objectives and setting remedial goals; (2) identification of cleanup technologies and specific alternatives to accomplish the objectives; (3) evaluating the alternatives; and (4) proposing a conceptual remedial plan. Remedial design, as needed, will be part of a subsequent task.

As we discussed during our meeting with ACDEH and RWQCB on July 15, CalTRANS' reconstruction of the Interstate 80/580 interchange will include substantial construction activities within the Powell Street Plaza and Shellmound III sites. This work will also require that East Bay Municipal Utilities District (EBMUD) relocate their North Interceptor, a major sanitary sewer collection and transport pipeline that currently parallels Interstate 80 adjacent to the subject site. The interceptor will be relocated approximately 50 feet east of its current location. PES will be in communication with CalTRANS and EBMUD throughout their respective construction processes so that the construction work and any future remedial activities are coordinated to the advantage of all parties.

#### **Task 8 - Site Characterization and Feasibility Study Reporting**

Upon completion of the above tasks (and additional site investigation activities, if needed), PES will prepare a report that will: (1) present all pertinent data related to fuel releases at the Powell Street Plaza site; (2) summarize environmental conditions related to fuel contamination on the Powell Street Plaza and Shellmound III sites; (3) summarize the results of the feasibility evaluation; and (4) present remedial objectives and a conceptual remedial plan. This report will be submitted to ACDEH for review and approval.

Mr. Tom Gram  
 August 2, 1993  
 Page 5

**Task 9 - Remedial Design and Workplan Preparation**

Upon receiving ACDEH's approval of the conceptual remedial plan, PES will conduct the appropriate remedial design and prepare a detailed workplan for implementing the remediation.

**SCHEDULE**

The following is a schedule for implementing the activities described above. Several tasks should begin immediately and/or have definitive timetables. Because of the uncertainty regarding the need for further investigation to fully characterize hydrocarbon contamination, the timing of subsequent tasks is less certain.

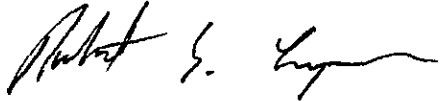
<u>Task Description</u>	<u>Schedule</u>
Groundwater Monitoring/First Quarter	Complete by August 31, 1993
Free-phase Product Removal	Initiate August 1993 and ongoing
Product Characterization	Complete by August 31, 1993
Tidal Influence Study	Complete by September 15, 1993
Groundwater Monitoring/Subsequent Quarters	Complete by November 30, 1993 quarterly thereafter
Site Characterization Data Evaluation	Complete by September 31, 1993
Subsequent Site Investigation	To be determined, as needed
Remedial Feasibility Study	To be determined based on need for additional investigation
Site Characterization and Feasibility Study Report	To be determined (estimated completion November 30, 1993)
Remedial Design and Workplan	To be determined (projected December 31, 1993)

Mr. Tom Gram  
August 2, 1993  
Page 6

PES trusts this is the information you require at this time. Please feel free to contact me if you have any questions.

Yours very truly,

PES ENVIRONMENTAL, INC.



Robert S. Creps, P.E.  
Associate Engineer

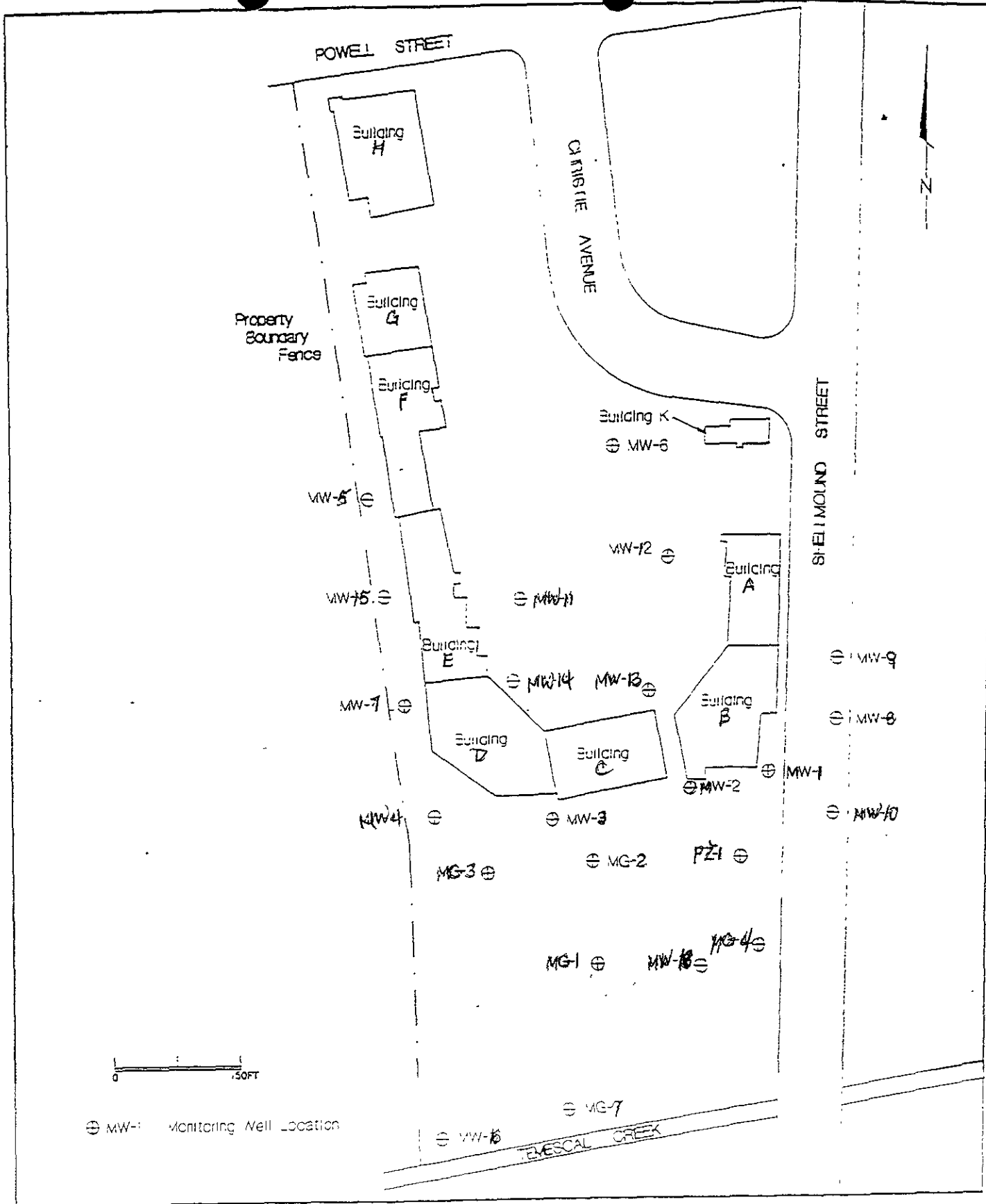


cc: Rich Hiatt - San Francisco Bay RWQCB

Attachments: Plate 1 - Well Location Map

Summary of Phase I Results and Phase II Workplan  
Product Removal Program  
Powell Street Plaza and Shellmound III Sites  
Emeryville, California





**PES Environmental, Inc.**  
 Engineering & Environmental Services

Well Location Map  
 P. E. and Shellmound "I" Sites  
 Former Advanced Packaging Systems Facility  
 Emeryville, California

**East Bay Park Company**

5800 Shellmound Street, Suite 210

Emeryville, CA 94608

(510) 654-7500

June 21, 1993

RECEIVED

JUN 24 1993

B.S.S.

Barry S. Sandals, Esq.  
MORRISON & FOERSTER  
345 California Street  
San Francisco, CA 94104-2675

RE: Powell Street Plaza, Emeryville

Dear Mr. Sandals:

On behalf of Martin-Eastshore, Emeryville Terranomics, East Bay Park Company, and Messers Edmund B. Taylor, Jr., Merritt Sher, J. David Martin, Walter Kaczmarek, Barry Culbertson, and myself, I respond to your letter of June 15, 1993, tendering, on behalf of Aetna Realty Investors, L.P. ("Aetna"), a request by the Alameda County Health Care Services Agency ("Agency") for information and for a work plan. Please be advised that we intend to respond to the Agency's request.<sup>1</sup>

In responding to the Agency's request, we may from time to time need to call upon Aetna to provide us with information or documentation in its possession, or, as needed, to afford us with access to the Plaza property. We expect Aetna to cooperate with us in this respect.

You have demanded that we provide you with a draft of our response to the Agency's letter by July 2, 1992. Nothing in the

---

<sup>1</sup> The Agency directed its request to "Aetna Realty Investors, Inc." not to Aetna Real Estate Associates, L.P., which means that the Agency has not made a claim against Aetna Real Estate Associates, L.P., that would trigger the indemnity provisions of the Purchase and Sale Agreement. Notwithstanding, for the time being we will treat the Agency's request as if it had been made to Aetna Real Estate Associates, L.P. We interpret your tender of this request as a representation by you that the Agency incorrectly directed its request to the corporate entity, and/or that the corporate entity has some right to indemnity under the Purchase and Sale Agreement. We reserve the right to withdraw our acceptance of your tender should we later discover that the Agency was not mistaken in directing its request to the corporate entity, and that the corporate entity has no right to indemnity under the agreement.

Barry S. Sandals, Esq.  
June 21, 1993  
Page Two

Agreement of Purchase and Sale gives Aetna the right to demand or receive, for its own convenience, early responses to official requests for information or for work plans. Moreover, in light of the breadth of the Agency's requests, your demand that we respond faster than Aetna would be required to respond is simply unreasonable, and we reject it.

In light of our agreement to respond to the Agency's request, we will treat any actions you may take that have the effect of duplicating effort, undertaking unnecessary work or incurring unnecessary expenses, delaying our response, or increasing our costs, as material breaches of the Agreement of Purchase and Sale. Furthermore, with respect to any future claim Aetna may make against us for its costs, expenses or losses in this regard, we reserve the right to take the position that Aetna has acted as a volunteer, and to reject its claim.

Furthermore, should we subsequently discover that Aetna has induced, demanded or invited the Agency to make its request in order to trigger a claim or loss under the indemnity provisions of the Purchase and Sale Agreement, we reserve the right to treat such actions by Aetna as a breach of the implied covenant of good faith and fair dealing in that Agreement, excusing us from any further obligations under the Agreement and possibly subjecting Aetna to a claim for damages.

Your letter contains a number of additional statements purporting to interpret the Agreement of Purchase and Sale. Please be advised that Agreement, and our acceptance of this tender should not be construed as an agreement that any aspect of Aetna's interpretation of that Agreement is correct.

Very truly yours,



Thomas J. Gram

cc: Martin-Eastshore  
Emeryville Terranomics  
East Bay Park Company  
Edmund B. Taylor, Jr.  
Merritt Sher  
J. David Martin  
Walter Kaczmarek  
Barry Culbertson  
David D. Cooke

**MORRISON & FOERSTER**

ATTORNEYS AT LAW

LOS ANGELES  
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WALNUT CREEK  
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NEW YORK  
WASHINGTON, D.C.  
DENVER  
LONDON  
BRUSSELS  
HONG KONG  
TOKYO

*ed*  
*for your review*  
*advised*  
*6/13*

June 15, 1993

DIRECT DIAL NUMBER  
(415) 677-7117

BY FEDERAL EXPRESS

Mr. Thomas J. Gram  
c/o East Bay Park Company  
5800 Shellmond St., Suite 210  
Emeryville, CA 94608-1962

JUN 16 1993

BY CERTIFIED MAIL -- RETURN RECEIPT REQUESTED

Martin-Eastshore  
c/o The Martin Group  
5800 Shellmond St., Suite 210  
Emeryville, CA 94608-1962

East Bay Park Company  
5800 Shellmond St., Suite 210  
Emeryville, CA 94608-1962

Emeryville Terranomics  
455 Northpoint  
San Francisco, CA 94133

Mr. J. David Martin  
c/o Mr. Thomas J. Gram  
c/o East Bay Park Company  
5800 Shellmond St., Suite 210  
Emeryville, CA 94608-1962

Mr. Edmund B. Taylor, Jr.  
c/o Mr. Thomas J. Gram  
c/o East Bay Park Company  
5800 Shellmond St., Suite 210  
Emeryville, CA 94608-1962

Mr. Walter Kaczmarek  
c/o Mr. Thomas J. Gram  
c/o East Bay Park Company  
5800 Shellmond St., Suite 210  
Emeryville, CA 94608-1962

Mr. Merrit Sher  
529 P.O. Box 529  
Ross, CA 94957

Mr. Barry Culbertson  
455 Northpoint  
San Francisco, CA 94133

Re: Emeryville Powell Street Plaza;  
Demand by Aetna Real Estate  
Associates, L.P. for Indemnification  
With Respect to Requirements Imposed  
by Alameda County Department of  
Environmental Health

Dear Sirs:

Pursuant to Sections 14.01, 14.02 and 15.21 of the Purchase and Sale Agreement for the Powell Street Plaza between Eastshore Partners ("Eastshore") and Aetna Real

MORRISON & FOERSTER

June 15, 1993  
Page Two

Estate Associates, L.P. ("Aetna") (the "Agreement"), which was guaranteed by certain individuals (the "Individual Indemnitors") pursuant to Sections 1.01, 14.02, and 15.21 of the Agreement, Aetna hereby tenders to Eastshore's general partners and the Individual Indemnitors a letter dated June 4, 1993 sent to Aetna by the Alameda County Department of Environmental Health, Hazardous Materials Division ("DEH"), requiring Aetna to investigate and clean up environmental contamination at and in the vicinity of the Powell Street Plaza property. The DEH letter is enclosed herewith as Exhibit 1. (Although the letter is dated June 4, 1993, it was not postmarked until June 10, 1993. A copy of the envelope is also enclosed.)

Under Section 14.02 of the Agreement, Eastshore's general partners and the Individual Indemnitors are obligated to "indemnify, defend and hold [Aetna] harmless . . . from and against any and all liabilities, losses, claims, damages, costs and expenses (including, without limitation, reasonable attorneys' fees) incurred . . . as a result of any inaccuracy in any of the representations and warranties contained in Section 14.01."

In Section 14.01(s)(i), Eastshore and the Individual Indemnitors warranted that:

No contamination relating to the Prior Harmful Use that . . . is in violation of any Environmental Law . . . will remain on, under or about the Property (including, without limitation, the soil and ground water) or any other property in the vicinity of the Property (where the source of contamination on the other property is attributable to contamination of the Property) . . .

. . .

. . . Seller and the Indemnitors shall indemnify and hold Buyer harmless from and against any and all loss, cost, damage, liability and expense (including without limitation attorneys' fees and costs) arising from . . . the failure, for any reason, of the Property and any other property in the vicinity of the Property (where the source of the contamination on the other property is attributable to contamination of the Property) to be cleaned up or remediation

## MORRISON & FOERSTER

June 15, 1993  
Page Three

measures to be completed in relation to the Prior Harmful Use in accordance with the Clean-up Contract and in compliance with all Environmental Laws . . . .

Under these provisions, Eastshore's general partners and the Individual Indemnitors are obligated to indemnify Aetna for any damages arising out the failure, for any reason, of the Powell Street Plaza to be cleaned up, including any liability arising from contamination that has allegedly migrated from the Powell Street Plaza onto other property in the vicinity of the Powell Street Plaza.

In addition to the indemnity provisions found in Sections 14.01 and 14.02, Eastshore's general partners and the Individual Indemnitors are obligated under Section 15.21 to "indemnify and hold [Aetna] harmless from . . . any and all liability or loss, including reasonable attorney's fees and costs, arising out of or in connection with the Property before the Closing Date." Because any alleged contamination existed before the Closing Date, Eastshore's general partners and the Individual Indemnitors are also obligated under Section 15.21 to indemnify Aetna from any and all liability or loss arising therefrom.

Under these provisions, Eastshore's general partners and the Individual Indemnitors are obligated to respond to the demands contained in the DEH letter by undertaking any and all actions necessary to decontaminate the "Property and any other property in the vicinity of the Property." Agreement Section 14.01(s)(i). Failure by Eastshore's general partners and/or the Individual Indemnitors to take appropriate action and to respond to the conditions alleged in the DEH letter will be considered by Aetna as a material breach of the Agreement. Aetna expects Eastshore's general partners and the Individual Indemnitors to fulfill their contractual indemnification obligations and to attend to this matter without delay.

Specifically, and without limitation, Aetna hereby demands that Eastshore's general partners and the Individual Indemnitors supply DEH, by no later than July 19, 1993 as required by the DEH letter, with a workplan to delineate the vertical and lateral extent of the contamination plume. The DEH letter also requires a response by that same date to a number of questions posed by the agency regarding the history and status of prior cleanup efforts at the site. Because those efforts were under Eastshore's control, and not Aetna's, Aetna expects you to supply DEH with the requested information.

MORRISON & FOERSTER

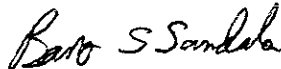
June 15, 1993  
Page Four

In addition, DEH has demanded that Aetna institute quarterly monitoring of groundwater wells; recover free product; submit quarterly reports to DEH; and submit a remedial plan, including a time schedule for implementation. Aetna expects you to supply DEH by July 19, 1993 with a statement of your proposals to comply with these requirements.

Because DEH is looking to Aetna in the first instance, Aetna hereby demands that you supply it with a draft of your response to DEH by no later than July 2, 1993, so that Aetna may review it for adequacy. Please also be advised that Aetna may be at risk for civil and criminal penalties for any failure to comply with the DEH demand. See, e.g., Water Code Section 13268. Accordingly, Aetna requires your immediate confirmation that you accept responsibility for compliance with the DEH demand. More specifically, Aetna expects to receive your written, unequivocal acceptance of this tender by no later than June 21, 1993. If Aetna does not receive an acceptance by that date, Aetna will retain the necessary consultants itself and submit the requested reports and plans to DEH directly. In that event, Aetna will hold you responsible for its costs pursuant to the Agreement.

As you know, Aetna has executed a tolling agreement precluding litigation that may be terminated on fifteen days notice. Unless you can satisfy Aetna that you will take all necessary steps to satisfy the DEH demand and hold Aetna harmless from any and all liability, Aetna intends to terminate the tolling agreement and file suit.

Very truly yours,



Barry S. Sandals  
6/17/93

Enclosures

cc: David Cooke, Esq. (by hand delivery) (w/encls.)  
Susan Hugo, Alameda County Health Agency (w/encls.)  
Richard C. Hiett, Regional Water Quality Control Board  
(w/encls.)  
✓ Rafat A. Shahid, Asst. Agency Director, Environmental  
Health (w/encls.)  
Gil Jensen, Alameda County District Attorney's Office  
(w/encls.)  
Edgar B. Howell, Chief, Hazardous Materials Division  
(w/encls.)

**ALAMEDA COUNTY  
HEALTH CARE SERVICES AGENCY**

Hazardous Materials Program  
80 Swan Way, Rm. 200  
Oakland, CA 94621

Barry Sandals  
Morrison & Foerster  
345 California Street  
San Francisco, CA 94104-2675





ALAMEDA COUNTY ENVIRONMENTAL HEALTH-HAZARDOUS MATERIALS DIVISION  
LOCAL OVERSIGHT PROGRAM

PHONE 510-271-4530  
FAX 510-569-4757

FACSIMILE COVER SHEET

DATE: 6/14/93 PAGES: <sup>3</sup>~~2~~ (incl. cover sheet)

TO: BARRY SANDALS  
FAX: (415) 677-7522

FROM: SUSAN L. HUGO

SUBJECT: PIE - 5500 Eastshore Highway  
Emeryville, CA 94608

---

(415) 677-7522

Barry Sandals  
FAX#



June 9, 1993

241.01.01.002

Mr. Thomas Gram  
5800 Shellmound, Suite 210  
Emeryville, California 94608

3TID 1184

Rec'd fr. PES  
7/15/93 meeting  
JH

\* no monitoring  
of MWS w/ dissolved  
contaminants occurred. Initial FP  
affected here.

