

8/13/96 Reviewed 6/26/96 PEG workplan. Three more wells and a fourth optional well. ISSUES: 1) **Since MW8 is optional, based on PID measurements, (and how about field indications) it's important that I be onsite during drilling;** 2) **specify # of soil samples per boring to be analyzed, and which depths.**

Phoned Mark Sullivan: he's gone ahead and initiated access from City for offsite wells. No access yet; must go thru real estate dept for 2 wells (MW7 and MW8). Is there anything I can do to help? He said that if field indications show that there's contam, but PID is zero, then he would agree to cite a MW. They are prepared to analyze a minimum of 3 per boring: cap fringe sample, and one 5' above and one 5' below. They have enough funding.

WROTE LETTER TO RP

8/19/96 mess fm Jim Scott: got my letter. Why is there no remediation and just investigation? Delete S. Nichols and C. Johnson bec First Interstate was released fm participation by their agreement.

10/21/96 phoned Mark Sullivan: to check on status of wp. He no longer works there. Ross Tinline has taken over his projects. Spoke w/Ross Tinline: problems w/access agreement. He will check and call me back. Are they doing QM? He is sure, but probably another consultant.

Terrell Sadler phoned: he wants a "favor." City says their bldg (garage) must be retrofitted. He has been telling them the bldg will be demolished. He wants me to tell the City to lay off. Has he written them? No. He has called several people in the City and they said no. Told him my main contacts are the env people. Sorry.

11/22/96 Jim Scott phoned: status? Told him of my 10/21 telecon w/PEG. He will phone PEG and Chevron. I should too.

Phoned Phil Briggs: got City permits, but then found a stipulation in env agreement that Mr. Rodgers wd sign contracts w/contractors in addition to Chevron. So it went to Victor Brown (his lawyer). PEG is ready to go. Can finish draft report w/in 30 days of signed contract. Sample TAT will be about 1 week. Vic Brown is on vacation until 12/2/96. He should have had contract by 11/10. Jim Scott is the developer, working w/City. I thought it wd help if I phoned lawyer Victor Brown. (580 Grand Ave Oakland). Phoned Vic Brown at 465-3112; he is out of town on family emergency; due bk 12/2; Lm

4/25/96 mess fm Brit: Gil asked him to sit in on PERP, bec panel is usually composed of someone fm the City. (It is?) Brit just speculated on a solvent plume, when Chevron letter said "non-petroleum HC plume." He is not aware of a solvent plume over there. His agency has no role.

Spoke w/Mike Hurd of PEG: lab first does 8015, then enough of 8240 (in this case 8260) against MTBE. Will they continue to look for MTBE? Doesnt think so. Did he get a contract to do QS? They normally dont do QS for Chevron. Will send revised table due to typo for P-5 with benzene and toluene.

5/20/96 Received and reviewed 5/17 letter from Sandi Nichols. Attached are the final settlement agreement and agreement relating to site remediation. Lm for Gil: did he get it also? Would he please read it and let me know if its good enough to accept?

Phoned Mike Hurd: lm that I didnt receive revised Table 2.

Spoke w/Gil: Bank did put some money up. He will call Sandi Nichols and J. Krebs and tell them the PERP is off.

6/20/96 Mark Sullivan of PEG phoned: 408-441-7500. . .Phil thinks we should put in two wells to the West, one in sidewalk on other side of Center, and one on corner on other side of Center; then one to the NE, like near the c on hydraulic on Fig 2 of their report. So a total of 3. We discussed a 4th well to the NE, bet P1 and P7. We can bore down, and if it appears dirty (use PID), then install a 4th well. What range on the PID wd warrant a MW? Over a few hundred ppmv. Not less than a hundred. **RP wants to take remediation separately from investigation.** I should get the wp next week or the next; this wp is just for more investigation.

7/9/96 Jim Scott phoned: new # is 415-399-1277. He wants the status. Lm for Jim saying Im waiting on another wp for more wells. And that Phil has been swamped, doing 2 jobs, but Im not sure if he is still doing 2 jobs.

Phoned Mark Sullivan of PEG: currently working w/City to obtain access to those properties. City wants to see their plans, get a \$\$ deposit, make sure they are not in sidewalk but rather in the street. City is currently reviewing their plan (just a MW location map). Wp went to Phil a while ago. Phil has approved the \$\$ for this project. Phoned Phil Briggs: lm, reminding him that Im looking forward to receiving the wp.

4/23/96 received fax fm S. Nichols: **Wells Fargo is merging w/First Interstate, and so WF must sign the agreement as the successor to First Interstate. She doesn't anticipate a problem, however.**

4/24/96 spoke w/Gil about need for me to attend the PERP today. He said it wasn't necessary. This is normally my day off. So I did not attend.

PERP MEETING

4/25/96 spoke w/Gil: mtg went fine. S. Nichols did not show. Attendees did not know about her 4/23 fax. Gil required a written representation between Chevron, Rodgers, and Bank, saying they approve of the settlement agreement, to be submitted to him BEFORE the next PERP, which he DID schedule them for 5/22 10 am (suspense calendar). PO Sadler was concerned about the "unknown non-petroleum HC" found at the site in P2 (see 3rd paragraph of Chevron's 4/19 letter). Brit Johnson was in attendance, representing the city. PO has a developer ready to go, if they can get clearance. Brit says there is a solvent plume over there.

Reviewed the lab report for P-2. Did not see any such notification of "non-petroleum Hcs." Phoned Phil Briggs: They couldn't ID the peak. It was under the MTBE section. See Table 2 of PEG's report. The asterisk. It was originally reported by lab as 8,900 ppb MTBE, but 8260 analysis indicated that MTBE was ND. Asterisk also says "GC results should be regarded as coelution of another compound in the sample in the retention window for MTBE." **He will look at this and call me back.** Why did they even analyze it a second time w/8260? There's no lab report for 8260. **But he assured PO that they would investigate this issue.** Phoned Brit Johnson: lm: what is his interest in this matter? Solvent plume?

Sandi Nichols phoned: nobody told Gil about her fax. Spoke w/her. Told her about 5/22 10 am mtg. She said she heard that Gil was angry w/Bank for not showing. And he didn't have the fax before the mtg. Oops. She asked me to fax him her fax. I did. Mess fm Phil Briggs: found lab narrative: they indicated 8260 was done on sample 9603J45-14 to confirm presence of MTBE. GC/MS did not confirm MTBE. Lab went ahead and did 8260 on their own. But they don't run a full analysis; just a screen. He spoke w/Mike Hurd of PEG; Mike will call me. Found error on Table 2 P5; benz should be 470 and toluene ND (just the reverse). He will note this in writing.

4/18/96 Received and reviewed 4/5/96 letter from Jon Robbins. Enclosed is the **final Settlement Agreement (with Agreement Relating to Remediation attached as an exhibit)**. Robbins will bring SIGNED agreement to our 4/24 mtg. Faxed him the agreement for review.

Phoned TS: told him COCs are gasoline, which is comprised of approx 200 compounds, including most notably BTEX. But SCI found TOG, which may or may not be considered "motor fuel hydrocarbons" (page 2 of the remediation agreement). He's getting together w/the parties next wk to sign this. Let him know what happened 835-5741 at home.

After all, I requested O&G be sampled in the boring near the station bldg, as per my 2/5/96 wp approval letter. **Why did they delete TPHd from 1/29/96 wp? Why didn't I catch it?**

Phoned Mark Sullivan at PEG: status of report? Report was overnighted today to Phil of Chevron. He should have it tomorrow. Did not analyze for TPHd. Also MTBE; got a hit in middle of street. Did GCMS on it. Had some co-^{elution} ~~elution~~ w/something else, but don't know what. Discounted the MTBE. Did results show heavier than gas? The benzene concs were pretty much in line w/gas. Fairly high benzene concs (some >5%). Lab was Sequoia. Would they report higher ends for gas? Dunno.