**SUMMARY OF PHASE I RESULTS AND PHASE II WORKPLAN  
PRODUCT REMOVAL PROGRAM  
POWELL STREET PLAZA AND SHELLMOUND III SITES  
EMERYVILLE, CALIFORNIA**

Dear Tom:

This letter summarizes the results of PES Environmental Inc.'s (PES) pilot (Phase I) free product removal program at the Powell Street Plaza and Shellmound III sites located in Emeryville, California. At your request, we have prepared a recommended scope of work for continued free-phase product removal at the sites. A summary of previous work performed at the sites is contained in our November 9, 1992 letter *Proposed Scope of Work and Fee Estimate, Product Removal and Water-Level Investigation, Powell Street Plaza and Shellmound III Sites, Emeryville, California*. This letter contains: (1) the results of the Phase I product removal program; (2) a proposed scope of work for continued free product removal (Phase II); (3) a cost estimate for the proposed scope of work; and (4) a schedule.

**RESULTS OF PHASE I FREE PRODUCT REMOVAL PROGRAM**

The Phase I free product removal program consisted of assessing the distribution and volume of product in wells at the sites. PES manually bailed product from wells which contained detectable quantities of product as measured by an interface probe. On March 30, 1993, PES inspected the monitoring wells on both sites to determine which wells contained free product. Several of the well covers had seized and could not be opened with the T-bar provided to PES. A new device was fabricated by PES to open the well covers. On April 13, 1993, each of the wells were opened and inspected for the presence of free-phase product.

Table 1 summarizes the volume of free product removed during Phase I and product thickness measurements from each well. Product thickness measurements were obtained and free product was removed from on April 21, 1993 from Wells MW-3, MW-7, MW-13, MW-15, and MG-3. Additional product thickness measurements were made on April 22, April 27, and May 6, 1993. Free product was removed from Wells MW-7, MW-13, MW-15, MG-1, and MG-3 on April 27, 1993.

Initial product thickness in the wells on April 21, 1993 ranged from 0.09 (Well MW-3) to 1.08 feet (Well MW-7). As shown by the data in Table 1, product thicknesses in each well decreased immediately after bailing and slowly recovered over time. The rate of recovery of

Mr. Thomas Gram

June 9, 1993

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free product in each well was variable. For example, although Well MW-7 initially contained more product than Well MW-13, after bailing product on April 21, the product thickness recovered more rapidly in Well MW-13 than in Well MW-7.

The total estimated volume of product removed during the Phase I program was about 2.2 gallons. The amount of product removed from the April 21 bailing was about 1.7 gallons. The volume of product removed from the April 27 bailing decreased to approximately 0.5 gallons.

## PROPOSED PHASE II SCOPE OF WORK

### Recommended Approach

Due to the low product removal rates achieved during the pilot program, we recommend using a passive free-phase product skimmer should you wish to continue product recovery at these two sites. A passive skimmer is a device equipped with a hydrophobic filter that allows permeation of hydrocarbon product and prevents water penetration. Once product permeates through the filter it drains in a collection chamber at the bottom of the skimmer. The collection skimmer is manually emptied.

PES recommends that two passive skimmers be installed in wells at the sites. Each skimmer will be lowered into a well and attached to the surface with a cable. The skimmers will be rotated among the six wells on the two sites that contain free product.

### Task 1 - Planning/Coordination

This task will involve reviewing water-level data to determine the optimum depth to install the skimmers in each well. In addition, data collection forms and computer spreadsheets for data analysis will be prepared.

### Task 2 - Capital Equipment and Implementation

Passive skimmers will be purchased and initially installed in two wells. In addition, the top of each well casing (for wells containing product) will be fitted with a hanging device to allow for installation of the skimmer.

### Task 3 - Free Product Removal

PES will initially inspect the skimmers once a week for one year and remove free product as necessary. During each site inspection the product thickness of each well will be measured. PES will evaluate the amount of product in each well and the recovery of product levels after

Mr. Thomas Gram  
 June 9, 1993  
 Page 3

removal episodes. Based on this information, the skimmers will be rotated among the wells to achieve the greatest removal of product. The volume of product removed and the product thickness of each well will be tabulated in a computer spreadsheet for data analysis and reporting purposes.

The free product will be collected onsite in a 55-gallon drum stored at the bermed former biotreatment compound at the southwestern corner of the Powell Street Plaza site. The compound has been secured with a locked gate to reduce the likelihood of access by the public. Product will be recycled at an appropriate oil recycling facility once an adequate volume of product has been collected to make transportation to the recycling facility cost-effective. Because of uncertainty regarding the amount of product that will be recovered, the cost for product recycling or disposal of decontamination water is not included in our fee estimate. PES personnel will comply with the site-specific health and safety plan (PES, 1993) during free product removal activities.

Our cost estimate for this task is based on weekly site inspections for one year. If it is subsequently determined that less frequent inspections are adequate, our inspection schedule will be adjusted, as needed. Costs will be reduced commensurately. We will keep you informed as the project progresses.

#### Task 4 - Reporting (Optional)

If required by you, PES will prepare four quarterly letter reports summarizing the activities carried out during the previous quarter, including the volume of product removed and the product thickness measurements from each well. PES will also evaluate the effectiveness of the product removal program.

#### **FEE ESTIMATE**

PES will perform the above-described tasks on a time and expense basis according to our existing Service Agreement, (reference No. 241.01.001, dated December 2, 1992). Our estimated fee for conducting the scope of work for a one year period is provided below on a task-by-task basis.

- Task 1 - Planning/Coordination
- Task 2 - Capital Equipment and Implementation
- Task 3 - Free Product Removal

TOTAL (without Task 4)

Task 4 - Reporting (Optional)

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**SCHEDULE**

PES will initiate the above-described scope of work within two weeks after receiving written authorization to proceed. Once Tasks 1 and 2 have been completed, PES will provide free product removal and (if requested) quarterly reporting services for one year.

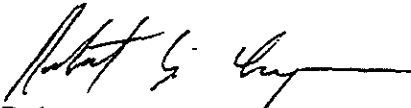
We appreciate the opportunity to be of continued service to you on this project. Please call us if you have any questions or require additional information regarding either the results of the pilot program or the proposed product removal program.

Yours very truly,

**PES ENVIRONMENTAL, INC.**



James L. Jasperse, P.E.  
Senior Engineer



Robert S. Creps, P.E.  
Associate Engineer

Reference:

PES Environmental, Inc., 1993. *Health and Safety Plan, Product Removal and Water-Level Investigation, Powell Street Plaza, Emeryville, California.* March 2.

Attachments: Table 1. Summary of Results - Phase I Product Removal Program

Table 1. Summary of Results - Phase I Product Removal Program  
 POWELL STREET PLAZA AND SHELLMOUND III SITES  
 EMERYVILLE, CALIFORNIA

Well	Date	Time	Volume Removed (gal)	Measured Thickness (ft)
MW-3	21-Apr-93	11:08		0.09
		11:18	0.11	
		14:10		0.00
	22-Apr-93	15:29		0.01
	27-Apr-93	10:40		0.01
		14:11		0.00
	6-May-93	08:12		0.00
MW-7	21-Apr-93	10:17		1.08
		10:27	0.74	
		14:00		0.00
	22-Apr-93	15:17		0.15
	27-Apr-93	09:55		0.21
		10:05	0.11	
		14:03		0.01
	6-May-93	08:05		0.13
MW-13	21-Apr-93	08:17		0.79
		08:27	0.42	
		13:32		0.17
	22-Apr-93	16:10		0.54
	27-Apr-93	07:40		0.56
		07:50	0.22	
		13:40		0.43
	6-May-93	07:14		0.54
MW-15	21-Apr-93	09:39		0.54
		09:49	0.30	
		13:51		0.09
	22-Apr-93	15:07		0.04
	27-Apr-93	09:25		0.14
		09:35	0.06	
		13:53		0.02
	6-May-93	07:50		0.10
MG-1	22-Apr-93	15:55		0.48
	27-Apr-93	11:31		0.46
		11:41	0.07	
	6-May-93	14:19		0.15
	08:35		0.29	

Table 1. Summary of Results - Phase I Product Removal Program  
 POWELL STREET PLAZA AND SHELLMOUND III SITES  
 EMERYVILLE, CALIFORNIA

Well	Date	Time	Volume Removed (gal)	Measured Thickness (ft)	
MG-3	21-Apr-93	12:15	0.11	0.45	
		12:25			
		14:23		0.02	
	22-Apr-93	14:40		0.16	
	27-Apr-93	11:57	0.04	0.25	
		12:07			
	6-May-93	08:28	14:26		0.08
					0.25
				2.18	TOTAL

ALAMEDA COUNTY  
HEALTH CARE SERVICES  
AGENCY

DAVID J. KEARS, Agency Director



MAFAT A. SHAHID, ASST. AGENCY DIRECTOR

DEPARTMENT OF ENVIRONMENTAL HEALTH

State Water Resources Control Board

Division of Clean Water Programs

UST Local Oversight Program

60 Swan Way, Rm 200

Oakland, CA 94621

(510) 271-4530

June 4, 1993  
STID# 1184

Ms. Maria Burgi  
Investment Officer  
Aetna Realty Investors, Inc.  
1740 Technology Drive, Suite 600  
San Jose, California 95110

**RE: Status of the Soil and Groundwater Investigation/Remediation  
at Former P.I.E. Freight Terminal Site  
5500 Eastshore Highway, Emeryville, California 94608**

Dear Ms. Burgi:

The Alameda County Department of Environmental Health, Hazardous Materials Division has recently reviewed the files concerning the soil and groundwater investigation/remediation at the referenced site. Eight underground storage tanks were removed at the site between July, 1986 thru November, 1986 ( 2 - 10,000 gallons diesel tanks; 1 - 10,000 gallons gasoline tank; 1 - unknown capacity waste oil tank; 1 unknown capacity motor oil tank; 3 unknown capacity waste oil/grease tanks ). We are in receipt of the following reports:

- \* Results of Soil Sample Analyses During UGTs Removal dated 8/11/86 and submitted by Blymer Engineers, Inc.
- \* Soil and Groundwater Testing dated 8/15/86 and prepared by Peter Kaldveer and Asso.
- \* P.I.E. Soil Remediation prepared by Groundwater Technology and submitted under Blymer Engineers' cover letter dated 9/16/86
- \* Subsurface Assessment Report (9/5/86) prepared by Groundwater Technology and submitted under Blymer Engineers' cover letter dated 9/16/86
- \* Soil Quality Assessment (1/28/87) prepared by Geomatrix and submitted under The Martin Company's cover letter 2/3/87
- \* Analytical Results (Stockpiled Soil Sampling) submitted by Blymer Engineers
- \* Proposal for In-Situ Site Remediation of Soil and Groundwater Hydrocarbon Contamination by Augmented Bioreclamation Using Laboratory Selected Bacterial Culture (July 29, 1987) prepared by Cyto Culture
- \* Report on Additional Site Characterization Studies at P.I.E. Nationwide Property (April 28, 1988) prepared by Alton Geoscience and submitted under Cyto Culture's cover letter 6/15/88
- \* Phase II Report on Hydrogeology and Site Characterization Studies (6/3/88) submitted under Cyto Culture's cover letter 8/3/88



Ms. Maria Burgi  
RE: 5500 Eastshore Highway, Emeryville, CA 94608  
June 4, 1993  
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- \* Waste Discharge Permit (Groundwater Treatment), Second Monthly Report of Treatment & Discharge Operation for May 1989 prepared by Cyto Culture and dated June 13, 1989
- \* Fourth Monthly Report of Treatment & Discharge Operation for June 1989 prepared by Cyto Culture and dated July 17, 1989
- \* Additional Subsurface Investigative Work (July 7, 1989) prepared by Blymer Engineers, Inc.
- \* Fifth Monthly Report of Treatment & Discharge Operations for July 1989 prepared by Cyto Culture and dated August 1989
- \* Sixth Monthly Report of Treatment & Discharge Operations for August 1989 prepared by Cyto Culture & dated September 1989
- \* Seventh Monthly Report of Treatment and Discharge Operations for September 1989 prepared by Cyto Culture and dated October 1989
- \* Ninth Monthly Report of Treatment & Discharge Operations for November 1989 prepared by Cyto Culture & dated December 15, 1989
- \* Tenth Monthly Report of Treatment & Discharge Operations for December 1989 prepared by Cyto Culture & dated January 15, 1990
- \* Correspondence dated March 22, 1990 from Cyto Culture regarding Site Plan of P.I.E.'s present and proposed reinfiltration plan

Based upon the review process of all the reports submitted to this office for the referenced site, the following issues needed clarification and must be addressed:

- 1) Please clarify the status of the **in-situ remediation of soil and groundwater contamination by Augmented Bioreclamation** as proposed by Cyto Culture (July 29, 1987) for the referenced site. Has the proposed **reinfiltration plan** been implemented? Is the remediation system currently running? If not, what is the rationale behind the termination of the remediation treatment system?
- 2) It appears that the extent of the soil and groundwater contamination at the site remains **undefined**. A workplan to delineate the vertical and lateral extent of the plume must be submitted to this office **no later than July 19, 1993**.
- 3) Free floating product had been detected in MW-3, MW-4, MW-7, and MW-15. Please clarify the total volume of free floating product recovered from the extraction trenches located south and west of the referenced site to date. Free Floating product must be measured in all the wells using an optical probe or a comparable instrument capable of

Ms. Maria Burgi  
RE: 5500 Eastshore Highway, Emeryville, CA 94608  
June 4, 1993  
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measuring free product to 0.01 foot. These data must be incorporated in your quarterly report. Free product must be recovered in all the wells on a regular basis. Free product removal must comply with the California Code of Regulations, Title 23, Section 2655.

- 4) A total of 18 monitoring wells (12 on-site and 6 off-site) had been installed since 1986. It appears that **monitoring of the wells has not been conducted since their installation in 1988. Quarterly monitoring is the maximum sampling interval** typically allowed when groundwater contamination is present as per Tri-Regional Board Staff Recommendations for Preliminary Evaluation and Investigation of Underground Tank Sites (August 10, 1990). **Quarterly sampling of all the monitoring wells must be implemented in a timely fashion** because of the extent of groundwater contamination at the site. Groundwater samples must be analyzed for target (TPH as gasoline, TPH as diesel, oil & grease, BTEX, lead, chromium, nickel, zinc, cadmium, chlorinated hydrocarbons and semivolatile organics, etc.). Groundwater elevation readings must be incorporated in the quarterly monitoring program and verified groundwater flow direction must be established at the site.
- 5) Please clarify the stockpiled soil disposition. Documentation of the stockpiled soil disposal must be submitted to this office.
- 6) Please provide this office with copies of the tank disposal records (manifests).
- 7) Permits from other regulatory agencies which are applicable to the investigation/remediation activities at the site must be followed.
- 8) With regards to the groundwater extraction system installed at the site, please provide this office with the following items:
  - detailed systems engineering drawings
  - equipment cut sheets
  - operational flow diagrams
  - rationales to substantiate the selection of the location of the extraction wells
  - monitoring plan to determine the effectiveness of the treatment system
  - contingency plan for system breakdown
  - estimate duration of the pump and treat operation

Ms. Maria Burgi  
RE: 5500 Eastshore Highway, Emeryville, CA 94608  
June 4, 1993  
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- 9) A remedial plan must be implemented and a time schedule for plan implementation must be submitted to this office. In addition, please submit a time schedule for all phases of the investigation and remediation activities and the anticipated time when cleanup will be completed at the site.

Response to the items mentioned above must be provided to this office no later than July 19, 1993.

Until cleanup is complete, you will need to submit reports to this office and to RWQCB every three months ( or at a more frequent interval, if specified at any time by either agency ). In addition, the following items must be incorporated in your future reports or work plan:

- a cover letter from the responsible party or tank owner stating the accuracy of the report and whether he/she concurs with the conclusions and recommendations in the report or work plan
- site map delineating contamination contours for soil and groundwater based on recent data should be included and the status of the investigation and cleanup must be identified
- proposed continuing or next phase of investigation / cleanup activities must be included to inform this department or the RWQCB of the responsible party or tank owner's intention
- any changes in the groundwater flow direction and gradient based on the measured data since the last sampling event must be explained
- historical records of groundwater level in each well must be tabulated to indicate the fluctuation in water levels
- tabulate analytical results from all previous sampling events; provide laboratory reports (including quality control/quality assurance) and chain of custody documentation

All reports and proposals must be submitted under seal of a California Registered Geologist or Registered Civil Engineer with a statement of qualifications for each lead professionals involved with the project. Copies of reports and proposals must also be submitted to :

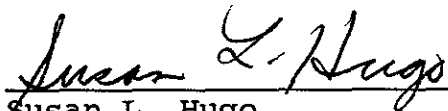
Ms. Maria Burgi  
RE: 5500 Eastshore Highway, Emeryville, CA 94608  
June 4, 1993  
Page 5 of 5

Rich Hiett  
RWQCB, San Francisco Bay Region  
2101 Webster Street, Fourth Floor  
Oakland, California 94612

Because we are overseeing this site under the designated authority of the Regional Water Quality Control Board, this letter constitutes a formal requests for technical reports pursuant to California Water Code Section 13267 (b). Any extensions of stated deadlines or changes in the work plan must be confirmed in writing and approved by this agency or RWQCB.

Please contact me at (510) 271-4530 if you have any questions concerning this letter.

Sincerely,



Susan L. Hugo  
Senior Hazardous Materials Specialist

cc: Rafat A. Shahid, Asst. Agency Director, Environmental Health  
Rich Hiett, San Francisco Bay RWQCB  
Gil Jensen, Alameda County District Attorney's Office  
Edgar B. Howell, Chief, Hazardous Materials Division - files  
Barry Sandals, Morrison & Foerster - 345 California St.  
San Francisco, CA 94104-2675  
David Martin, The Martin Group - 6475 Christie Ave., Suite 500  
Emeryville, CA 94608

ALAMEDA COUNTY  
HEALTH CARE SERVICES  
AGENCY

DAVID J. REARS, Agency Director



FATMA SHAHID, ASST. AGENCY DIRECTOR

DEPARTMENT OF ENVIRONMENTAL HEALTH

State Water Resources Control Board

Division of Clean Water Programs

LST Local Oversight Program

80 Swan Way, Rm 200

Oakland, CA 94621

(510) 271-4530

June 4, 1993  
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Ms. Maria Burgi  
Investment Officer  
Aetna Realty Investors, Inc.  
1740 Technology Drive, Suite 600  
San Jose, California 95110

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- \* Analytical Results (Stockpiled Soil Sampling) submitted by Blymer Engineers
- \* Proposal for In-Situ Site Remediation of Soil and Groundwater Hydrocarbon Contamination by Augmented Bioreclamation Using Laboratory Selected Bacterial Culture (July 29, 1987) prepared by Cyto Culture
- \* Report on Additional Site Characterization Studies at P.I.E. Nationwide Property (April 28, 1988) prepared by Alton Geoscience and submitted under Cyto Culture's cover letter 6/15/88
- \* Phase II Report on Hydrogeology and Site Characterization Studies (6/3/88) submitted under Cyto Culture's cover letter 8/3/88

Ms. Maria Burgi  
RE: 5500 Eastshore Highway, Emeryville, CA 94608  
June 4, 1993  
Page 2 of 4

- \* Waste Discharge Permit (Groundwater Treatment), Second Monthly Report of Treatment & Discharge Operation for May 1989 prepared by Cyto Culture and dated June 13, 1989
- \* Fourth Monthly Report of Treatment & Discharge Operation for June 1989 prepared by Cyto Culture and dated July 17, 1989
- \* Additional Subsurface Investigative Work (July 7, 1989) prepared by Blymer Engineers, Inc.
- \* Fifth Monthly Report of Treatment & Discharge Operations for July 1989 prepared by Cyto Culture and dated August 1989
- \* Sixth Monthly Report of Treatment & Discharge Operations for August 1989 prepared by Cyto Culture & dated September 1989
- \* Seventh Monthly Report of Treatment and Discharge Operations for September 1989 prepared by Cyto Culture and dated October 1989
- \* Ninth Monthly Report of Treatment & Discharge Operations for November 1989 prepared by Cyto Culture & dated December 15, 1989
- \* Tenth Monthly Report of Treatment & Discharge Operations for December 1989 prepared by Cyto Culture & dated January 15, 1990
- \* Correspondence dated March 22, 1990 from Cyto Culture regarding Site Plan of P.I.E.'s present and proposed reinfiltration plan

Based upon the review process of all the reports submitted to this office for the referenced site, the following issues needed clarification and must be addressed:

- 1) Please clarify the status of the **in-situ remediation of soil and groundwater contamination by Augmented Bioreclamation** as proposed by Cyto Culture (July 29, 1987) for the referenced site. Has the proposed **reinfiltration plan** been implemented? Is the remediation system currently running? If not, what is the rationale behind the termination of the remediation treatment system? ✓
- 2) It appears that the extent of the soil and groundwater contamination at the site remains **undefined**. A workplan to delineate the vertical and lateral extent of the plume must be submitted to this office **no later than July 19, 1993**.
- 3) Free floating product had been detected in MW-3, MW-4, MW-7, and MW-15. Please clarify the total volume of free floating product recovered from the extraction trenches located south and west of the referenced site to date. Free Floating product must be measured in all the wells using an optical probe or a comparable instrument capable of

Ms. Maria Burgi  
RE: 5500 Eastshore Highway, Emeryville, CA 94608  
June 4, 1993  
Page 3 of 4

measuring free product to 0.01 foot. These data must be incorporated in your quarterly report. Free product must be recovered in all the wells on a regular basis. Free product removal must comply with the California Code of Regulations, Title 23, Section 2655.

- 4) A total of 18 monitoring wells (12 on-site and 6 off-site) had been installed since 1986. It appears that **monitoring of the wells has not been conducted since their installation in 1988. Quarterly monitoring is the maximum sampling interval typically allowed when groundwater contamination is present as per Tri-Regional Board Staff Recommendations for Preliminary Evaluation and Investigation of Underground Tank Sites (August 10, 1990). Quarterly sampling of all the monitoring wells must be implemented in a timely fashion** because of the extent of groundwater contamination at the site. Groundwater samples must be analyzed for target (TPH as gasoline, TPH as diesel, oil & grease, BTEX, lead, chromium, nickel, zinc, cadmium, chlorinated hydrocarbons and semivolatiles organics, etc.). Groundwater elevation readings must be incorporated in the quarterly monitoring program and verified groundwater flow direction must be established at the site.

Please clarify the stockpiled soil disposition.

Documentation of the stockpiled soil disposal must be submitted to this office.

- 6) Please provide this office with copies of the tank disposal records (manifests). *Contractor Landfill per Plymouth report 4/19/89*
- 7) Permits from other regulatory agencies which are applicable to the investigation/remediation activities at the site must be followed.
- 8) With regards to the groundwater extraction system installed at the site, please provide this office with the following items:

- detailed systems engineering drawings
- equipment cut sheets
- operational flow diagrams
- rationales to substantiate the selection of the location of the extraction wells
- monitoring plan to determine the effectiveness of the treatment system
- contingency plan for system breakdown
- estimate duration of the pump and treat operation

*MW's will be analyzed for TPH, BTEX & 2 composite products w/ FF will be tested for TPH, lead, chrome, nickel, zinc, cadmium, chlorinated hydrocarbons & semivolatiles*

*Contractor Landfill per Plymouth report 4/19/89*

*Contractor Landfill per Plymouth report 4/19/89*

*No manifests provided R.S. Egan & Comp.*

Ms. Maria Burgi  
RE: 5500 Eastshore Highway, Emeryville, CA 94608  
June 4, 1993  
Page 4 of 5

- 9) A remedial plan must be implemented and a time schedule for plan implementation must be submitted to this office. In addition, please submit a time schedule for all phases of the investigation and remediation activities and the anticipated time when cleanup will be completed at the site.

Response to the items mentioned above must be provided to this office no later than July 19, 1993.

Until cleanup is complete, you will need to submit reports to this office and to RWQCB every three months ( or at a more frequent interval, if specified at any time by either agency ). In addition, the following items must be incorporated in your future reports or work plan:

- a cover letter from the responsible party or tank owner stating the accuracy of the report and whether he/she concurs with the conclusions and recommendations in the report or work plan
- site map delineating contamination contours for soil and groundwater based on recent data should be included and the status of the investigation and cleanup must be identified
- proposed continuing or next phase of investigation / cleanup activities must be included to inform this department or the RWQCB of the responsible party or tank owner's intention
- any changes in the groundwater flow direction and gradient based on the measured data since the last sampling event must be explained
- historical records of groundwater level in each well must be tabulated to indicate the fluctuation in water levels
- tabulate analytical results from all previous sampling events; provide laboratory reports (including quality control/quality assurance) and chain of custody documentation

All reports and proposals must be submitted under seal of a California Registered Geologist or Registered Civil Engineer with a statement of qualifications for each lead professionals involved with the project. Copies of reports and proposals must also be submitted to :



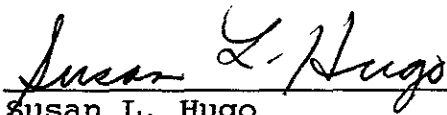
Ms. Maria Burgi  
RE: 5500 Eastshore Highway, Emeryville, CA 94608  
June 4, 1993  
Page 5 of 5

Rich Hiett  
RWQCB, San Francisco Bay Region  
2101 Webster Street, Fourth Floor  
Oakland, California 94612

Because we are overseeing this site under the designated authority of the Regional Water Quality Control Board, this letter constitutes a formal requests for technical reports pursuant to California Water Code Section 13267 (b). Any extensions of stated deadlines or changes in the work plan must be confirmed in writing and approved by this agency or RWQCB.

Please contact me at (510) 271-4530 if you have any questions concerning this letter.

Sincerely,



Susan L. Hugo  
Senior Hazardous Materials Specialist

cc: Rafat A. Shahid, Asst. Agency Director, Environmental Health  
Rich Hiett, San Francisco Bay RWQCB  
Gil Jensen, Alameda County District Attorney's Office  
Edgar B. Howell, Chief, Hazardous Materials Division - files  
Barry Sandals, Morrison & Foerster - 345 California St.  
San Francisco, CA 94104-2675  
David Martin, The Martin Group - 6475 Christie Ave., Suite 500  
Emeryville, CA 94608

## ALAMEDA COUNTY HAZARDOUS MATERIALS DIVISION

05/25/93

## UNDERGROUND STORAGE TANK CLEANUP SITE

AGENCY#: 10000 SOURCE OF FUNDS: F-FEDERAL INSPECTOR: SH  
 StID: 1184 SUBSTANCE: 12034 -Diesel  
 SITE NAME: PIE Freight Terminal Site DATE REPORTED : 08/14/86  
 ADDRESS : 5500 Eastshore Hwy. DATE CONFIRMED: 08/14/86  
 CITY/ZIP : Emeryville, CA 94608 MULTIPLE RP's : Y

CASE TYPE: G CONTRACT STATUS: 3 EMERGENCY RESPONSE:

RP SEARCH	: S		DATE END: 03/15/92
PRELIM ASSESSMENT	: C	DATE BEGIN: 09/16/86	DATE END: 12/18/87
REMEDIAL INVESTIG	: C	DATE BEGIN: 04/28/88	DATE END: 06/03/88
REMEDIAL ACTION	: U	DATE BEGIN: 05/11/89	DATE END:
POST REMED MONITOR:		DATE BEGIN:	DATE END:

TYPE ENFORCEMENT ACTION TAKEN: 1 DATE OF ENFORC. ACTION: 03/15/92

## UNDERGROUND STORAGE TANK CLEANUP SITE - SCREEN #2

LUFT FIELD MANUAL CONSIDERATION: 3HSCAWG CASE CLOSED: on:

DT EXC START: 11/11/86 REMEDIAL ACTIONS TAKEN: ED,ET,IT,GT

RP #1: CONTACT: n/a RP COST:  
 RP COMPANY NAME: Etna Real Estate Associates Ph:  
 ADDRESS: 242 Trumble Street  
 CITY/STATE: Hartford, Ct 06156

MENT:

SITE ID#: 1184

## ADDITIONAL RP'S

RP #2  
 CONTACT NAME: Mr. David Martin  
 COMPANY NAME: The Martin Group RP Ph:  
 ADDRESS: 6475 Christie St Ste 500  
 CITY/ST/ZIP: Emeryville, Ca 94608

voltage and a small capacitor, which may contain PCBs, and possibly a thermal cut-off switch and/or a safety fuse. These components are surrounded by an asphalt substance. Some ballasts may be accompanied by spontaneous leaking and smoking when they reach the end of their life. Later ballasts have been manufactured with thermal protective cut-out switches to prevent smoking. Ballasts manufactured after 1977 for use in fluorescent lights do not contain PCBs and are so labeled.<sup>14</sup>

Tauris et al.<sup>15</sup> investigated a 3 month outbreak in an office complex. There were 19 individuals who spent most of their working day in the office. Fifteen of 16 of personnel available for interviews (all females, 23 to 55 years) reported experiencing various symptoms. These symptoms would regularly abate after leaving work. Symptoms reported were:

<u>Symptoms</u>	<u>Number Reported over Total</u>
Headache	15/16
Eye Irritation	14/16
Sore, Scratchy or Dry Throat	11/16
Nasal Congestion	10/16
Nausea	8/16
Dizziness or Lightheadedness	7/16
Itchy Skin	4/16

Many also periodically noticed an obnoxious odor. Air monitoring for settled dust, formaldehyde, carbon monoxide and carbon dioxide as well as physical exams revealed no abnormalities. When the glass covering of a suspicious looking fluorescent lamp was removed personnel experienced many of the previously mentioned symptoms. Melted asphalt was observed covering much of the light fixture in the office. When all of the malfunctioning ballasts were replaced and the asphalt residue cleaned up, 14 of the original 15 reported that symptoms had diminished and most had been completely resolved.

Harris<sup>16</sup> indicates that a similar situation occurred in a school located in Washington. A teacher noted some pitch material leaking from a fluorescent light fixture. There was an accompanying "chemical" odor. An analysis of the dripping material indicated that it contained 20% by weight PCB (Aroclor 1254) a bulk sample collected from the malfunctioning fixture confirmed the presence of PCB.

Staiff et al.<sup>17</sup> conducted tests for PCB emissions under several experimental conditions. In one series, atmospheric samples were collected at various distances from a ballast under actual operating conditions. Sampling commenced 5 minutes following an apparent burnout. Three days later samples were collected again at the locations. Several weeks later air samples were collected at different distances from fluorescent lights that were operating satisfactorily.

WATER RESOURCES CONTROL BOARD  
DIVISION OF WATER QUALITY - UST CLEANUP PROGRAM  
SITE SPECIFIC QUARTERLY REPORT  
01/01/92 THROUGH 03/31/92

AGENCY # : 10000      SOURCE OF FUNDS: F      SUBSTANCE: 12034  
StID : 1184  
SITE NAME: PIE Freight Terminal Site      DATE REPORTED : 08/14/86  
ADDRESS : 5500 Eastshore Hwy.      DATE CONFIRMED: 08/14/86  
CITY/ZIP : Emeryville 94608      MULTIPLE RPs : Y

SITE STATUS  
-----

CASE TYPE: G	CONTRACT STATUS: 3	EMERGENCY RESP:
RP SEARCH: S		DATE COMPLETED: 03/15/92
PRELIMINARY ASMNT: C	DATE UNDERWAY: 09/16/86	DATE COMPLETED: 12/18/87
REM INVESTIGATION: C	DATE UNDERWAY: 04/28/88	DATE COMPLETED: 06/03/88
REMEDIAL ACTION: U	DATE UNDERWAY: 05/11/89	DATE COMPLETED:
POST REMED ACT MON:	DATE UNDERWAY:	DATE COMPLETED:

ENFORCEMENT ACTION TYPE: 1      DATE ENFORCEMENT ACTION TAKEN: 03/15/92  
LUFT FIELD MANUAL CONSID: 3, HSCAWG  
CASE CLOSED:      DATE CASE CLOSED:  
DATE EXCAVATION STARTED : 11/11/86      REMEDIAL ACTIONS TAKEN: ED, ET, IT, GT

RESPONSIBLE PARTY INFORMATION  
-----

RP#1-CONTACT NAME:  
COMPANY NAME: Etna Real Estate Associates  
ADDRESS: 242 Trumble Street  
CITY/STATE: Hartford, Ct 06156

RP#2-CONTACT NAME: Mr. David Martin  
COMPANY NAME: The Martin Group  
ADDRESS: 6475 Christie St Ste 500  
CITY/STATE: Emeryville, Ca 94608

*Eastshore Partnership*

1)

# MORRISON & FOERSTER

LOS ANGELES  
SACRAMENTO  
ORANGE COUNTY  
PALO ALTO  
WALNUT CREEK  
SEATTLE

ATTORNEYS AT LAW

345 CALIFORNIA STREET  
SAN FRANCISCO, CA 94104-2675  
TELEPHONE (415) 677-7000  
TELEFACSIMILE (415) 677-7522  
TELEX 34-0154 MRSN FOERS SFO

NEW YORK  
WASHINGTON, D.C.  
DENVER  
LONDON  
BRUSSELS  
HONG KONG  
TOKYO

DIRECT DIAL NUMBER

May 24, 1993

(415) 677-7117

Martin-Eastshore  
c/o The Martin Group  
6475 Christie Avenue, Suite 500  
Emeryville, California 94608

East Bay Park Company  
c/o The Martin Group  
6475 Christie Avenue, Suite 500  
Emeryville, California 94608

Emeryville Terranomics  
455 Northpoint  
San Francisco, California 94133

Mr. J. David Martin  
c/o The Martin Group  
6475 Christie Avenue, Suite 500  
Emeryville, California 94608

Mr. Thomas J. Gram  
c/o The Martin Group  
6475 Christie Avenue, Suite 500  
Emeryville, California 94608

Mr. Walter Kaczmarek  
c/o David D. Cooke, Esq.  
Beverage & Diamond  
One Sansome Street  
San Francisco, California  
94104-4438

Mr. Edmund B. Taylor, Jr.  
c/o David D. Cooke, Esq.  
Beverage & Diamond  
One Sansome Street  
San Francisco, California  
94104-4438

Mr. Barry Culbertson  
455 Northpoint  
San Francisco, California 94133

Mr. Merrit Sher  
529 P.O. Box 529  
Ross, California 94957

Re: Emeryville Powell Street Plaza;  
Demand by Aetna Real Estate  
Associates, L.P. for Indemnification  
for Claim Made by Shellmound  
Ventures III

Dear Sirs:

Pursuant to Sections 14.01, 14.02 and 15.21 of the Purchase and Sale Agreement for the Powell Street Plaza between Eastshore Partners ("Eastshore") and Aetna Real Estate Associates, L.P. ("Aetna") (the "Agreement"), which was guaranteed by certain individuals (the "Individual Indemnitors") pursuant to Sections 1.01, 14.02, and 15.21 of

the Agreement, Aetna hereby tenders to Eastshore's general partners and the Individual Indemnitors a demand made upon Aetna by Shellmound Ventures III ("Shellmound") to clean up environmental contamination on Shellmound's property which allegedly has migrated from the Powell Street Plaza property. Shellmound has demanded that Aetna "take immediate action to stop the migration of contaminants from the [Powell Street Plaza] onto the Shellmound Property and to remediate the chemicals that have migrated from the [Powell Street Plaza] onto the Shellmound Property." Shellmound's letter, dated April 15, 1993, is enclosed herewith as Exhibit 1.

Under Section 14.02 of the Agreement, Eastshore's general partners and the Individual Indemnitors are obligated to "indemnify, defend and hold [Aetna] harmless . . . from and against any and all liabilities, losses, claims, damages, costs and expenses (including, without limitation, reasonable attorneys' fees) incurred . . . as a result of any inaccuracy in any of the representations and warranties contained in Section 14.01."

In Section 14.01(s)(i), Eastshore and the Individual Indemnitors warranted that:

No contamination relating to the Prior Harmful Use that . . . is in violation of any Environmental Law . . . will remain on, under or about the Property (including, without limitation, the soil and ground water) or any other property in the vicinity of the Property (where the source of contamination on the other property is attributable to contamination of the Property) . . .

. . .

. . . Seller and the Indemnitors shall indemnify and hold Buyer harmless from and against any and all loss, cost, damage, liability and expense (including without limitation attorneys' fees and costs) arising from . . . the failure, for any reason, of the Property and any other property in the vicinity of the Property (where the source of the contamination on the other property is attributable to contamination of the Property) to be cleaned up or remediation

measures to be completed in relation to the Prior Harmful Use in accordance with the Clean-up Contract and in compliance with all Environmental Laws . . . .

(emphasis supplied).

Under these provisions, Eastshore's general partners and the Individual Indemnitors are obligated to indemnify Aetna for any damages arising out the failure, for any reason, of the Powell Street Plaza to be cleaned up, including any liability arising from contamination that has allegedly migrated from the Powell Street Plaza onto other property in the vicinity of the Powell Street Plaza, including the Shellmound property.

In addition to the indemnity provisions found in Sections 14.01 and 14.02, Eastshore's general partners and the Individual Indemnitors are obligated under Section 15.21 to "indemnify and hold [Aetna] harmless from . . . any and all liability or loss, including reasonable attorney's fees and costs, arising out of or in connection with the Property before the Closing Date." Because any alleged contamination that has migrated onto the Shellmound property existed before the Closing Date, Eastshore's general partners and the Individual Indemnitors are also obligated under Section 15.21 to indemnify Aetna from any and all liability or loss arising therefrom.

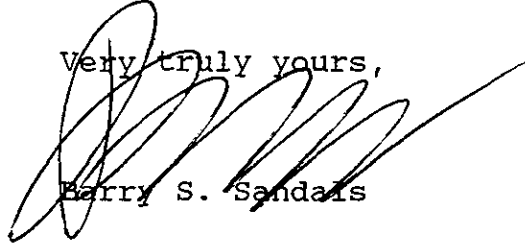
Under these provisions, Eastshore's general partners and the Individual Indemnitors are obligated to respond to the demands contained in Shellmound's letter by undertaking any and all actions necessary to decontaminate the "Property and any other property in the vicinity of the Property." Agreement Section 14.01(s)(i). Failure by Eastshore's general partners and/or the Individual Indemnitors to take appropriate action and to respond to the conditions alleged in the Shellmound letter will be considered by Aetna as a material breach of the Agreement. Aetna expects Eastshore's general partners and the Individual Indemnitors to fulfill their contractual indemnification

May 24, 1993  
Page Four

MORRISON & FOERSTER

obligations and to attend to this matter without delay.  
Therefore, please contact me immediately with your plans to  
rectify this situation.