Phoned Phil Briggs lm (general nature) re report and agreement.

Phoned Jon Robbins: spoke w/Cynthia Young: she's made a few minor changes to agreement. Jon is out til Mon 4/22. And she's already sent the agreement out to the parties for signature. So: my issue is on pg 2 of the remediation agreement. Told her about the O&G. She will leave a message for JR. She probably won't get to send it out til Mon 4/22. Will the DA have any comments? Don't know.

4/19/96 Reviewed 4/19/96 letter faxed from Chevron, and the 4/18/96 PEG report. Max soil hits: 13,000 ppm TPHg and 38 ppm benzene (P3-10'bgs). Max gw hits: 800,000 ppb TPHg and 13,000 ppb benzene (P2). They got ND O&G in gw in P7, **but did not analyze the soil for O&G, as per my 2/5/96 letter. Also, they did not analyze soil in all the Sbs; why not?** Maybe bec "selected soil samples will be analyzed. . ." pg 3 of wp. First water at 6'bgs. "Unknown non-petroleum Hcs were found in gw in P2. . . This may indicate migration fm offsite." (Pg 4) GW contam not defined to the NE, N, and W.

3/21/96 Received fax from Jon Robbins of Chevron. They need more time before the PERP would be useful. Going out to site on 3/22 to gather subsurface data. Should have both agreements signed in about 2 wks. OK, so let them have it. Better for TP too bec we have a staff mtg that conflicts with that day. Phoned Jon Robbins

spoke w/Jon Robbins: First agreement is the general agreement bet all the parties. Chevron assumes lead responsibility. Rodgers will be obligated to cooperate w/Chevron by submitting an app to reimbursement fund. Second agreement is remediation agreement, not including the bank. That works out relationship bet Sadlers and Rodgers for submission of app to the Fund. Keep Rodgers as a party, as long as Chevron assumes responsibility. Next mtg is 4/24 in the am.

Lm Gil (he's out today) re rescheduling of PERP to 4/24.

Spoke w/JR: he will notify the other parties of continuance to 4/24 at 9:45 am. OK

TOM SAYS TO INCLUDE ON CC LIST: JAMES SCOTT (DEVELOPER), 580 MARKET ST, SUITE 400, SF 94104 PHONE 415-399-1797, FAX 415-399-8715.

3/28/96 Mark Sullivan phoned (PEG). What analyses did I say to do for the boring near hydraulic lift? O&G? Yes, 5520. Both soil and gw. See notes from 2/2/96. The work was already done. Great. Report probably in 4-6 wks. Chevron wants report by 4/20. But that's Sat, so they will shoot for 4/19. OK. PERP is pending for 4/24.

Phoned Jon Robbins for update on the agreements. Please send me a copy, as they get completed.

3/29/96 mess fm JR: he'll be out all next week. The first agreement is done and drafts have been sent out and minor revisions sent back to Sandi Nichols. 2nd (cost sharing bet Rodgers and Chevron) is waiting for comments. Can contact Mary McLaughlin (paralegal) at 842-2571 while he's out. Probably have both final docs in a week.

4/18/96 T. Sadler phoned: wants to know list of COCs. Either fax him at 263-4259, or call him at 263-4239. He knows we have BTEX.

2/8/96 MM phoned: his intent is to do the work regardless of whether they get reimbursed immediately. Chevron wants to stay in compliance w/the County. He doesn't think there will be a signed agreement by 2/23. But he may be wrong. Chevron lawyer is Jon Robbins 510-842-2642. He proposes to hold off the 2/28 PERP mtg if they are close to a signed agreement. I told him that will be up to Tom and Gil (I'll be on vacation!) MM will be transferring to Phoenix as a Territory Mgr. He doesn't know who his replacement will be. His supervisor is John Randall 842-9625.

Discussed w/Tom.