Very truly yours,

A handwritten signature in black ink, appearing to read "Barry S. Sanders", written over the typed name.

Barry S. Sanders

Enclosure

cc: David Cooke, Esq.  
Susan Hugo, Alameda County Health Agency  
Richard C. Hiatt, Regional Water Quality Control Board



# MORRISON & FOERSTER

LOS ANGELES  
SACRAMENTO  
ORANGE COUNTY  
PALO ALTO  
WALNUT CREEK  
SEATTLE

ATTORNEYS AT LAW  
  
345 CALIFORNIA STREET  
SAN FRANCISCO, CA 94104-2675  
TELEPHONE (415) 677-7000  
TELEFACSIMILE (415) 677-7522  
TELEX 34-0154 MRSN FOERS SFO

NEW YORK  
WASHINGTON, D.C.  
DENVER  
LONDON  
BRUSSELS  
HONG KONG  
TOKYO

May 24, 1993

DIRECT DIAL NUMBER  
(415) 677-7117

Ms. Jane Stratton  
Chiron Corporation  
Law Department  
4560 Horton Street  
Emeryville, CA 94608-2916

Re: Alleged Subsurface Petroleum  
Contamination at the Shellmound  
Ventures III Property

Dear Ms. Stratton:

In a letter dated April 15, 1993, you wrote to Aetna Real Estate Associates ("Aetna") requesting (apparently on behalf of Shellmound Ventures III) that Aetna take steps to stop the migration of subsurface petroleum that has allegedly spread from the "PIE/ETNA [sic] Property onto the Shellmound Property," and to remediate chemicals that have allegedly "migrated from the PIE/ETNA [sic] Property onto the Shellmound Property."

Aetna hereby denies responsibility and liability for any alleged contamination currently located at, on, or under the Shellmound Ventures III Property.

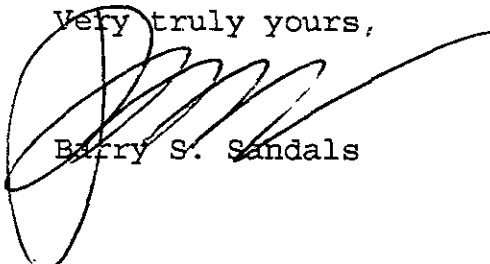
If any contamination has migrated in the past or to the extent that any contamination may currently be migrating, responsibility would fall upon the general partners of the Eastshore Partners (the "General Partners") and upon a number of individual indemnitors (the "Individual Indemnitors"). Under the purchase agreement by which Aetna acquired the Powell Street Plaza from Eastshore, the General Partners and the Individual Indemnitors are contractually obligated, inter alia, to indemnify Aetna for any and all loss, cost, damage, liability and expense arising from the failure to clean up the Powell Street Plaza and any other property in the vicinity of the Powell Street Plaza (where the source of the contamination on the other property is attributable to the contamination of the Powell Street Plaza).

MORRISON & FOERSTER

Ms. Jane Stratton  
May 24, 1993  
Page Two

Pursuant to this contractual indemnity, Etna has forwarded your April 15 letter to the General Partners and the Individual Indemnitors. A copy of the accompanying cover letter is enclosed. As the General Partners and the Individual Indemnitors are ultimately responsible for any alleged contamination that has allegedly migrated or is allegedly migrating from the Powell Street Plaza, please address future requests for remediation and/or response actions to those entities and individuals.

Very truly yours,



Barry S. Sandals

Enclosure

cc: Susan Hugo, Alameda County Health Agency  
Richard Hiatt, California Regional Water Quality  
Control Board, San Francisco Bay Region  
David Cooke, Esq.

**CHIRON**

STD1184

SECRET 11-13-20

April 15, 1993

**ETNA Real Estate Associates**  
242 Trumbull Street  
Stanford, CT 06156

Reference: *Site Remediation*  
*Eastshore Highway*  
*Emeryville, California*

Dear Owner/Operator:

The Shellmound Ventures III partnership owns property located at 4300 Eastshore Highway in Emeryville, California, which is adjacent to the property previously owned and/or operated by ETNA (the "PIE/ETNA Property"). Subsurface petroleum contamination from the PIE/ETNA Property has adversely impacted and is continuing to adversely impact the Shellmound Ventures Property. By this letter we request that you take immediate action to stop the migration of contaminants from the PIE/ETNA Property onto the Shellmound Property and to remediate the chemicals that have migrated from the PIE/ETNA Property onto the Shellmound Property.

We intend to pursue all possible avenues of relief available to the Partnership to effectuate the cleanup of the Shellmound Property and to recover for any related damage to the Partnership's interests stemming from the conditions originating on the PIE/ETNA Property. We are working with the applicable state and local agencies regarding the current conditions on the Shellmound Property, and intend to pursue all possible relief that may be available to the Partnership via those agencies.

F:\WPGEN\JLS\SHELMOND PIE

ETNA Real Estate Associates  
April 15, 1993  
Page Two

Please be assured that we are prepared to cooperate with you to allow the undertaking of work necessary to effectuate the remediation of the existing conditions. Please contact us as soon as possible to discuss methods and means of remedying this situation.

Very truly yours,

*Jane Stratton by J. Domin*

Shellmound Ventures III

JLS/fkp

cc: Carolyn Owen/Chiron Corporation

Susan Hugo  
Alameda County Health Agency  
Dept. of Environmental Health  
80 Swan Way, Room 200  
Oakland, CA 94621



**Aetna Realty Investors, Inc.**  
1740 Technology Drive, Suite 600  
San Jose, California 95110  
(408) 437-5451  
(408) 437-5494 (Fax)

**Maria Burgi**  
Investment Officer  
Capital Markets Investment Management

March 29, 1993

Ms. Susan hugo  
Senior Hazardous Materials Expert  
Alameda County Health Care Services Agency  
Department of Environmental Health  
Hazardous Materials Division  
80 Swan Way, Rm 200  
Oakland, CA 94621

RE: Powell Street Plaza (former PIE site)

Dear Ms. Hugo:

This is to confirm our meeting with you and the Regional Quality Control Department on Monday April 12, 1993, at 10:30 am, at your offices. As we agreed to, please contact either Barry Sandals or myself to confirm this meeting after verifying it with the Regional Water people.

Barry Sandals  
Morrison & Foerster  
(415) 677-7117

Maria Burgi  
Aetna Realty Investors, owner  
(408) 437-5451

Thank you for your assistance.

Sincerely,

AETNA REALTY INVESTORS

*Maria Burgi*

Maria Burgi  
Investment Officer

cc: Barry Sandals

MBS314ssw

# FAX TRANSMITTAL

Caltrans — District 4  
Environmental Engineering Branch  
111 Grand Avenue — 14th Floor  
Oakland, CA 94623-0660

Date: 1/6/93 Pages to Follow: 1

To: SUSAN HUGO  
(local oversight program)

Telephone Number: 271-4320  
FACSIMILE NUMBER: 509-4757

Message: URGENT REQUEST  
CONCERNING PIE Nationwide  
site at 5500 Eastshore,  
Emeryville

From: JIM ROSS  
District Hazardous Waste Coordinator

Telephone Number: 510 286-5629  
FACSIMILE NUMBER: (510) 286-5642

Mailing Address: Caltrans — District 4  
P. O. Box 23660  
Oakland, CA 94623 0660

## DEPARTMENT OF TRANSPORTATION

BOX 23660  
OAKLAND, CA 94623-0660  
(510) 286-4444  
TDD (510) 286-4454



January 6, 1993

**Ms. Susan Hugo**  
**Division of Hazardous Materials**  
**Department of Environmental Health**  
**80 Swan Way**  
**Room 200**  
**Oakland, CA 94621**

**Dear Ms. Hugo:**

**On December 10, 1992 Deanna Rozgay went to the Alameda County Health Agency to review the file for the P.I.E. Nationwide site at 5500 Eastshore, Emeryville. The most current information in the file was dated March 22, 1990. The consultants, Cytoculture International, planned to construct trenches under the parking lot as part of their remediation of the contaminated ground water.**

**Current information is urgently needed due to the relocation of an EBMUD pipeline in the area. This relocation impacts land which was used as part of Cytoculture's remediation process. The current monitoring status and maps of the trenches are needed as part of Caltrans' hazardous waste investigation.**

**If you have any questions regarding this request, please contact Ms. Rozgay at 286-5635. Thank you for your attention to this matter.**

*James W. Ross*  
**James W. Ross**  
**District Hazardous**  
**Waste Coordinator**

*Deanna Rozgay  
message*

FUEL LEAK CASE FORM

Enter Date \_\_\_\_\_  
Review Date 04/18/90  
Date of Last Corr. 11/10/88  
Report Date 08/26/88

Review Status C  
Evaluator SK  
Sitename Emerysville Market Place  
Street Number 6425  
Street Christie St.  
City Emerysville  
Zip 94608  
County 01  
Local Agency 01000  
MOPNO \_\_\_\_\_  
Primary Substance 8006619  
Secondary Substance 13

Max. Soil Conc. (ppm) 2070  
Max G.W. Impact (ppb) 9999999

Case Type S C D U  
Groundwater Depth 9  
Permeability 1 2 3

Priority A1  
Rank \_\_\_\_\_  
Status 3B  
Date 3A 11/10/87  
Date 3B 6/7/88  
Date 5C \_\_\_\_\_  
Date 5R \_\_\_\_\_  
Date 7 \_\_\_\_\_  
Date 8 \_\_\_\_\_  
Date 9 \_\_\_\_\_

Interim Y N  
Interim Date \_\_\_\_\_  
Abate Method N1

Lead Agency L V R LI RI  
UGT V N  
Division AST  
Enforce Type 0 1 2 3  
Enforce Date \_\_\_\_\_  
Pilot Program Y N  
RP Search S I R N

Comment (80 Characters)



**Cyto Culture**  
ENVIRONMENTAL  
BIOTECHNOLOGY  
A DIVISION OF CYTOCULTURE INTERNATIONAL INC.

90 MAR 26 AM 9:10

22 March 1990

Dennis Byrne  
Hazardous Materials Specialist  
Alameda County Environmental Health Dept.  
80 Swan Way, Room 200  
Oakland, CA 94621

Dear Dennis:

Please find enclosed site plan which detail P.I.E. (a) currently, and (b) the proposed  
reinfiltration. The two individuals I mentioned at DHS-Alternative Technology are:

Ken Smarke, Ph.D.  
Waste Management Engineer  
California Department of Health Services  
Toxic Substances Control Program  
Alternative Technology Division  
714/744 P Street  
P.O. Box 942732  
Sacramento, CA 94234-7320  
916-324-1942

John Wesnousky  
Senior Waste Management Engineer  
California Department of Health Services  
Toxic Substances Control Program  
Alternative Technology Division  
714/744 P Street  
P.O. Box 942732  
Sacramento, CA 94234-7320  
916-322-2543

Although you are correct, a genetically-labeled microbe would be useful, this is not the  
appropriate forum for gaining approval for the introduction of such an organism into the  
environment. Please feel free to contact either myself or Dr. von Wedel if you have questions  
concerning P.I.E. Thanks again for your time on 3/21.

Sincerely,



Robert Greenwald

enc P.I.E. site plans

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY  
DAVID J. KEARS, Agency Director



RAFAT A. SHAHID, Assistant Agency Director

February 23, 1990

PIE Nationwide Property  
5500 Eastshore Hwy.  
Emeryville, CA 94608

DEPT. OF ENVIRONMENTAL HLTH  
HAZARDOUS MATERIALS PROG.  
80 SWAN WAY, SUITE 200  
OAKLAND, CA 94621

RE: 5500 Eastshore Hwy.

SECOND NOTICE OF VIOLATION

Dear owner/operator:

Our records indicate that there are underground tank(s) at your site at the above facility. You were notified of this situation months ago and have not taken the appropriate action as described below.

In accordance with the California Code of Regulations, Title 23, Chapter 3, Subchapter 16 Underground Tank Regulations you must perform one of the following actions:

1. Submit a tank closure plan to this Department as required by Article 7, 2670, or
2. Apply for a permit as required by Article 10, 2710.

You are directed to notify this Department within 10 days of your intentions and to obtain the necessary instructions and forms.

Please note that section 25299 of the California Health and Safety Code states that any operator or owner of an underground storage tank is liable for a civil penalty of not less than five hundred dollars or more than five thousand dollars per day for failure to obtain a permit, or failing to properly close an underground storage tank, as required by section 25298.

If you have any questions concerning this matter, please contact this office at 271-4320.

Sincerely,

Thomas F. Peacock, Senior HMS  
Hazardous Materials Division

TFP:tfp

cc: Gil Jensen, Alameda County District Attorney, Consumer and  
Environmental Protection Agency  
Lester Feldman, RWQCB

Concurrence 2/14/91

2-14-91

01

TO: 1. Dennis Mishek 2. Donald Dalke 3. John Jang 4. Files  
FROM: John Jang  
DATE: February 14, 1990

excellent summary report  
DD

SUBJECT: Status of NPDES Permit Holders Who Has Not Started Discharging or Has Shutdown Recently

1. Bank of California (San Mateo), permit issued 3/90: Owner is in process of hiring consultant to put in the treatment system. Construction expected to start next month.
2. Chevron (2710 Story Road, San Jose), permit issued 8/90: Try to start up on January 16, 1991. Free product storage tank prove to be much too small. Chevron have not decided on solution yet. If they go with temporary storage facility, will take several more weeks before starting up. If they go with permanent storage facility, will take even longer before starting up.
3. Chevron (Milpitas), permit issued 6/90: There are some disagreement between Chevron and the property owner on what needs to be done. They are getting close to resolving their disagreements. Full resolution expected in about 3 or 4 months.
4. City of Oakland Redevelopment Agency: Treatment system restarted right after Thanksgiving 1990.
5. Fass Metals (Richmond), permit issued 4/89: Treatment system has not been able to meet permit limit for nickel (effluent concentration at 35 ppb vs. permit limit of 7.1 ppb). Fass Metals looking at several options now: upgrading treatment to meet nickel limit, discharging to adjacent land (WDR), or annexation and going to POTW.
6. Mission Trail Oil Co., Rotten Robbie #33 (Santa Clara), permit issued 4/90: Treatment system has started up but cannot meet permit limit for TPH-diesel. Treatment system consist of fixed film bioreactor followed by carbon canisters. They will sent me a written summary of what has been done to date and will request a meeting with us.
7. Ms. Margaret Debarnardi, formerly Wolco (Sunnyvale): Treatment system has restarted in January 1991.
8. P.I.E. Nationwide (Emeryville): Effluent has been going to EBMUD sanitary sewer since startup. P.I.E. recently declared bankruptcy and the treatment system has been shut down since 6/90. P.I.E. does not plan to restart the treatment system.
9. Reid-Hillview Airport (San Jose), permit issued 8/89: The treatment system is in place but the airport uses extraction

ESCC East Shore Hwy

trenches and because of the drought, the groundwater table is too low to pump out appreciable amount of groundwater.

10. Shell Oil Co. (Union City): System restarted on October 20, 1990. Discharge is to Union Sanitary District.
11. Southland Corp. (San Jose), permit issued 7/88: Will start pulling out underground tanks this Friday. Once this is finished, it will take about 6 - 8 weeks to install the treatment system.
12. Southland Corp. (Los Gatos), permit issued 8/90: Treatment system installed except piping to storm drain. Southland wants to put in a 3 or 4 inch diameter discharge pipe while the City wants them to install a 12 inch pipe. Neither side appears willing to bulge at this point.
13. Texaco (San Jose): System has been down since 12/28/90 due to excessive scaling downstream of the air stripper. Consulting firm will meet with Texaco within two weeks to decide on what to do.
14. UNOCAL (Santa Clara): System has been down since Oct. 1990 due to low groundwater levels (from the drought) below the level of the extraction wells. Several new and deeper wells has been installed and pump test is scheduled for Feb. 26, 1991. Treatment system expected to be restarted within two weeks of the pump test.
15. Viking Materials (San Jose), permit issued 1/90: Treatment system being installed this month. Expected to start up within three weeks.

SUMMARY: Except for those circled in green, all of the above NPDES permit holders have restarted their treatment systems or is making reasonable effort toward installing and starting up their treatment system. I will call these NPDES permit holders every three months to see if progress continues to be reasonable.

For those NPDES permit holders circled in green, I will send memos to the appropriate section leaders and request that they send letters to the LIA or to the permit holders to get them moving.

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY  
DAVID J. KEARS, Agency Director



16 November, 1989

Michael Corvarrubias  
The Martin Group  
6475 Christie Avenue  
Suite 500  
Emeryville, CA 94608

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

Subject: Development of the Chiron Project Site, Parcel 1, 4300  
Eastshore Highway, Emeryville.

Dear Mr. Corvarrubias:

This office has received and reviewed the proposal prepared by Earth Metrics Incorporated for the site listed above and a supplementary letter, dated 6 November, 1989, prepared by Marc Papineau of Earth Metrics. Mr. Papineau's letter addressed specific questions raised by this office concerning the actions proposed for this site.

The proposed method for managing excavated soil on the site during the project is acceptable to this office. This soil is to be stockpiled and sampled to determine if it will require disposal as a hazardous waste. This office anticipates being kept closely informed of the results of these analysis.

Excavation will be required in the area of sampling site N-3, where concentrations of Zinc exceeding the TTLC value of 5,000 ppm have been measured. This excavation should be initiated prior to any further development on this site and follow-up sampling will be required to verify that the extent of excavation is sufficiently thorough. This office expects that all soils contaminated with Zinc in excess of the TTLC value of 5,000 ppm will be removed for proper disposal.

At the present time this office is unable to approve Mr. Papineau's proposal to incorporate your dewatering activities into the on-going water treatment process taking place at the P.I.E. site. Our records concerning this project at P.I.E. are incomplete. We are in the process of actively pursuing a review of this project to ensure that it is a legitimate, functional process. Until this review is complete, we cannot consider approving Mr. Papineau's proposal in this regards.

Our review of the P.I.E. water treatment project should be

Michael Corvarrubias  
The Martin Group  
6475 Christie Avenue  
Suite 500  
Emeryville, CA 94608  
Re. Chiron Project  
Page 2 of 2

complete by the first week of December, 1989. You may wait until this review is complete in anticipation that Mr. Papineau's proposal will be approved, or you may submit an alternative means of managing the water produced by the Chiron Site development.

Up to 330 ppm of Total Petroleum Hydrocarbon contamination was measured in soil sample 9, collected in the vicinity of a former underground storage tank location. In accordance with guidelines established by the San Francisco Bay Regional Water Quality Control Board, a ground water monitoring well system will be required at this site. This requirement need not hinder development of the parcel as long as it is clearly understood that, within a reasonable amount of time, the monitoring wells will have to be installed in the vicinity in which sample 9 was collected.

Please be aware that the recommendations and approvals specified in this letter apply only to the Chiron Site, that area south of Temescal Creek. The development proposal for this site has been reviewed prior to that of the Marriott Site, north of Temescal Creek, in conformance with the more pressing deadline communicated to this office. It is anticipated that the development proposal for the Marriott Site will be reviewed during the first week of December, 1989. A letter concerning the opinions of this agency in regards to the Marriott Site development will be prepared upon the completion of the review process.

If you have any questions concerning this matter, please contact me at (415) 271-4320.

Sincerely,

Dennis J. Byrne  
Hazardous Materials Specialist

cc: Howard Hatayama, DOHS  
Lester Feldman, SFBRWQCB  
Rafat Shahid, Assistant Director, Alameda County Dept.  
Environmental Health.  
Marc Papineau, Earth Metrics, Inc.

**BLYMYER**  
ENGINEERS, INC.July 7, 1989  
BEI Job No. 8648

Mr. Thomas J. Gram  
THE MARTIN GROUP  
6475 Christie Avenue  
Suite #500  
Emeryville, CA 94608

SUBJECT: SITE REMEDIATION  
5500 EASTSHORE HIGHWAY  
EMERYVILLE, CALIFORNIA

Dear Tom:

In response to your letter of May 5, 1989, Blymyer Engineers has reviewed existing conditions at the subject facility and has prepared the following letter as response to clarify the situation.

With regard to the potential plume to the south of Powell Street Plaza, BEI has discussed with you the possibility of the Powell Street Plaza plume migrating to the south, off of the property. However, this portion of the plume as defined by existing monitoring wells would be confined to the northern portion of the adjacent southern property. At this time it appears that CytoCulture's treatment system would be adequate to handle that contamination. In your discussion with CytoCulture, Dr. von Wedel had thought that a separate plume to the south of the existing monitoring wells had been identified.

With respect to the capacity of the system, the system as designed is capable of processing over 2,000,000 gallons of contaminated water over a year. Thus, the system appears to be able to remediate the site in its present configuration. Excess capacity has been built into the system should upgrade be required at a future date. This determination will be made after monitoring remediation progress over the rest of this year. Please be advised that the California Department of Health Services has not expressed concern over the amount of gallons treated to date. P.I.E. remains committed to remediation of the site and has not shown unwillingness to spend any required money to achieve that goal.

In reference to the authorization of reinfiltration of nutrient-enriched effluent from the bioreactors, please be advised that the Alternative Technologies Section of the California Department of Health Services has not authorized reinfiltration, except for a pilot study. P.I.E. and BEI have authorized the pilot study and continue to work to secure the additional approvals for full scale implementation.

Finally, although P.I.E. has at times been slow in payment, it has never failed to pay an invoice after approval. As stated above, P.I.E. is committed to remediation of the subject site.

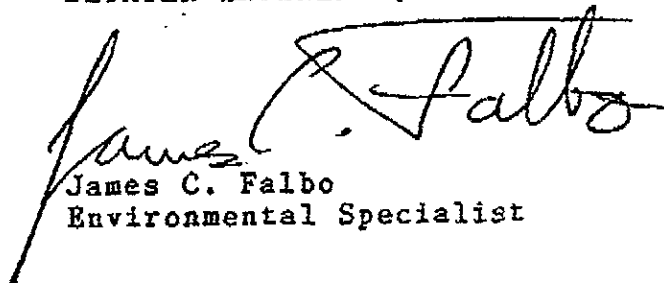
Mr. Thomas J. Gram  
THE MARTIN GROUP  
Page Two

July 7, 1989

If you have any questions, please call.

Cordially yours,

BLYMYER ENGINEERS, INC.



James C. Falbo  
Environmental Specialist

JCF/ds

cc: Ms. Sylvia Lee



# CytoCulture

INTERNATIONAL

ENVIRONMENTAL BIOTECHNOLOGY

INC.

June 1, 1989

JUN 02 1989

MTC

Mr. Michael Chee  
Toxics Clean-Up  
California Regional Water  
Quality Control Board  
San Francisco Bay Region  
1111 Jackson  
Room 6040  
Oakland, CA 94607

Reviewed 6/13/89  
treated &  
discharged to  
EBMUD

Dear Mr. Chee:

Please find enclosed copies of operating reports for the former P.I.E. truck terminal in Emeryville. If you recall, CytoCulture is the bioremediation contractor for the site. If you have any questions or comments please call.

Sincerely,

*Randall von Wedel / RW*

Randall von Wedel, Ph. D.  
Project Manager

Cyto  
Culture  
INTERNATIONAL

Biotechnology Research, Scale-Up and Marketing

INC.

MTC

August 3, 1988

Michael Chee, P.E.  
Hazardous Materials Specialist  
Toxics Clean-Up Division  
CA REGIONAL WATER QUALITY CONTROL BOARD  
San Francisco Bay Region  
1111 Jackson Street, Room 6040  
Oakland, CA 94607

CALIFORNIA REGIONAL WATER

AUG 5 1988

QUALITY CONTROL BOARD

Dear Mr. Chee:

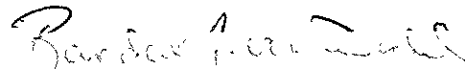
I mailed you our **Phase II Report on the Hydrogeology and Site Characterization Studies** completed on June 3rd by ourselves and Alton Geoscience for the P.I.E. Nationwide bioreclamation project in Emeryville. This report included an overview and updated recommendations by CytoCulture for proceeding with the Phase III recovery of free diesel product and treatment of contaminated groundwater as originally outlined in the Operational Plan we submitted on December 18, 1987.

As of the end of July, we have completed the construction of the groundwater treatment basins and have installed two sixty-five foot trenches in the southwest corner of the site in accordance with our plans. Both trenches appear to have at least 18 inches of contaminated water and some free product, so we anticipate adequate flow rates to generate the desired depression zones.

As soon as we receive payments from P.I.E. Nationwide on our current and past due invoices for this project, we will proceed with the installations and start-up for the "pump and treat" Phase III program. I will keep you posted of our progress and look forward to discussing this program with you soon.

Thank you.

Sincerely,



Randall J. von Wedel, Ph.D.  
Project Director

cc: Chris Falbo, Blymyer & Sons Engineers for P.I.E. Nationwide

REQUEST FOR THE ORIGINATION OF NEW FILE

REQUESTED BY:	MTC
PROGRAM ELEMENT:	GROUNDWATER CLEANUP
TITLE OF FILE:	P.I.E. NATIONWIDE
COUNTY:	ALAMEDA
DISCHG. IDENT.	P.I.E. NATIONWIDE PROPERTY
COMMENTS:	
ADDRESS:	5500 EASTSHORE FREEWAY EMERYVILLE, CA 94608

DATE:	6/29/88
ROUTING:	
1. Section Leader	
2. Division Chief	<i>ff</i>
3. VJW	
4.	
5. Date:	
6. Originator	
File No.	2199, 9256
Assigned:	2213, 9256
FILE(S) TO BE MADE:	

- CASE
- MONITORING
- CHECKING
- HEARING
- APPEALS & LIT.
- OTHER

June 30, 1988  
File No. 2199.TBA (MTC)

Mr. Chris Falbo  
Blymer & Sons engineers, inc.  
1829 Clement Avenue  
Alameda, CA 94501-1396

SUBJECT: Former P.I.E. Nationwide Facility in Emeryville, CA

Dear Mr. Falbo:

Our office received a submittal dated June 10, 1988 from CytoCulture International which identifies themselves as being contracted to carry out an in situ bioremediation program of diesel-contaminated soil and groundwater at the former P.I.E. truck terminal in Emeryville. This program has been performed in collaboration with the Department of Health Services Office of Alternative Technology Policy in Sacramento.

Even though the Regional Board has not been the lead agency in guiding P.I.E. Nationwide's efforts to remediate the site, you should be aware that the Board has not relinquished the authority to establish the final cleanup levels. I would like to point out that the final cleanup levels determined by the Department of Health Services may be different than what the Board determines as the final cleanup levels. In the report entitled, "Phase II Report on Hydrogeology and Site Characterization Studies for P.I.E. Nationwide Property," by Cytoculture International, Inc. in a joint venture with Sybron Chemicals, Inc. in collaboration with Alton Geoscience dated June 3, 1988, it is stated that the contamination plume could not be defined beyond the western property line. In developing a remedial action plan the extent of contamination of both the groundwater and the soil should be well defined. If the bioremediation program does not address the entire extent of contamination, then the program maybe only considered as an interim remedial measure with possible further remedial action required for the area beyond the western property line.

As I understand the bioremediation program, treated groundwater will be discharged to a storm drain. As such, this discharge requires a National Pollutant Discharge Elimination System (NPDES) Permit. The NPDES application that was sent to our office on October 31, 1986 contained Application Form 2C. Application Form 2C is for facilities which currently result in discharges to waters of the United States. Since no discharge has occurred at this site, the correct Application Form is Form

June 30, 1988

2D which is for new discharges and is enclosed. In addition, since the original plan of treatment at this site has changed since the original submittal of the NPDES application, please submit any changes that are different than the original information supplied along with a completed Form 2D. No filing fee will be required for this submittal.

The Regional Board appreciates P.I.E Nationwide's attempt to remediate the site. If you have any questions concerning the NPDES application form, please call Michael Chee at 415-464-0830.

Sincerely,

Lester Feldman,  
Toxics Division, Section Leader

Enclosure (1)  
NPDES Application Form 2D

# CytoCulture

INTERNATIONAL

Biotechnology Research, Scale-Up and Marketing



June 10, 1988

Michael Chee, P.E.  
Hazardous Materials Specialist  
Toxics Clean-Up Division  
CA REGIONAL WATER QUALITY CONTROL BOARD  
San Francisco Bay Region  
1111 Jackson Street, Room 6040  
Oakland, CA 94607

*MTC*  
**CALIFORNIA REGIONAL WATER**

JUN 16 1988

**QUALITY CONTROL BOARD**

Dear Mr. Chee:

Our company is contracted to carry out an in situ bioremediation program of diesel-contaminated soil and groundwater at the former P.I.E. Nationwide truck terminal in Emeryville. At this point, we have just completed the investigatory work which we have performed in collaboration with the Department of Health Services Office of Alternative Technology Policy in Sacramento.

Greg Zentner, in your division of the RWQCB, has been kept informed of the progress at this site and has asked me to send you the enclosed **Phase II Report on the Hydrogeology and Site Characterization Studies** completed by our subcontracting geologists at Alton Geoscience. This report includes an overview of the bioreclamation program and updated recommendations by CytoCulture for proceeding with the Phase III recovery of free diesel product and treatment of contaminated groundwater as originally outlined in the Operational Plan we submitted to the DHS on December 18, 1987. A copy of this Operational Plan and an abbreviated copy of the original proposal are also enclosed for your reading.

I look forward to discussing this report with you in the very near future as we finalize our plans for the "pump and treat" phase of the clean-up at this site under the NPDES permit variance letter issued by the Regional Water Quality Control Board to P.I.E. Nationwide on November 25, 1986 (copy attached).

Thank you.

Sincerely,

Randall J. von Wedel, Ph.D.  
Project Director

cc: Chris Falbo, Blymyer & Sons Engineers for P.I.E. Nationwide

CALIFORNIA WATER POLLUTION CONTROL ASSOCIATION  
INDUSTRIAL AND HAZARDOUS WASTE INFORMATION EXPOSITION  
OAKLAND, CALIFORNIA

JUNE 7 & 8, 1988

TECHNICAL PROGRAM PRESENTATION

Exhibitor: Sybron Chemicals, Inc / CytoCulture International, Inc  
Birmingham, NJ San Francisco, CA

Title: **BIODEGRADATION OF DIESEL AND AROMATIC HYDROCARBONS**

Authors: C.D. Goldsmith, Jr., Ph.D., G.R. Hater, M.S. and  
R.J. von Wedel, Ph.D.

Schedule: SESSION B - WEDNESDAY, JUNE 8 AT 2:40 PM

PROCESS CONTROLLED biodegradation technologies are proving to be a cost-effective means of destroying petroleum and coal derived products at industrial sites. These technologies rely on the growth of high density, SPECIALIZED CULTURES of aerobic bacteria which have been selected to metabolize specific hydrocarbons. This approach has been particularly successful in the CLEAN-UP of CONTAMINATED SOIL and GROUNDWATER caused by leaking underground industrial storage tanks and inadvertant spills. The cultures are also effective at AUGMENTING and stabilizing the bacterial flora at INDUSTRIAL WASTEWATER TREATMENT facilities subject to frequent shock loading or toxic kills.

This presentation will first review LABORATORY STUDIES on the utilization and growth kinetics of mixed enrichment isolate cultures in the biodegradation of a model diesel fuel. Diesel fuel presents a special threat to the environment due to its resistance to degradation and its acute toxicity to living organisms. Furthermore, the adsorbed phase fractions of diesel are particularly difficult to remove from soil by conventional air stripping methods.

RESPIROMETRIC DATA from treatability studies will be presented to demonstrate the biodegradation of heavy diesel adsorbed to CLAY SOIL from one remediation site in California.

IN SITU SITE REMEDIATION DATA will emphasize the efficacy of REINFILTRATING bacterial cultures into GROUNDWATER as a means of destroying AROMATIC hydrocarbons and other dissolved phase hydrocarbons typically found in gasoline leak contaminations.

On-going CytoCulture/Sybron IN SITU AUGMENTED BIOREMEDIATION programs using CytoCulture's AIRLIFT SUSPENSION BIOREACTORS will be discussed in the context of these promising laboratory and site clean-up results.

## ABR Recirculating Leachbed

Excavated soil is piled to a maximum leachable depth after a liner and drainage medium has been installed as shown in Figure 4.

Bacteria are applied to the surface of the leachbed with water and nutrients. Bacteria begin to degrade contaminants in situ while excess water leaches free product from the soil. The contaminant laden leachate is collected and biodegradation takes place in the ABR reactor. Leachate provides food for new bacteria which are redistributed using a continuous level control system.

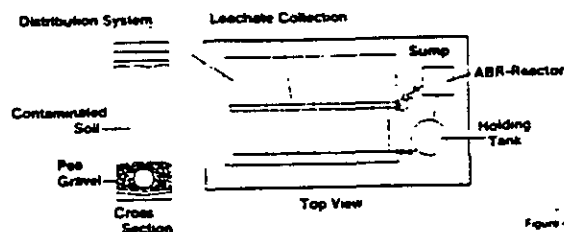


Figure 4

## ABR Production Pit Remediation

Oily petroleum waste from the production of crude oil and/or natural gas classically results in a spoils pond. These ponds/pits contain up to several percent oil by weight.

For treatment the pits are converted into a batch

digestion system by inoculating them with ABR organisms, Accelerator and oxygen. In some cases emulsifying agents are used to enhance treatment. Use of emulsifiers to accelerate solubilization and breakdown is acceptable in most states.

## Testing and Research

- SOLE SOURCE FEASIBILITY STUDIES
- MICROCOSM STUDIES
- IN LAB/ON SITE PILOT PLANTS
- ORGANISM SELECTION/ISOLATION
- AFFILIATION WITH MAJOR UNIVERSITY RESEARCH PROGRAMS
- DETAILED BACTERIA DATA ANALYSIS
- INDIGENOUS/ABR-CULTURE COMPARISONS

## Corporate Offices and Sales:

Birmingham Rd.  
Birmingham, NJ 03061

800-257-9428  
609-893-1100

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- HYDROGEN SULFIDE
- CHLORINATED SOLVENTS

## Production, Testing, and Research:

111 Kessler Mill Rd.  
Salem, VA 24153

800-654-6952  
703-389-9361

Regional Offices and Affiliates in Key Areas

SYBRON CHEMICALS INC /BIOCHEMICAL DIVISION  
BIRMINGHAM NEW JERSEY 08011 USA  
PHONE 609-893-1100 TELEX WUI 685-1227/WUD 834446 (IONAC/SYBRON)



DEPARTMENT OF HEALTH SERVICES  
TOXIC SUBSTANCES CONTROL DIVISION  
2151 BERKELEY WAY, ANNEX 7  
BERKELEY, CA 94704



September 11, 1987

CALIFORNIA REGIONAL WATER

SEP 17 1987

QUALITY CONTROL BOARD

Mr. Chris Falbo  
Blymyer and Sons, Engineers  
1829 Clement Avenue  
Alameda, CA 94501

Dear Mr. Falbo:

We have reviewed your request on behalf of your client, P.I.E. Nationwide, for a variance from the Hazardous Waste Facility Permit Requirements, Chapter 30, Division 4, Title 22, California Administrative Code:

An inspection of the operation was conducted on August 7, 1987. You have also submitted the following information in support of your request:

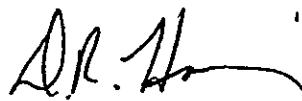
1. Laboratory analyses of soils contaminated by Diesel hydrocarbons, showing Total Petroleum Hydrocarbons to be less than 5 ppm.
2. A statement from the San Francisco Bay Regional Water Quality Control Board that this treated waste is suitable for disposal in a Class III landfill.
3. The Bay Air Quality Management District has evaluated this project and has permitted the process to continue.

Based upon the foregoing information and pursuant to Section 25143, Health and Safety Code and Section 66310(a)(2), Title 22, CAC we find that this treatment and disposal process has been adequately regulated by other governmental agencies. The variance is granted subject to the following:

1. This variance applies only to this waste consisting of approximately 7000 cubic yards of diesel contaminated soil located at 5500 Eastshore Highway, Emeryville, CA.
2. The granting of this variance does not relieve the producer of this waste from all requirements as a generator of hazardous wastes. Thus, this variance applies only to the Hazardous Waste Facility permitting requirements of Article 4, Chapter 30, Division 4, Title 22, C.A.C.

If you have any questions in this matter, please contact Dick Burgard at (415) 540-3540.

Sincerely,



Dwight R. Hoenig, Chief  
North Coast California Section  
Toxic Substances Control Division

DRH:DB:cdl

cc: Wil Bruhns, SF Bay-RWQCB  
Ted Gerow, Alameda County  
Milt Feldstein, BAAQMD  
Mike Padilla, OPP, Sacramento



Address reply to:

6601 Owens Drive, Suite 105  
Pleasanton, CA 94566

June 1, 1987

Mr. Rafat Shahid, Chief  
Hazardous Waste Management Division  
470-27th Street, Room 322  
Oakland, CA 94612

Dear Mr. Shahid:

In accordance with your letter of April 30, 1987, underground storage tanks at 5500 Eastshore Highway, Emeryville, CA 94608, all underground storage tanks at the above site were removed during November 1986.

Per your letter, I am returning the computer generated applications to operate underground storage tanks with the notation "Removed November 1986".

Thank you for your time in this matter.

Sincerely yours,

A handwritten signature in cursive script, appearing to read 'T. J. Sheridan', is written over the typed name.