2/26/96 Discussed w/Tom. Reviewed 2/21/96 letter to Tom from Chevron, and 2/22/96 letter to Tom from Sandi Nichols. Faxed these to Gil, discussed w/Gil. Decided to continue the PERP to 3/27 at 10:30 am. We are NOT vacating the PERP, just continuing it. And this will be the last continuance. And Sandi Nichols can write ME a letter, confirming this. And she should also contact all the parties involved, by phone today or asap. I don't have the time to do all this.

Im for Sandi Nichols, saying we're continuing the PERP, not vacating it.

Phoned Jim Scott: Mr. Rodgers has atty. Victor Brown 510-465-3112, 580 Grand Av., Oak 94610. I should cc him. Sadler does not have an atty. Told him MM is leaving Chevron.

3/18/96 spoke w/Jim Scott: got a letter from the Bank: proposed settlement agreement to take them off the hook. They will pay lump sum of cash to chevron, then other parties will indemnify them. Chevron will be RP with Rodgers as the claimant. Agreement should be in place prior to the 3/27 PERP mtg. Told him I'm out of town 3/22 thru 3/26. He will phone me 3/21 to let me know the status.

3/21/96 spoke w/Jim Scott: he spoke w/Chevron and Sandi Nichols. Hopeful they can get first part of agreement done in next wk or two. He said they may want to continue the PERP again. I told him that the DA didn't want to do that again. He will try to make them jump faster! I asked him to contact TP re the outcome of this agreement, since I'll be away from 3/22 thru 3/26. OK.

1/30/96 Received and reviewed 1/30 fax from Chevron: (it's one day late; no big deal) 1/30 cover letter from Chevron. They are thinking of excavation or dual vacuum extraction. Says wp includes 5-7 borings, depending on site conditions. "Work Plan" by PEG, dated 1/29/96: includes 7 soil borings, with soil and grab water samples for TPHg and BTEX.

Questions:

- 1) can I get a copy of the "recent" gw sampling they refer to on pg 2 of wp (last bullet)?
- 2) note typos on pg 2, 3rd bullet
- 3) there are "fine sands" in MW1-4, SB1-3, as per the 11/14/95 Site Assmt report. So why do they say sandy clay to sandy clayey silt? See 1st bullet, pg 2 SCI's 10/89 invest shows silty sand in boring 1, 2, 4, and clayey sand in boring 3. It's still predominantly sand. How could they think dual vacuum extraction would work in clays and silts anyway?
- 4) add TOG via 5520 for the boring near the bldg. TOG was done via SMWW 503E in 9/89 on the boring near the hydraulic lift (results were 16,000 ppm at 3.7').
- 5) how many gw samples? One from each boring?

Im MM to discuss wp

2/2/96 mess to and fm Mark Sullivan: no problem w/adding 5520 to boring near bldg. Will analyze both soil and gw in that boring. Will analyze gw from all borings on perimeter of site except corner Center and 8th, where they will put boring in close to corner, and move out if they have hits.

2/5/96 Jim Scott phoned. JS, Mrs. Sadler, Sandi Nichols (sans client), Mark Miller, and Jon Robbins (Chevron's atty) attended mtg on 2/1. Bank may be prepared to pay a small portion, but they must finalize agreement. He expects to have an agreement before 2/28. Mr. Rodgers did NOT attend mtg, but he seemed willing to apply to the Fund on the phone. He is a little intimidated, and may get his own lawyer. **We should get a copy of the agreement.**

Spoke w/Tom: If we get copy of agreement, we don't need to schedule the PERP.

Spoke w/M. Sullivan: Lithology is really fine sand to silty sand. Noted corrections to third bullet. Clarified boring locations.

Wrote wp approval letter.

1/22/96 Sandi Nichols phoned: referred her to Gil. She got the Notice today.

Mess fm MM: not sure if everyone w/Chevron can attend mtg. Is it still on? Can write me a ltr stating their game plan. Wants to avoid mtg.

Mess fm Gil: he calmed down Nichols. She wants a continuance of PERP, and she needs phone #s of Rodgers and the other prior RP (Sadler?). Spoke w/Gil: I do not have to send out any new Notice. Nichols may call me for a confirming letter. I can respond to her, but I don't need to send out new Notices to everyone.