T. J. Sheridan  
Field Maintenance Manager

TJS:Das  
Attachments

cc: John Ster, Director of Properties - Jacksonville  
Mr. Mike Murphy - G.O. Jacksonville

REMOVED NOV 1986

STATE ID NUMBER 0000035998002

APPLICATION FOR PERMIT TO OPERATE UNDERGROUND STORAGE TANK

<input type="checkbox"/> 01 NEW PERMIT	<input type="checkbox"/> 05 RENEWED PERMIT	<input type="checkbox"/> 07 TANK CLOSED	<input type="checkbox"/> 09 DELETE FROM FILE (NO FEE)
<input type="checkbox"/> 02 CONDITIONAL PERMIT	<input type="checkbox"/> 06 AMENDED PERMIT	<input type="checkbox"/> 08 MINOR CHANGE (NO SURCHARGE)	

I OWNER

NAME (CORPORATION, INDIVIDUAL OR PUBLIC AGENCY) RYDER/PIE NATIONWIDE, INC.		PUBLIC AGENCY ONLY <input type="checkbox"/> 01 FED <input type="checkbox"/> 02 STATE <input type="checkbox"/> 03 LOCAL	
STREET ADDRESS 2050 KINGS ROAD	CITY JACKSONVILLE	STATE FL	ZIP 32203

II FACILITY

FACILITY NAME RYDER/PIE NATIONWIDE, INC.		DEALER/FOREMAN/SUPERVISOR MARK TRACY	
STREET ADDRESS 5500 EASTSHORE HIGHWAY		NEAREST CROSS STREET	
CITY EMERYVILLE		COUNTY ALAMEDA	ZIP 94608
MAILING ADDRESS 5500 EASTSHORE HIGHWAY		CITY EMERYVILLE	STATE CA ZIP 94608
PHONE W/AREA CODE 415-652-5392	TYPE OF BUSINESS <input type="checkbox"/> 01 GASOLINE STATION <input checked="" type="checkbox"/> 02 OTHER TRUCK TERMINAL		
NUMBER OF CONTAINERS 3	RURAL AREAS ONLY :	TOWNSHIP	RANGE SECTION

III 24 HOUR EMERGENCY CONTACT PERSON

DAYS: NAME (LAST NAME FIRST) AND PHONE W/AREA CODE TRACY, MARK 415-652-5392	NIGHTS: NAME (LAST NAME FIRST) AND PHONE W/AREA CODE TRACY, MARK
--	---

COMPLETE THE FOLLOWING ON A SEPARATE FORM FOR EACH CONTAINER

IV DESCRIPTION

A. <input checked="" type="checkbox"/> 01 TANK <input type="checkbox"/> 04 OTHER:	CONTAINER NUMBER 2-657
B. MANUFACTURER (IF APPROPRIATE): UNKNOWN	YEAR MFG: C. YEAR INSTALLED <input checked="" type="checkbox"/> UNKNOWN
D. CONTAINER CAPACITY: 10000 GALLONS <input type="checkbox"/> UNKNOWN	E. DOES THE CONTAINER STORE: <input type="checkbox"/> 01 WASTE <input checked="" type="checkbox"/> 02 PRODUCT
F. DOES THE CONTAINER STORE MOTOR VEHICLE FUEL OR WASTE OIL ? <input checked="" type="checkbox"/> 01 YES <input type="checkbox"/> 02 NO IF YES CHECK APPROPRIATE BOX(ES): <input type="checkbox"/> 01 UNLEADED <input type="checkbox"/> 02 REGULAR <input type="checkbox"/> 03 PREMIUM <input checked="" type="checkbox"/> 04 DIESEL <input type="checkbox"/> 05 WASTE OIL <input type="checkbox"/> 06 OTHER	

V CONTAINER CONSTRUCTION

A. THICKNESS OF PRIMARY CONTAINMENT:	<input type="checkbox"/> GAUGE <input type="checkbox"/> INCHES <input type="checkbox"/> CM <input checked="" type="checkbox"/> UNKNOWN
B. <input type="checkbox"/> 01 VAULTED (LOCATED IN AN UNDERGROUND VAULT) <input type="checkbox"/> 02 NON-VAULTED <input checked="" type="checkbox"/> 03 UNKNOWN	
C. <input type="checkbox"/> 01 DOUBLE WALLED <input type="checkbox"/> 02 SINGLE WALLED <input type="checkbox"/> 03 LINED	
D. <input checked="" type="checkbox"/> 01 CARBON STEEL <input type="checkbox"/> 02 STAINLESS STEEL <input type="checkbox"/> 03 FIBERGLASS <input type="checkbox"/> 04 POLYVINYL CHLORIDE <input type="checkbox"/> 05 CONCRETE <input type="checkbox"/> 06 ALUMINUM <input type="checkbox"/> 07 STEEL CLAD <input type="checkbox"/> 08 BRONZE <input type="checkbox"/> 09 COMPOSITE <input type="checkbox"/> 10 NON-METALLIC <input type="checkbox"/> 12 UNKNOWN <input type="checkbox"/> 13 OTHER:	

~~REMOVED~~ NOV 1986

STATE ID NUMBER 00000035998002

**CONTAINER CONSTRUCTION**

E.	<input type="checkbox"/> 01 RUBBER LINED	<input type="checkbox"/> 02 ALKYD LINING	<input type="checkbox"/> 03 EPOXY LINING	<input type="checkbox"/> 04 PHENOLIC LINING	<input type="checkbox"/> 05 GLASS LINING
	<input type="checkbox"/> 07 UNLINED <input checked="" type="checkbox"/> 08 UNKNOWN <input type="checkbox"/> 09 OTHER:				
F.	<input type="checkbox"/> 01 POLYETHYLENE WRAP	<input type="checkbox"/> 02 VINYL WRAPPING	<input type="checkbox"/> 03 CATHODIC PROTECTION	<input checked="" type="checkbox"/> 04 UNKNOWN	<input type="checkbox"/> 05 NONE
	<input type="checkbox"/> 06 TAR OR ASPHALT <input type="checkbox"/> 09 OTHER:				

**VI PIPING**

A. ABOVEGROUND PIPING:	<input type="checkbox"/> 01 DOUBLE-WALLED PIPE	<input type="checkbox"/> 02 CONCRETE-LINED TRENCH	<input type="checkbox"/> 03 GRAVITY
	<input type="checkbox"/> 04 PRESSURE <input type="checkbox"/> 05 SUCTION <input type="checkbox"/> 06 UNKNOWN <input type="checkbox"/> 07 NONE		
B. UNDERGROUND PIPING:	<input type="checkbox"/> 01 DOUBLE-WALLED PIPE	<input type="checkbox"/> 02 CONCRETE-LINED TRENCH	<input type="checkbox"/> 03 GRAVITY
	<input type="checkbox"/> 04 PRESSURE <input type="checkbox"/> 05 SUCTION <input checked="" type="checkbox"/> 06 UNKNOWN <input type="checkbox"/> 07 NONE		

**VII LEAK DETECTION**

<input checked="" type="checkbox"/> 01 VISUAL	<input checked="" type="checkbox"/> 02 STOCK INVENTORY	<input type="checkbox"/> 04 VAPOR SNIFF WELLS	<input type="checkbox"/> 05 SENSOR INSTRUMENT
<input type="checkbox"/> 06 GROUND WATER MONITORING WELLS <input type="checkbox"/> 07 PRESSURE TEST <input type="checkbox"/> 09 NONE <input type="checkbox"/> 10 OTHER:			

**VIII CHEMICAL COMPOSITION OF MATERIALS STORED IN UNDERGROUND CONTAINERS**

IF YOU CHECKED YES TO IV-F YOU ARE NOT REQUIRED TO COMPLETE THIS SECTION

CURRENTLY STORED	PREVIOUSLY STORED	DELETE	CAS# (IF KNOWN)	CHEMICAL (DO NOT USE COMMERCIAL NAME)
<input type="checkbox"/> 01	<input type="checkbox"/> 02	<input type="checkbox"/> 03		
<input type="checkbox"/> 01	<input type="checkbox"/> 02	<input type="checkbox"/> 03		
<input type="checkbox"/> 01	<input type="checkbox"/> 02	<input type="checkbox"/> 03		
<input type="checkbox"/> 01	<input type="checkbox"/> 02	<input type="checkbox"/> 03		
<input type="checkbox"/> 01	<input type="checkbox"/> 02	<input type="checkbox"/> 03		
<input type="checkbox"/> 01	<input type="checkbox"/> 02	<input type="checkbox"/> 03		
<input type="checkbox"/> 01	<input type="checkbox"/> 02	<input type="checkbox"/> 03		
<input type="checkbox"/> 01	<input type="checkbox"/> 02	<input type="checkbox"/> 03		
<input type="checkbox"/> 01	<input type="checkbox"/> 02	<input type="checkbox"/> 03		
<input type="checkbox"/> 01	<input type="checkbox"/> 02	<input type="checkbox"/> 03		
<input type="checkbox"/> 01	<input type="checkbox"/> 02	<input type="checkbox"/> 03		
<input type="checkbox"/> 01	<input type="checkbox"/> 02	<input type="checkbox"/> 03		

\* CHECK STATE BOARD CHEMICAL CODE LISTING FOR POSSIBLE SYNONYMS

IS CONTAINER LOCATED ON AN AGRICULTURAL FARM? <input type="checkbox"/> 01 YES <input checked="" type="checkbox"/> 02 NO
---

HIS FORM HAS BEEN COMPLETED UNDER THE PENALTY OF PERJURY AND, TO THE BEST OF MY KNOWLEDGE, IS TRUE AND CORRECT.

PERSON FILING (SIGNATURE)	PHONE W/AREA CODE
---------------------------	-------------------

**FOR LOCAL AGENCY USE ONLY**

ADMINISTRATING AGENCY	CITY CODE	COUNTY CODE		
CONTACT PERSON	PHONE W/AREA CODE			
DATE OF LAST INSPECTION	IN COMPLIANCE <input type="checkbox"/> 01 YES <input type="checkbox"/> 02 NO	PERMIT APPROVAL DATE	TRANSACTION DATE	LOCAL PERMIT ID #

REMOVED NOV 1986

STATE ID NUMBER 0000035998001

APPLICATION FOR PERMIT TO OPERATE UNDERGROUND STORAGE TANK

<input type="checkbox"/> 01 NEW PERMIT	<input type="checkbox"/> 05 RENEWED PERMIT	<input type="checkbox"/> 07 TANK CLOSED	<input type="checkbox"/> 09 DELETE FROM FILE (NO FEE)
<input type="checkbox"/> 02 CONDITIONAL PERMIT	<input type="checkbox"/> 06 AMENDED PERMIT	<input type="checkbox"/> 08 MINOR CHANGE (NO SURCHARGE)	

I OWNER

NAME (CORPORATION, INDIVIDUAL OR PUBLIC AGENCY) RYDER/PIE NATIONWIDE, INC.		PUBLIC AGENCY ONLY <input type="checkbox"/> 01 FED <input type="checkbox"/> 02 STATE <input type="checkbox"/> 03 LOCAL	
STREET ADDRESS 2050 KINGS ROAD	CITY JACKSONVILLE	STATE FL	ZIP 32203

II FACILITY

FACILITY NAME RYDER/PIE NATIONWIDE, INC.		DEALER/FOREMAN/SUPERVISOR MARK TRACY	
STREET ADDRESS 5500 EASTSHORE HIGHWAY		NEAREST CROSS STREET	
CITY EMERYVILLE	COUNTY ALAMEDA	ZIP 94608	
MAILING ADDRESS 5500 EASTSHORE HIGHWAY	CITY EMERYVILLE	STATE CA	ZIP 94608
PHONE W/AREA CODE 415-652-5392	TYPE OF BUSINESS <input type="checkbox"/> 01 GASOLINE STATION <input checked="" type="checkbox"/> 02 OTHER TRUCK TERMINAL		
NUMBER OF CONTAINERS 3	RURAL AREAS ONLY :	TOWNSHIP	RANGE SECTION

III 24 HOUR EMERGENCY CONTACT PERSON

DAYS: NAME (LAST NAME FIRST) AND PHONE W/AREA CODE TRACY, MARK 415-652-5392	NIGHTS: NAME (LAST NAME FIRST) AND PHONE W/AREA CODE TRACY, MARK - -
--	---

COMPLETE THE FOLLOWING ON A SEPARATE FORM FOR EACH CONTAINER

IV DESCRIPTION

A. <input checked="" type="checkbox"/> 01 TANK <input type="checkbox"/> 04 OTHER:	CONTAINER NUMBER I-657
B. MANUFACTURER (IF APPROPRIATE): UNKNOWN	YEAR MFG: C. YEAR INSTALLED <input checked="" type="checkbox"/> UNKNOWN
D. CONTAINER CAPACITY: 10000 GALLONS <input type="checkbox"/> UNKNOWN	E. DOES THE CONTAINER STORE: <input type="checkbox"/> 01 WASTE <input checked="" type="checkbox"/> 02 PRODUCT
F. DOES THE CONTAINER STORE MOTOR VEHICLE FUEL OR WASTE OIL ? <input checked="" type="checkbox"/> 01 YES <input type="checkbox"/> 02 NO IF YES CHECK APPROPRIATE BOX(ES): <input type="checkbox"/> 01 UNLEADED <input checked="" type="checkbox"/> 02 REGULAR <input type="checkbox"/> 03 PREMIUM <input type="checkbox"/> 04 DIESEL <input type="checkbox"/> 05 WASTE OIL <input type="checkbox"/> 06 OTHER	

V CONTAINER CONSTRUCTION

A. THICKNESS OF PRIMARY CONTAINMENT:	<input type="checkbox"/> GAUGE <input type="checkbox"/> INCHES <input type="checkbox"/> CM <input checked="" type="checkbox"/> UNKNOWN
B. <input type="checkbox"/> 01 VAULTED (LOCATED IN AN UNDERGROUND VAULT) <input type="checkbox"/> 02 NON-VAULTED <input checked="" type="checkbox"/> 03 UNKNOWN	
C. <input type="checkbox"/> 01 DOUBLE WALLED <input type="checkbox"/> 02 SINGLE WALLED <input type="checkbox"/> 03 LINED	
D. <input checked="" type="checkbox"/> 01 CARBON STEEL <input type="checkbox"/> 02 STAINLESS STEEL <input type="checkbox"/> 03 FIBERGLASS <input type="checkbox"/> 04 POLYVINYL CHLORIDE <input type="checkbox"/> 05 CONCRETE <input type="checkbox"/> 06 ALUMINUM <input type="checkbox"/> 07 STEEL CLAD <input type="checkbox"/> 08 BRONZE <input type="checkbox"/> 09 COMPOSITE <input type="checkbox"/> 10 NON-METALLIC <input type="checkbox"/> 12 UNKNOWN <input type="checkbox"/> 13 OTHER:	

**CONTAINER CONSTRUCTION**

E.  01 RUBBER LINED  02 ALKYD LINING  03 EPOXY LINING  04 PHENOLIC LINING  05 GLASS LINING  
 07 UNLINED  08 UNKNOWN  09 OTHER:

F.  01 POLYETHYLENE WRAP  02 VINYL WRAPPING  03 CATHODIC PROTECTION  04 UNKNOWN  05 NONE  
 06 TAR OR ASPHALT  09 OTHER:

**VI PIPING**

A. ABOVEGROUND PIPING:  01 DOUBLE-WALLED PIPE  02 CONCRETE-LINED TRENCH  03 GRAVITY  
(CHECK APPROPRIATE BOX(ES))  04 PRESSURE  05 SUCTION  06 UNKNOWN  07 NONE

B. UNDERGROUND PIPING:  01 DOUBLE-WALLED PIPE  02 CONCRETE-LINED TRENCH  03 GRAVITY  
(CHECK APPROPRIATE BOX(ES))  04 PRESSURE  05 SUCTION  06 UNKNOWN  07 NONE

**VII LEAK DETECTION**

01 VISUAL  02 STOCK INVENTORY  04 VAPOR SNIFF WELLS  05 SENSOR INSTRUMENT  
 06 GROUND WATER MONITORING WELLS  07 PRESSURE TEST  09 NONE  10 OTHER:

**VIII CHEMICAL COMPOSITION OF MATERIALS STORED IN UNDERGROUND CONTAINERS**  
IF YOU CHECKED YES TO IV-F YOU ARE NOT REQUIRED TO COMPLETE THIS SECTION

CURRENTLY STORED	PREVIOUSLY STORED	DELETE	CAS# (IF KNOWN)	CHEMICAL (DO NOT USE COMMERCIAL NAME)
<input type="checkbox"/> 01	<input type="checkbox"/> 02	<input type="checkbox"/> 03		
<input type="checkbox"/> 01	<input type="checkbox"/> 02	<input type="checkbox"/> 03		
<input type="checkbox"/> 01	<input type="checkbox"/> 02	<input type="checkbox"/> 03		
<input type="checkbox"/> 01	<input type="checkbox"/> 02	<input type="checkbox"/> 03		
<input type="checkbox"/> 01	<input type="checkbox"/> 02	<input type="checkbox"/> 03		
<input type="checkbox"/> 01	<input type="checkbox"/> 02	<input type="checkbox"/> 03		
<input type="checkbox"/> 01	<input type="checkbox"/> 02	<input type="checkbox"/> 03		
<input type="checkbox"/> 01	<input type="checkbox"/> 02	<input type="checkbox"/> 03		
<input type="checkbox"/> 01	<input type="checkbox"/> 02	<input type="checkbox"/> 03		
<input type="checkbox"/> 01	<input type="checkbox"/> 02	<input type="checkbox"/> 03		
<input type="checkbox"/> 01	<input type="checkbox"/> 02	<input type="checkbox"/> 03		

\* CHECK STATE BOARD CHEMICAL CODE LISTING FOR POSSIBLE SYNONYMS

IS CONTAINER LOCATED ON AN AGRICULTURAL FARM?  01 YES  02 NO

THIS FORM HAS BEEN COMPLETED UNDER THE PENALTY OF PERJURY AND, TO THE BEST OF MY KNOWLEDGE, IS TRUE AND CORRECT.