Phoned MM: told him it's been postponed to 2/28. He will write me a ltr, responding to request for wp. He thinks wp will be ready by 2/21; it's more involved bec it will be a remediation wp; consultant will probably be TerraVac.

Phoned Jim Scott: told him new date is 2/28 at 9:45 am. They're mtg 2/1/96 w/Chevron and Bank and Rodgers. He will call Rodgers and Sadler.

1/23/96 T. Sadler phoned: Are we mtg Wed? No. He went to OFD but they did not have any records. Very frustrating. He did not know about the 2/1 mtg. He will call J. Scott.

1/30/96 Dawn Tugman from Royal Insurance phoned. 704-522-2704 (N. Carolina) She just received notice from lawyer for First Interstate this am as a potential insurance co. Trying to determine if Bank has coverage under any of their policies. She asked what the status was. Told her we had scheduled a PERP for 1/24, but it was delayed until February. But we may not meet after all, if the parties come to an agreement. On what? I imagine on % of responsibility for cleanup. . .then I added that the site first needs to be characterized. She said, no PA? I said, no, they did an initial PA, but the plume is not yet fully characterized. She asked if they applied to cleanup fund? I said, there is talk about it, but I'm not sure if they have yet. She asked about copying the file. I gave her JB's name and #, and Gil's # in case she has further questions, esp legal questions.

spoke w/Mark Miller: initial dispute was bet Bank and Chevron. Chevron was going to try to work w/Rodgers, so that he'd apply for Fund and get in as Category B, and Chevron do work, and be listed as co-payee. Their property dept. was going to work this out. It's been a few wks since he spoke w/Bette Owen (prop dept). Terra Vac looked at GTI's assessment report. Original thought to overex, but there are high concs and surrounding neighbors. Maybe do insitu, like 14th St site. So the wp is on hold until Chevron comes to an agreement w/H. Rodgers. Potential developer and City working to put in low cost housing.

Mess for Gil: re what S. Nichols said.

Mess fm MM: he spoke w/B. Owen. Currently working w/the developer, who's working w/H. Rodgers, to get app in to Fund. Developer is going to Bank's attorney's office yesterday or today, to lay out Chevron's position, and is looking for indemnification from Chevron and the BANK. Plan is to get Rodgers into Fund, have Chevron and Bank sign on as co-payees. That means Chevron and the Bank would be fronting the \$\$ for ongoing invest and cleanup. He wants to jump ahead and do remediation wp, since the site is so dirty, and he thinks we ID'd the hot spots. . . not just characterization wp, as I requested. He'll call back when he hears the outcome of the mtg bet developer and Bank. He'll call his consultant re wp. Let him know if the PERP is still on.

Spoke w/Jim Scott: Jim will be at mtg in place of Sadler. He will contact H. Rodgers by phone. This whole thing hinges on Rodgers applying to Fund. He wants to let him know he is eligible to apply for the Fund.

MESS FM GIL: REFER ANY QUESTIONS TO HIM

Lm for Gil: told him the last thing MM said, and Jim Scott. And that I "promised" Sandi Nichols I'd get back to her today. Gave him her home phone #.

1/22/96 spoke w/Gil: he lm for Nichols on Fri 1/19, but she hasn't called him back. If she wants a continuance (PERP in Feb), then SHE must notify the other Rps in writing.

Jim Scott phoned: wanted to know if the mtg was on for Wed. Yes, unless Nichols asks for a continuance (to Feb 28th). Will it be taped? No. Rodgers CAN make the mtg. Good.

1/17/96 spoke w/T. Sadler: OFD has records showing the City cleaned it up. He does not have the documentation. He wants to know if we added Hollis Rodgers to RP list, as last operator. Told him not yet.

Mess fm Gil Jensen: he got my fax. Bank is on title, so it was right to name them. Who did the Bank represent? It is not clear.

Lm for Gil: can we add Hollis Rodgers? When is next PERP mtg?