PERSON FILING (SIGNATURE) \_\_\_\_\_ PHONE W/AREA CODE \_\_\_\_\_

**FOR LOCAL AGENCY USE ONLY**

ADMINISTRATING AGENCY	CITY CODE	COUNTY CODE		
CONTACT PERSON	PHONE W/AREA CODE			
DATE OF LAST INSPECTION	IN COMPLIANCE <input type="checkbox"/> 01 YES <input type="checkbox"/> 02 NO	PERMIT APPROVAL DATE	TRANSACTION DATE	LOCAL PERMIT ID #

REMOVED NOV 1986

STATE ID NUMBER 00000035998003

APPLICATION FOR PERMIT TO OPERATE UNDERGROUND STORAGE TANK

- 01 NEW PERMIT                       05 RENEWED PERMIT                       07 TANK CLOSED                       09 DELETE FROM FILE (NO FEE)
- 02 CONDITIONAL PERMIT                       06 AMENDED PERMIT                       08 MINOR CHANGE (NO SURCHARGE)

I OWNER

NAME (CORPORATION, INDIVIDUAL OR PUBLIC AGENCY) RYDER/PIE NATIONWIDE, INC.		PUBLIC AGENCY ONLY <input type="checkbox"/> 01 FED <input type="checkbox"/> 02 STATE <input type="checkbox"/> 03 LOCAL	
STREET ADDRESS 2050 KINGS ROAD	CITY JACKSONVILLE	STATE FL	ZIP 32203

II FACILITY

FACILITY NAME RYDER/PIE NATIONWIDE, INC.		DEALER/FOREMAN/SUPERVISOR MARK TRACY	
STREET ADDRESS 5500 EASTSHORE HIGHWAY		NEAREST CROSS STREET	
CITY EMERYVILLE		COUNTY ALAMEDA	ZIP 94608
MAILING ADDRESS 5500 EASTSHORE HIGHWAY		CITY EMERYVILLE	STATE CA      ZIP 94608
PHONE W/AREA CODE 415-652-5392	TYPE OF BUSINESS <input type="checkbox"/> 01 GASOLINE STATION <input checked="" type="checkbox"/> 02 OTHER TRUCK TERMINAL		
NUMBER OF CONTAINERS 3	RURAL AREAS ONLY :	TOWNSHIP	RANGE      SECTION

III 24 HOUR EMERGENCY CONTACT PERSON

DAYS: NAME (LAST NAME FIRST) AND PHONE W/AREA CODE TRACY, MARK                      415-652-5392	NIGHTS: NAME (LAST NAME FIRST) AND PHONE W/AREA CODE TRACY, MARK                      - -
---	--

COMPLETE THE FOLLOWING ON A SEPARATE FORM FOR EACH CONTAINER

IV DESCRIPTION

A. <input checked="" type="checkbox"/> 01 TANK <input type="checkbox"/> 04 OTHER:	CONTAINER NUMBER 3-657
B. MANUFACTURER (IF APPROPRIATE): UNKNOWN	YEAR MFG:      C. YEAR INSTALLED <input checked="" type="checkbox"/> UNKNOWN
D. CONTAINER CAPACITY: 10000 GALLONS <input type="checkbox"/> UNKNOWN	E. DOES THE CONTAINER STORE: <input type="checkbox"/> 01 WASTE <input checked="" type="checkbox"/> 02 PRODUCT
F. DOES THE CONTAINER STORE MOTOR VEHICLE FUEL OR WASTE OIL ? <input checked="" type="checkbox"/> 01 YES <input type="checkbox"/> 02 NO    IF YES CHECK APPROPRIATE BOX(ES): <input type="checkbox"/> 01 UNLEADED <input type="checkbox"/> 02 REGULAR <input type="checkbox"/> 03 PREMIUM <input checked="" type="checkbox"/> 04 DIESEL <input type="checkbox"/> 05 WASTE OIL <input type="checkbox"/> 06 OTHER	

V CONTAINER CONSTRUCTION

A. THICKNESS OF PRIMARY CONTAINMENT: <input type="checkbox"/> GAUGE <input type="checkbox"/> INCHES <input type="checkbox"/> CM <input checked="" type="checkbox"/> UNKNOWN
B. <input type="checkbox"/> 01 VAULTED (LOCATED IN AN UNDERGROUND VAULT) <input type="checkbox"/> 02 NON-VAULTED <input checked="" type="checkbox"/> 03 UNKNOWN
C. <input type="checkbox"/> 01 DOUBLE WALLED <input type="checkbox"/> 02 SINGLE WALLED <input type="checkbox"/> 03 LINED
D. <input checked="" type="checkbox"/> 01 CARBON STEEL <input type="checkbox"/> 02 STAINLESS STEEL <input type="checkbox"/> 03 FIBERGLASS <input type="checkbox"/> 04 POLYVINYL CHLORIDE <input type="checkbox"/> 05 CONCRETE <input type="checkbox"/> 06 ALUMINUM <input type="checkbox"/> 07 STEEL CLAD <input type="checkbox"/> 08 BRONZE <input type="checkbox"/> 09 COMPOSITE <input type="checkbox"/> 10 NON-METALLIC <input type="checkbox"/> 12 UNKNOWN <input type="checkbox"/> 13 OTHER:



~~REMOVED~~ Nov 1986

**CONTAINER CONSTRUCTION**

E.  01 RUBBER LINED  02 ALKYD LINING  03 EPOXY LINING  04 PHENOLIC LINING  05 GLASS LINING  
 07 UNLINED  08 UNKNOWN  09 OTHER:

F.  01 POLYETHYLENE WRAP  02 VINYL WRAPPING  03 CATHODIC PROTECTION  04 UNKNOWN  05 NONE  
 06 TAR OR ASPHALT  09 OTHER:

**VI PIPING**

A. ABOVEGROUND PIPING:  01 DOUBLE-WALLED PIPE  02 CONCRETE-LINED TRENCH  03 GRAVITY  
(CHECK APPROPRIATE BOX(ES))  04 PRESSURE  05 SUCTION  06 UNKNOWN  07 NONE

B. UNDERGROUND PIPING:  01 DOUBLE-WALLED PIPE  02 CONCRETE-LINED TRENCH  03 GRAVITY  
(CHECK APPROPRIATE BOX(ES))  04 PRESSURE  05 SUCTION  06 UNKNOWN  07 NONE

**VII LEAK DETECTION**

01 VISUAL  02 STOCK INVENTORY  04 VAPOR SNIFF WELLS  05 SENSOR INSTRUMENT  
 06 GROUND WATER MONITORING WELLS  07 PRESSURE TEST  09 NONE  10 OTHER:

**VIII CHEMICAL COMPOSITION OF MATERIALS STORED IN UNDERGROUND CONTAINERS**  
IF YOU CHECKED YES TO IV-F YOU ARE NOT REQUIRED TO COMPLETE THIS SECTION

CURRENTLY STORED	PREVIOUSLY STORED	DELETE	CAS# (IF KNOWN)	CHEMICAL (DO NOT USE COMMERCIAL NAME)
<input type="checkbox"/> 01	<input type="checkbox"/> 02	<input type="checkbox"/> 03		
<input type="checkbox"/> 01	<input type="checkbox"/> 02	<input type="checkbox"/> 03		
<input type="checkbox"/> 01	<input type="checkbox"/> 02	<input type="checkbox"/> 03		
<input type="checkbox"/> 01	<input type="checkbox"/> 02	<input type="checkbox"/> 03		
<input type="checkbox"/> 01	<input type="checkbox"/> 02	<input type="checkbox"/> 03		
<input type="checkbox"/> 01	<input type="checkbox"/> 02	<input type="checkbox"/> 03		
<input type="checkbox"/> 01	<input type="checkbox"/> 02	<input type="checkbox"/> 03		
<input type="checkbox"/> 01	<input type="checkbox"/> 02	<input type="checkbox"/> 03		
<input type="checkbox"/> 01	<input type="checkbox"/> 02	<input type="checkbox"/> 03		
<input type="checkbox"/> 01	<input type="checkbox"/> 02	<input type="checkbox"/> 03		
<input type="checkbox"/> 01	<input type="checkbox"/> 02	<input type="checkbox"/> 03		

\* CHECK STATE BOARD CHEMICAL CODE LISTING FOR POSSIBLE SYNONYMS

IS CONTAINER LOCATED ON AN AGRICULTURAL FARM?  01 YES  02 NO

THIS FORM HAS BEEN COMPLETED UNDER THE PENALTY OF PERJURY AND, TO THE BEST OF MY KNOWLEDGE, IS TRUE AND CORRECT.

PERSON FILING (SIGNATURE) \_\_\_\_\_ PHONE W/AREA CODE \_\_\_\_\_

**FOR LOCAL AGENCY USE ONLY**

ADMINISTRATING AGENCY		CITY CODE		COUNTY CODE
CONTACT PERSON			PHONE W/AREA CODE	
DATE OF LAST INSPECTION	IN COMPLIANCE <input type="checkbox"/> 01 YES <input type="checkbox"/> 02 NO	PERMIT APPROVAL DATE	TRANSACTION DATE	LOCAL PERMIT ID #

# UNDERGROUND STORAGE TANK UNAUTHORIZED RELEASE (LEAK) / CONTAMINATION SITE REPORT

EMERGENCY <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		HAS STATE OFFICE OF EMERGENCY SERVICES REPORT BEEN FILED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> 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 25186.7 OF THE HEALTH AND SAFETY CODE.	
REPORT DATE 05/02/88		CASE #		SIGNED _____ DATE _____	
REPORTED BY	NAME OF INDIVIDUAL FILING REPORT MARCEL PAPINEAU		PHONE (415) 697-7153	SIGNATURE Marcel Papineau	
	REPRESENTING <input checked="" type="checkbox"/> OWNER OPERATOR <input type="checkbox"/> REGIONAL BOARD <input type="checkbox"/> LOCAL AGENCY <input type="checkbox"/> OTHER		COMPANY OR AGENCY NAME QUALITY CONTROL BOARD		
	ADDRESS 359 ... STREET ... CITY ... STATE ... ZIP ...				
RESPONSIBLE PARTY	NAME Christie Ave Partners		CONTACT PERSON Walt Kaczmarek		PHONE (415) 622-5852
	ADDRESS c/o The Martin Co. 6425 Christie Ave #406 Emeryville, Calif. 94608				
SITE LOCATION	FACILITY NAME (IF APPLICABLE) 5800 SULLMOON STREET		OPERATOR		PHONE ( )
	ADDRESS (A.K.A. NIELSEN SITE) EMERYVILLE ALAMEDA 94603				
	CROSS STREET 64th	TYPE OF AREA <input type="checkbox"/> COMMERCIAL <input checked="" type="checkbox"/> INDUSTRIAL <input type="checkbox"/> RURAL <input type="checkbox"/> RESIDENTIAL <input type="checkbox"/> OTHER		TYPE OF BUSINESS <input type="checkbox"/> RETAIL FUEL STATION <input type="checkbox"/> FARM <input checked="" type="checkbox"/> OTHER TRUCK TRIM	
IMPLEMENTING AGENCIES	LOCAL AGENCY ALAMEDA COUNTY		AGENCY NAME CITY		CONTACT PERSON LOWELL MILLER
	REGIONAL BOARD				PHONE ( )
SUBSTANCES INVOLVED	(1) NAME OIL LINE		QUANTITY LOST (GALLONS) <input checked="" type="checkbox"/> UNKNOWN		
	(2) NAME DIESEL		<input checked="" type="checkbox"/> UNKNOWN		
DISCOVERY/ABATEMENT	DATE DISCOVERED 04/29/88		HOW DISCOVERED <input type="checkbox"/> INVENTORY CONTROL <input checked="" type="checkbox"/> SUBSURFACE MONITORING <input type="checkbox"/> NUISANCE CONDITIONS <input type="checkbox"/> TANK TEST <input type="checkbox"/> TANK REMOVAL <input type="checkbox"/> OTHER		
	DATE DISCHARGE BEGAN UNKNOWN		METHOD USED TO STOP DISCHARGE (CHECK ALL THAT APPLY) <input type="checkbox"/> REMOVE CONTENTS <input type="checkbox"/> REPLACE TANK <input checked="" type="checkbox"/> CLOSE TANK <input type="checkbox"/> REPAIR TANK <input type="checkbox"/> REPAIR PIPING <input type="checkbox"/> CHANGE PROCEDURE <input type="checkbox"/> OTHER		
	HAS DISCHARGE BEEN STOPPED? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO IF YES, DATE				
SOURCE/CAUSE	SOURCE OF DISCHARGE <input type="checkbox"/> TANK LEAK <input type="checkbox"/> UNKNOWN <input checked="" type="checkbox"/> PIPING LEAK <input type="checkbox"/> OTHER		TANKS ONLY/CAPACITY GAL. _____ AGE _____ YRS <input checked="" type="checkbox"/> UNKNOWN		MATERIAL <input type="checkbox"/> FIBERGLASS <input checked="" type="checkbox"/> STEEL <input type="checkbox"/> OTHER
	CAUSE(S) <input type="checkbox"/> OVERFILL <input type="checkbox"/> RUPTURE/FAILURE <input type="checkbox"/> CORROSION <input type="checkbox"/> UNKNOWN <input type="checkbox"/> SPILL <input type="checkbox"/> OTHER				
CASE TYPE	CHECK ONE ONLY <input type="checkbox"/> UNDETERMINED <input checked="" type="checkbox"/> SOIL ONLY <input type="checkbox"/> GROUNDWATER <input type="checkbox"/> DRINKING WATER - (CHECK ONLY IF WATER WELLS HAVE ACTUALLY BEEN AFFECTED)				
	CHECK ONE ONLY <input type="checkbox"/> SITE INVESTIGATION IN PROGRESS (DEFINING EXTENT OF PROBLEM) <input type="checkbox"/> CLEANUP IN PROGRESS <input type="checkbox"/> SIGNED OFF (CLEANUP COMPLETED OR UNNECESSARY) <input type="checkbox"/> NO ACTION TAKEN <input type="checkbox"/> POST CLEANUP MONITORING IN PROGRESS <input type="checkbox"/> NO FUNDS AVAILABLE TO PROCEED <input checked="" type="checkbox"/> EVALUATING CLEANUP ALTERNATIVES				
REMEDIAL ACTION	CHECK APPROPRIATE ACTION(S) (SEE BACK FOR DETAILS)				
	<input type="checkbox"/> CAP SITE (CD)	<input type="checkbox"/> EXCAVATE & DISPOSE (ED)	<input type="checkbox"/> REMOVE FREE PRODUCT (FP)	<input checked="" type="checkbox"/> ENHANCED BIO DEGRADATION (IT)	
	<input type="checkbox"/> CONTAINMENT BARRIER (CB)	<input checked="" type="checkbox"/> EXCAVATE & TREAT (ET)	<input type="checkbox"/> PUMP & TREAT GROUNDWATER (GT)	<input type="checkbox"/> REPLACE SUPPLY (RS)	
	<input type="checkbox"/> TREATMENT AT HOOKUP (HU)	<input type="checkbox"/> NO ACTION REQUIRED (NA)	<input type="checkbox"/> OTHER (OT)		

COMMENTS

OWNER

MAY 24 1988  
G.P.

ALAMEDA COUNTY  
HEALTH CARE SERVICES

DAVID J. KEARS AGENCY  
~~XXXXXXXXXXXX~~ Agency Director



RECEIVED

JUN 11 1987

470-27th Street, Third Floor  
THE MARTIN CO. Oakland, California 94612  
(415) 74-7237

June 9, 1987

Mr. Walter Kaczmarek  
The Martin Co.  
4256 Hacienda Dr., Suite 101  
Pleasanton, CA 94566

Dear Mr. Kaczmarek:

This letter is in response to your March 30, 1987 letter concerning the development of the Bay Center Site. This site is located on land which was created by an artificial fill over bay mud, and which consisted of construction spoils and industrial waste. In addition, trucking operations with underground tanks were also operating on the site. Site characterizations have been performed on the site. These include:

- ° "Soils and Groundwater Contamination Characterization of Bay Center Site in Emeryville, California", dated, August 20, 1986, by Earth Metrics, Inc.
- ° "Results of the Gas Emissions Tests of the Bay Center Construction Site" Dated, October 9, 1986, and "Assessment of Gas Emissions" at the Bay Center Apartment Site dated March 3, 1987, by GSF Energy, and
- ° "Report Subsurface Hydrocarbon Investigation, Bay Center Project, Emeryville, California", dated, March 17, 1987, by Groundwater Technology, Inc.

These studies have indicated that the site is underlain with moderate metal contamination (principally lead) and some gas generation resulting from old landfilling activities at the site.

Your development plan includes the construction of office buildings and residences on the site. In order to minimize present and potential exposure, the following activities should be undertaken:

1. All contaminated soils remaining on site, should be covered either by asphalt or concrete, except in landscaped areas where at least 16" to 18" of clean soil will be placed over any contaminated or potentially contaminated soil.

Mr. Walter Kaczmarek  
The Martin Co.  
Pleasanton, CA 94566  
June 9, 1987  
Page 2 of 3

2. The early warning system for methane gas should be designed and approved by a registered Safety Engineer. The system should include a strip chart recorder, which would continuously monitor and record any methane emissions. The design of the system should be submitted to the County for approval.
3. With regards to the proposed groundwater treatment system, there are several issues that should be addressed.
  - a) A single pumping well may not be sufficient to effectively create a cone of depression large enough to draw contaminated groundwater from the several tank areas where leaks were known to occur.
  - b) Since there was no reason cited in the groundwater technology report for discarding the earlier Aquascience reports, the "worst case" influent concentrations of 13 ppm total hydrocarbons may not be a realistic assumption.
  - c) Since hand bailing is not a generally acceptable method of well development, its effect on subsequent water analysis results should be considered.
  - d) Your groundwater treatment system proposal should be approved by the San Francisco Regional Water Quality Control Board or its designee.
4. A deed restriction should be placed on the entire Bay Center property, which would restrict future development of the property to a similar type of project that currently exist there. In addition, in the event of any disturbance of the sub-surface soil of the property, (excavation construction, etc.), an individual safety plan will be activated. The plan should be devised by your office and designate a responsible individual who would determine that elements within the plan are carried out. The Alameda County Department of Environmental Health should be notified one week prior to the commencement of any construction on the site, which would disturb sub-surface soil.

As indicated in your letter, you have indicated that you will pay for expenses incurred in monitoring the property and reviewing associated plans. The Alameda County Health Department is willing to act as the reviewing agency and assess The Martin Co. for expenditures incurred.

Mr. Walter Kaczmarek  
The Martin Co.  
Pleasanton, CA 94566  
June, 9, 1987  
Page 3 of 3

Please call our office to schedule a meeting regarding these items.

If you have any questions, please contact Lowell Miller, Senior  
Hazardous Materials Specialist, at 874-7237.

Sincerely,

*Rafat A. Shahid*

Rafat A. Shahid, Chief  
Hazardous Materials Division

RAS:mnc

cc: Howard Hatayama  
Dale Bowyer, RWQCB  
DOHS

# BLMYER & SONS engineers, inc.

LF

February 25, 1987  
BSE Job No. 8648

Mr. Ted Gerow  
ALAMEDA COUNTY  
Division of Environmental  
Health  
470-27th Street #324  
Oakland, CA. 94612

*FWJ*  
CALIFORNIA REGIONAL WATER

FEB 24 1987

SUBJECT: PIE NATIONWIDE  
SOIL CONTAMINATION CLEANUP  
EMERYVILLE, CALIFORNIA

QUALITY CONTROL BOARD

Dear Ted:

Confirming our telephone conversation of February 2, 1987, we are proceeding with the backfilling of the soil treated for hydrocarbon contamination at the subject facility. We have conducted enhanced natural degradation on the soil and reduced the total hydrocarbons to well below 1,000 parts per million. Laboratory results showing the current levels of hydrocarbons in the soil have been enclosed.

*What did this entail?*

Groundwater monitoring wells have been installed as part of a groundwater contamination remediation program. These wells will be used to fulfill the requirements for monitoring wells at locations with soil contamination over 100 parts per million of total hydrocarbons (because of one soil sample at 300 parts per million).

*I'm not sure these people understand our guidelines...*

If you have any questions regarding the soil treatment or backfilling, please call.

Cordially yours,

BLMYER & SONS ENGINEERS, INC.

*Lester, Since I'm transferring some cares to your section it would be helpful to get an updated list of your cares, including the ones I send. That way I can recall which are yours.*

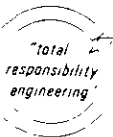
Chris Falbo

CF/ds

*Pete*

Attachments

- cc: Mr. Bob Weaver -PIE NATIONWIDE, JACKSONVILLE, FL.
- Ms. Jan Jacobson -GROUNDWATER TECHNOLOGY, INC.
- Mr. Peter Johnson-REGIONAL WATER QUALITY CONTROL BOARD
- Dr. Paul Williams-DEPARTMENT OF HEALTH
- Mr. Tom Gram -EAST BAY PARK COMPANY
- Mr. Alan McKay -McKAY & ASSOCIATES



# BLYMYER & SONS engineers, inc.

February 25, 1987  
BSE Job No. 8648

Mr. Ted Gerow  
ALAMEDA COUNTY  
Division of Environmental  
Health  
470-27th Street #324  
Oakland, CA. 94612

*208  
file 46 TAMES*

SUBJECT: PIE NATIONWIDE  
SOIL CONTAMINATION CLEANUP  
EMERYVILLE, CALIFORNIA

Dear Ted:

Confirming our telephone conversation of February 2, 1987, we are proceeding with the backfilling of the soil treated for hydrocarbon contamination at the subject facility. We have conducted enhanced natural degradation on the soil and reduced the total hydrocarbons to well below 1,000 parts per million. Laboratory results showing the current levels of hydrocarbons in the soil have been enclosed.

Groundwater monitoring wells have been installed as part of a groundwater contamination remediation program. These wells will be used to fulfill the requirements for monitoring wells at locations with soil contamination over 100 parts per million of total hydrocarbons (because of one soil sample at 300 parts per million).

If you have any questions regarding the soil treatment or backfilling, please call.

Cordially yours,

BLYMYER & SONS ENGINEERS, INC.

**RECEIVED**  
MAR 4 1987  
ENVIRONMENTAL HEALTH  
ADMINISTRATION



Chris Falbo

CF/ds

Attachments

cc: Mr. Bob Weaver -PIE NATIONWIDE, JACKSONVILLE, FL.  
Ms. Jan Jacobson -GROUNDWATER TECHNOLOGY, INC.  
Mr. Peter Johnson-REGIONAL WATER QUALITY CONTROL BOARD  
Dr. Paul Williams-DEPARTMENT OF HEALTH  
Mr. Tom Gram -EAST BAY PARK COMPANY  
Mr. Alan McKay -McKAY & ASSOCIATES

1-16-87  
BY 06/14

ALAMEDA COUNTY  
HEALTH CARE SERVICES

DAVID J. KEARS AGENCY  
~~XXXXXX~~ Agency Director



*He*

470-27th Street, Third Floor  
Oakland, California 94612  
(415) 874-7237

February 18, 1987

Mr. Walter T. Kaczmarek  
The Martin Co.  
4256 Hacienda Drive, Suite 101  
Pleasanton, CA 94566

Dear Mr. Kaczmarek:

We are in receipt of your letter and report entitled "Soils Quality Assessment, PIE Freight Terminal Site, Emeryville, CA".

We have reviewed the report and agree with the conclusion that the areas tested are relatively clean with the exception that, one boring shows lead contamination in excess of allowable limits.

After consultation with Erwin Kohler, DOHS Toxics Surveillance and Enforcement Unit, it is required that you either, remove the lead contaminated soil exceeding 1,000 mg/kg TTLC or 5.0 mg/kg STLC or if left in place and encapsulated as stated in your letter, a restriction must be approved by DOHS Toxics Surveillance and Enforcement Unit and made part of the deed.

If you have any questions, please call Edgar B. Howell, III, Senior Hazardous Materials Specialist, at 874-7237.

Sincerely,

Rafat A. Shahid, Chief,  
Hazardous Materials Program

cc: Dwight Hoenig, DOHS  
Erwin Kohler, DOHS  
Pete Johnson, RWQCB  
Gerald Winn, Director, Environmental Health  
Gil Jensen, Alameda County District Attorney, Consumer & Environmental  
Protection Agency

RAS:mnc



**THE MARTIN COMPANY**

---

February 3, 1987

Mr. Rafat Shahid  
Alameda County  
Hazardous Materials Unit  
470-27th Street, Third Floor  
Oakland, CA 94612

Re: PIE - Nationwide Site  
Emeryville, California

Dear Mr. Shahid:

Included for your review is a report entitled "Soils Quality Assessment, PIE Freight Terminal Site, Emeryville, California" by Geomatrix Consultants dated January 28, 1987.

As you will see, the soil analysis demonstrates that the site is relatively clean except for one boring showing lead contamination in excess of allowable levels and some hydrocarbon contamination.

The hydrocarbon contamination analysis and cleanup is being handled by Blymeyer & Sons and Groundwater Technology on behalf of PIE. Such analysis and cleanup has been coordinated with Ted M. Gerow at the Alameda County Division of Environmental Health. The cleanup is near completion. All water analysis and cleanup procedures have been coordinated with Dale Boyer and Peter Johnson at the Regional Water Quality Control Board.

The only other soils contamination found at the site is the lead contamination referenced in the aforementioned report. Our intention for such area is to leave the soil in place and make sure it is encapsulated by either concrete, asphalt or 18 inches of clean soil (if in a landscaped island of the parking area), so it cannot be accessed by normal human activity.

Plans for the site consist of building a 160,000 square foot retail shopping center (called "Eastshore Center"). Construction of the center

Mr. Rafat Shahid  
February 3, 1987  
Page two

will begin March 1, 1987. Included for your information is the site plan for the project. As you can see, the lead contamination area will be located in the parking area of the center.

If you have any questions, or problems with our proposed plan, please call me at (415) 463-3773.

Sincerely,



Walter T. Kaczmarek

cc: Ted Gerow  
Tom Gram

Enclosure

WTK/pla

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
SAN FRANCISCO BAY REGION  
1111 JACKSON STREET, ROOM 6040  
OAKLAND 94607

Phone: Area Code 415  
464-1255



November 26, 1986  
File No. 2198.11

Mr. Jim Skelton  
P.I.E. Nationwide  
P.O. Box 2408  
Jacksonville, Florida 32203

Subject: NPDES Permit for Diesel Leak Cleanup, P.I.E. Nationwide,  
5500 Eastshore Highway, Emeryville

Dear Mr. Skelton,

Under State and Federal law, discharges of polluted water to surface waters require an NPDES permit. We acknowledge receipt of the EPA forms 1 and 2C NPDES applications and the application fee. I cannot at this time provide you with an estimated date for the Regional Board to consider your NPDES permit application at the required public hearing. However, I believe it is in the public interest to have the discharge of hydrocarbon contaminated groundwater proceed in this specific instance, without my recommendation to the Regional Board for enforcement action, provided the following requirements are met:

1. At no time shall the total dissolved hydrocarbon content of the discharge exceed 100 ug/l. Total phenol shall be analyzed specifically and will contribute to the hydrocarbon total. At no time shall poly-aromatic hydrocarbons detected by EPA method 610 exceed 15 ug/l. If these limits are exceeded, the discharge will cease immediately and the Regional Board shall be notified at the earliest opportunity at 415-464-1255.
2. Discharge shall not occur until at least a 24 hour pilot operation of the treatment system meets the standards listed in item 1..
3. Sampling shall occur daily for the first three days of discharge. These samples shall be analyzed on the most rapid basis practically available.
4. Following this start-up phase, sampling shall occur weekly, and analysis can occur on a more normal basis.
5. Reports shall be submitted on a weekly basis for the first three weeks of operation, and on a monthly basis thereafter, detailing the results of effluent analysis, flow rate of effluent, and general description of the operation and maintenance of the recovery system.
6. After this four week start up phase, general reports shall be submitted quarterly, describing the overall status of the investigation and recovery operation, including precise water and product levels in

groundwater monitor wells.

A detailed technical review of the investigation and remedial action proposed for this site has not been undertaken by our staff, and due to the large number of cases of this type and limited staff availability, a review of this type is not anticipated in the near future.

We appreciate your cleanup activities. Any questions on this matter should be directed to Dale Bowyer at 415-464-0846.

Sincerely,

Roger B. James  
Executive Officer

cc: Mr. Chris Falbo  
Blymyer and Sons  
1829 Clement Ave.  
Alameda, CA 94501

Mr. T. M. Gerow  
Alameda County Div. of Environmental Health  
470 27th St., Rm. 324  
Oakland, CA 94612

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
SAN FRANCISCO BAY REGION  
1111 JACKSON STREET, ROOM 6040  
OAKLAND 94607

Phone: Area Code 415  
464-1255



*YES  
BIG THANKS*  
November 25, 1986  
File No. 2198.11

RECEIVED  
NOV 23 1986

ENVIRONMENTAL HEALTH  
ADMINISTRATION

Mr. Jim Skelton  
P.I.E. Nationwide  
P.O. Box 2408  
Jacksonville, Florida 32203

Subject: NPDES Permit for Diesel Leak Cleanup, P.I.E. Nationwide,  
5500 Eastshore Highway, Emeryville

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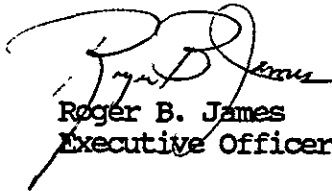
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Sincerely,



Roger B. James  
Executive Officer

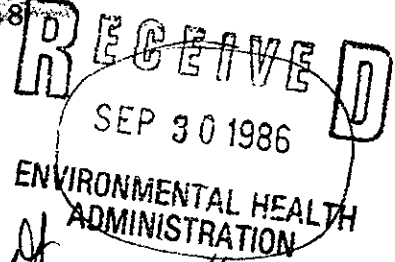
cc: Mr. Chris Falbo  
Blymyer and Sons  
1829 Clement Ave.  
Alameda, CA 94501

Mr. T. M. Gerow  
Alameda County Div. of Environmental Health  
470 27th St., Rm. 324  
Oakland, CA 94612

# BLYMYER & SONS engineers, inc.

September 29, 1986

BSE Job No. 8648



Mr. T. M. Gerow  
ALAMEDA COUNTY  
DIVISION OF ENVIRONMENTAL HEALTH  
470-27th Street #324  
Oakland, CA. 94612

SUBJECT: PIE-NATIONWIDE  
SOIL CONTAMINATION CLEANUP  
EMERYVILLE, CALIFORNIA

Dear Ted:

Confirming our telephone conversation of this date, we are proceeding with the soil contamination cleanup at the above-referenced truck terminal. As mentioned in our proposal, we will excavate the soil and conduct enhanced natural degradation and soil venting to remove total hydrocarbons from the soil. We hope to have the soil contamination reduced to acceptable levels in six weeks time, so that the material can be used as backfill.

We will forward soils analyses to all requisite agencies both during and after soil treatment, to certify the cleanup of the site.

If you have any questions, please call my office.

Cordially yours,

BLYMYER & SONS ENGINEERS, INC.

A handwritten signature in cursive script, appearing to read "Chris Falbo".

Chris Falbo

CF/ds

cc: Mr. Bob Weaver -PIE NATIONWIDE, JACKSONVILLE, FL.  
Ms. Jan Jacobson -GROUNDWATER TECHNOLOGY, INC.  
Mr. Alan McKay -McKAY AND ASSOCIATES  
Mr. Dale Boyer -REGIONAL WATER QUALITY CONTROL BOARD  
Dr. Paul Williams-DEPARTMENT OF HEALTH

SEE 8648



# GROUNDWATER TECHNOLOGY

A DIVISION OF OIL RECOVERY SYSTEMS, INC.

5047 Clayton Road, Concord, CA 94521, (415) 671-2387, telex 358867

September 2, 1986

Mr. Chris Falbo  
Blymyer & Sons Engineers, Inc.  
1829 Clement Ave.  
Alameda, CA 94501

Re: P.I.E./Emeryville Soil  
Remediation

Dear Chris,

## INTRODUCTION

Groundwater Technology, Inc. (GTI) is pleased to respond to your request for bids regarding the implementation of a remedial action program for soil contamination at the P.I.E./Nationwide site in Emeryville, California. It is our understanding that you are requesting remedial action for the soils only, and therefore, groundwater treatment is not discussed as part of this proposed work scope.

The soil clean-up objectives as described in the August 20, 1986 request for bids is to "restore the site to contamination levels acceptable to all county and state regulatory agencies". Based upon this clean-up objective and consideration of the site conditions, GTI has developed the first phase of a remedial action plan which provides for the excavation of the contaminated soils with hydrocarbon concentrations greater than 1000 ppm (part per million). The excavated material will be stored on site for active aeration via venting and land farming through modified Enhanced Natural Degradation (END™). Upon attaining acceptable levels, the soil will be backfilled into the excavated pits.

## PROPOSED SCOPE OF WORK

The proposed scope of work would involve soil excavation at two separate locations on the property. One rectangular (Pit 1) would be excavated around the site of the former waste oil tank located to the east of the Service Building, and one pit (Pit 2) would be excavated around the site of the former fuel tanks west of the Service Building. Pit 1 would be approximately 45 ft. square and approximately 11 feet deep (to the water table). Pit 2 would consist of two rectangular and one triangular shaped excavations. One rectangle would be approximately 25 ft. x 40 ft. in areal extent and the other would be approximately 25 ft. x 65 ft. The triangular portion will extend to the west toward the fence line. All portions of the pit would be excavated to the water table. Additional material may

Mr. Chris Falbo



also be removed from the subsurface if contamination warrants it. If possible, the soils will be separated into piles of greater and lesser contamination. Field screening will occur based upon observation of contaminant saturation and photo-ionization detector (PID) levels. Composite soil samples of the resultant soil piles will be taken for analysis of total fuel hydrocarbons to provide baseline data.

The excavated soil will be stored on the site to the east of the railroad tracks to form a mound six feet deep and approximately 90 feet square (the dimensions may be modified based upon available space). If possible, the soil contaminated with gasoline components will be placed in a separate mound due to the difference in regulations governing on-site aeration.

The treatment proposed for degradation of the hydrocarbon contaminants within the excavated soil consists of active aeration and above-ground Enhanced Natural Degradation (END™). The specifics of the treatment programs and construction details are presented in the following sections.

## **AERATION**

The Bay Area Air Quality Management District recently adopted a regulation regarding the on-site aeration of soils contaminated by organic chemicals or petroleum chemicals (Regulation 8, Rule 40). This regulation stipulates allowable rates of uncontrolled aeration, exemptions from the rule and controlled aeration criteria. These criteria were used in the development of this on-site aeration plan.

The majority of subsurface contamination ~~is due~~ to diesel fuel which has a boiling point range of 356°F - 464°F. The soils contaminated with diesel fuel are thus exempt from the rule per section 8-40-113, EXEMPTION Non-volatile Hydrocarbons because their boiling point is greater than 302°F. The soils in the vicinity of the excavated gasoline tank pit, however, are subjected to this regulation and will thus be aerated accordingly.

## **Aeration Mound Construction**

Two feet of contaminated soil will be spread out initially. Four two-inch PVC slotted vent pipes will be placed on top of this soil, and four feet of soil will then be placed over the

How to  
prevent diesel

vent pipes. The vent pipes will be approximately 18 feet apart and will extend the length of the mounds. A Rotron blower will be attached to the vent pipes to create a vacuum and thus induce movement of air through the soil pile which will increase volatilization of the hydrocarbons. Although diesel is comprised of the heavier, less volatile hydrocarbons, induced aeration will, none the less, expedite removal of the adsorbed contaminants (contamination phase present within the soil). The gasoline contaminants present within a portion of the soil will be effectively reduced by the venting program.

The section of the mound containing the gasoline contaminated soil will be covered with a tarp. In addition, a Carbitrol<sup>TM</sup> vapor cannister will be utilized to provide for controlled aeration as per section 8-40-302 due to the presence of gasoline contaminants. This section allows for aeration at rates exceeding the stated limitations of section 8-40-301 "provided emissions of organic compounds to the atmosphere are reduced by at least 90% by weight". The reduction will be verified by retrieving one air influent sample and one air effluent sample from the Carbitrol can. The samples will be analyzed for total petroleum hydrocarbons by the Groundwater Technology, Inc. Environmental Laboratory in Greenville, New Hampshire. Subsequent to system start up, the air influent and effluent will be monitored with a field photo-ionization detector (HNU PID 101).

#### **ABOVE GROUND ENHANCED NATURAL DEGRADATION (END<sup>TM</sup>)**

The existence of naturally occurring microbes within the subsurface which degrade hydrocarbon contaminants is well documented. It has also been well documented that stimulation of the microbes by adding oxygen and nutrients (i.e., phosphates) creates population booms. The increase in population in turn increases the degradation of hydrocarbons as the microbes seek out a food source. The technique of enhancing the naturally occurring degradation process has been used by GTI at sites across the country and has been coined with the acronym END<sup>TM</sup>.

This same process can and has been used for above ground soil remediation. This process, which is commonly referred to as land-farming, is the second aspect of GTI's proposed remedial action plan for the excavated soils at the P.I.E./Nationwide, Emeryville site. Because of the exposure of the soils to the atmosphere and the action of the vent system, an additional oxygen source is not required for land-farming. The addition of

Mr. Chris Falbo  
September 2, 1986  
Page 4

nutrients, however, will enhance the population growth of existing microbes which will result in expedited degradation of the hydrocarbon contaminants.

Groundwater Technology, Inc. proposes to implement bio-degradation at the Emeryville site by adding nutrients twice a week to the soil mounds. The nutrients will be mixed with water on-site in a 500-gallon mixing tank. The resultant emulsion will then be sprayed across the top of the soil mounds by a GTI technician. A ladder and wooden planks set across the top of the soil mound will be utilized to provide access and thus ensure the nutrients are applied evenly.

### **JOB COMPLETION**

Groundwater Technology, Inc. anticipates a reduction from the current soil contaminant levels to less than 1000 ppm to occur within six weeks. At the six week mark, soil samples will be retrieved for each 50 yd.<sup>3</sup> of gasoline contaminated soil and each 100 yd.<sup>3</sup> of diesel/oil contaminated soil to verify hydrocarbon concentrations.

When the soil contaminant levels are acceptable for backfilling to proceed, a GTI civil engineer will manage the operation. The soils will be backfilled into the excavated pits and compacted as necessary to meet the site requirements.

Based upon GTI's experience at similar sites in the Bay Area, a reduction of the hydrocarbon levels to below 1000 ppm should be acceptable for backfill. If the actual situation at this site varies such that a more stringent reduction is required, then GTI will provide a modification of costs to Blymyer & Sons Engineers, Inc. to proceed with the maintenance and monitoring phase of work.

### **PROPOSED COSTS**

The following cost breakdown reflects the estimated costs associated with each phase of the proposed project. The total proposed cost estimated will be considered a Not-to-Exceed amount upon acceptance of this proposal. Billing will thus occur on a time and materials basis not to surpass the total cost estimate without prior approval from Blymyer & Sons Engineers, Inc.. Billing will occur as per the attached rate schedule which stipulates our terms and conditions.

**COST ESTIMATE BREAKDOWN**

<u>WORKSTEP</u>	<u>COST</u>
Excavation.....	\$15,590.00
o Sub-contractor fees.	
o Professional services.	
o Equipment, supplies.	
Vapor Vent/Nutrient Feed System Construction.....	\$10,890.00
o Soil movement.	
o Construction materials.	
o Professional services.	
o Equipment.	
Maintenance/Monitoring.....	\$11,630.00
o Nutrients.	
o Professional services.	
o Equipment rental.	
o Sampling, analyses.	
Backfill.....	<u>\$15,000.00</u>
o Sub-contractor fees.	
o Compaction analysis.	
o Professional services.	
TOTAL PROPOSED COST ESTIMATE.....	\$53,110.00

*Compaction  
- 100%*

Mr. Chris Falbo  
September 2, 1986  
Page 6

**CLOSURE**

Groundwater Technology, Inc. appreciates the opportunity to bid on a soil remediation program for the P.I.E./Nationwide site in Emeryville, California. If GTI can be of assistance in any subsequent phases of remediation at this site, please contact us directly at the Concord office at (415) 671-2387.

Sincerely,  
Groundwater Technology, Inc.



Jan Jacobson  
Project Geologist



Gary B. Taggart  
District Manager  
C.E.G. #1061

Steve Hill



REPLY



August 5, 1986

Emery 07148

Mr. Thomas J. Gram  
East Bay Park Company  
5901 Christie Avenue  
Suite 403  
Emeryville, CA 94608

*- We need the  
enclosure*

RE: 5500 Eastshore Highway  
Emeryville, CA

Dear Tom:

Please consider this notice of removal of the underground tanks from the referenced property. Enclosed are the results of the initial soil tests made at the time of removal. Per our engineer, the results of additional testing will be received on August 6 and I have requested that the additional test results and his recommendations be hand delivered to your office by Thursday, August 7. I am hopeful this will enable you to waive the soil conditions and proceed with the contract by Friday, August 8.

As outlined in Blymyer's letter, we have committed a total expenditure of \$59,496. Depending upon your election to proceed or withdraw, we will forward the appropriate invoices upon their receipt.

Sincerely,

Robert W. Weaver  
Director of Properties  
and Real Estate

RWW:rd

Encls.

cc: John Mangu