1/18/96 spoke w/Gil: wait until after the PERP to revise NOR (to include H. Rodgers). Faxed him the 12/8/95 letter from Sandi Nichols to Bette Owen of Chevron. This letter names the trust. Spoke w/Norma: she has 1/24 free at 10:30 am. Phoned Sadler no answer. Phoned Jim Scott: told him of PERP. He will call Sandi Nichols. Phoned Hollis Rodgers: 653-2127 no answer. Checked phone book, found new address and phone for Hollis Rodgers: 2801 Summit, Oakland 763-1212. Phoned, but no answer. **The mtg hinges on whether I can get hold of Hollis Rodgers.**

WROTE NOTICES OF PERP

Phoned H. Rodgers at 653-2127. A woman w/thick Asian accent said that they lived on Summit St. temporarily while their house was being worked on. I asked if this was the H. Rodgers who owned a gas station at 800 Center St.? She said yes.

Spoke w/H. Rodgers: he said he started buying property, but then couldn't. Does not have any doc. Told him of mtg. He will try to make it. Lm Mark Miller re mtg. Mess fm Gil: got my fax. I should also name First Inst Bank as successor in interest to United Cal Bank, and name LB Hoge Trust, First Inst Bank, trustee.

Added the 2 names Gil said.

1/19/96 tc w/Sandi Nichols: she got my verbal notice of the PERP. She's upset bec she thought it was just a mtg, not a PERP. 1) she wants more time to prepare. Is the County giving due process by such short notice? 2) wants a response to her 1/8/96 letter. What law allows us to use the 1972 date as date first discovered? 3) she does not know if she represents the trust 4) B. Owen said Chevron intends to submit a wp. . .also, the Rossmoor decision said do not RP when they had a tenant dispensing gasoline. Prop went into trust in 1942. She already left a detailed message for Gil. Can call her at home 415-343-1616 if she's gone from work.



1/9/96 Reviewed 1/8/96 fax fm Sandi Nichols. Wants Bank to be taken off NOR and 12/13/95 letter requiring a SWI. Legalese. Bank was trustee of a trust. Must ask Tom or Gil. Discussed w/SOS: he thinks we should not use the 1972 date as "date first discovered," but rather when the recent borings were put in (1989). Get parcel #, go to County Assessor's office, get history of site ownership.

1/10/96 Went to Assessor's office. Got printout of site ownership, but it only goes back to 2/13/70, when United California Bank got the deed. This is parcel number 4-67-16. The next parcel number (4-67-17) shows that Hollis Rodgers owned it; he got the deed on 10/24/60. This parcel does not have a corresponding street NUMBER, just says Center St. I looked on the map, and it shows a rectangular parcel NEXT to the service station parcel (800 Center St.). **This is confusing.** The property is assessed at \$9,255, as of 3/1/95. They directed me to the "grantee/grantor index" at the Recorder's office.

Went to Recorder's Office (in courthouse). Looked up Terrell A Sadler. He apparently owns several properties. However, this microfiche does not list addresses, only names. I did not see parcel numbers either. It tells you which properties Sadler has a deed to. But it does not identify the property by parcel number or address, just gives you the date the deed was obtained. **This is not very helpful.** Looked up United California Bank on the one computer that you can type in company names on (as opposed to the other computers, which are set up to type in first and last names). There was only 2 dates in 1980s, but we were looking for something around the 60s or 70s. Again, it does not identify the property, just dates. **Also confusing and not helpful.** The woman working in this office had limited knowledge, when I explained the Bank acting as trustee. Wasted 1.5 hr on this.

1/16/96 Sent 15-page fax to Gil Jensen. Includes Assessor's history, 10/18/94 letter from Bank to Sadler, Corp. Quitclaim Deed and ownership time line from Jim Scott, 12/1/95 NOR w/3 Rps, 12/13/95 fax from Jim Scott, 12/13/95 letter from AlCo to 3 Rps, and 1/8/96 letter from Sandi Nichols (Bank's lawyer) to AlCo.

Mess from Terrell Sadler: he will call back. Or I can reach him at work at 263-4239 for 30 more minutes