Case Summary
Alameda Bulk Plant
2001 Versailles Avenue, Alameda, CA 94501 November 2, 1993

FILE A.B.P.

Concerned Parties

Signal Oil (Chevron): represented by Kennedy & Wasserman

Humble Oil (Exxon): represented by corporate counsel

King Petroleum
(John Richard King and Molly King): -represented by Orrick, Herrington &Sutcliffe (OH&S) from 1984 - 1985
-represented by Carroll, Burdick & McDonough (CB&M) from 1991 -

Clifford Mapes: -represented by Carroll, Burdick & McDonough (CB&M) from 1991 - 1992
-represented by Thomas & Porrazzo from 1992 -

94 DEC -1 PM 4:15
ALCO HAZMAT

Other Parties

Regional Water Quality Control Board
Harding Lawson
Kleinfelder
Kennedy/Jenks Engineers

Claim

Clifford Mapes has filed suit against Standard Oil Company of California, Exxon Corporation, John Richard King and Molly King, King Petroleum, Inc., Harding Lawson Associates, Sunbelt Railroad, and DOES 2 through 50. Numerous causes of action including negligence, trespass, strict liability, nuisance, and indemnity have been plead against Chevron.

Site History

Mid-1930's (approx.)
Signal Oil (Standard Oil of California) built a petroleum bulk loading facility at the site (HLA, 12/3/84).

1967
Humble Oil bought the property from Signal. Humble soon thereafter merged into Exxon. Exxon leased the site to King Petroleum who operated the site until about 1982.

November, 1982
Exxon sold the property to King Petroleum, Inc. Exxon indicated that they had removed all underground storage tanks from this site prior to the sale. King Petroleum claimed they did not use the site for the storage or distribution of gasoline, diesel fuel, or home heating oil (OH&S

letter, 7/26/84).

May 30, 1984
A developer, Mr. John Barni, wanted to purchase and develop the site into a multiple unit housing complex. The Planning Board of the City of Alameda requested that the soil and ground water at the site be tested for the presence of metals and hydrocarbons prior to the Planning Board's approval for a zoning change.

Kennedy/Jenks Engineers prepared "Final Report, Initial Site Investigation of the King Petroleum, Inc. Property" dated May 30, 1984. The investigation included installing four soil borings, 1-4. Boring 1 was drilled in the former underground storage tank area and a sample was collected at approximately 12 feet below grade. A grab water sample was taken from this well. The other borings were placed as shown in Appendix A with samples collected approximately 3 feet below grade. A ground water sample was collected from a well on an adjacent property installed by the owner.

Petroleum odors were detected in all borings. The soil sample from boring 3 was analyzed and found to have no 8240 compounds, 350 ug/kg benzene, and 640 ug/kg of ethyl-benzene. Apparently heavy metals were also detected in the soil.

Ground water appeared to be approximately 2 feet below grade. No EPA 601 compounds were detected in the sample from boring 1, however 29 ppb benzene was detected. No EPA 601 compounds or hydrocarbons were detected in the sample collected from the off site well.

June 7, 1984
The above mentioned report was submitted to Don Dalke of the RWQCB (V. Denied)

July 9, 1984
Don Dalke of the RWQCB writes a letter to King Petroleum and Exxon stating that both parties are responsible for the contamination at the site. The RWQCB requests that a proposal and implementation time schedule be submitted for a subsurface investigation.

July 26, 1984
OH&S writes a letter to Exxon asking them to 1) submit a proposal to the RWQCB, and 2) enter into an agreement with King stating that Exxon will assume full liability and responsibility for remedying the contamination.

August 7, 1984
Exxon wrote to OH&S asking for a meeting with them prior to August 30, when Exxon has arranged a meeting with the RWQCB.

September 4, 1984
Exxon sent a letter to RWQCB thanking them for meeting and outlining the investigation Exxon will conduct to confirm the extent and nature of the suspected contamination.

December 12, 1984
Exxon submitted the Harding Lawson report dated December 3, 1984, regarding additional subsurface investigation at the site to the RWQCB and OH&S. The additional investigation included the installation of five 2" diameter ground water monitor wells (W-1, W-2, W-3, SW-1, and SW-2). Locations of these borings are given in Appendix B. Soil and ground water results are summarized on the next page.

Soil Results
(ug/kg)

Sample	Depth	B	T	E	X	Chloro-Benzene	Total Di-Chlorobenzene
W-1	0.5-1.0	<50	<50	<50	<50	<50	<50
W-1	3.5-4.0	<50	<50	<50	<50	<50	<50
W-2	4.0-4.5	<100	<100	<100	<100	<100	<100
SW-2	5.0-5.5	<200	<200	<200	<200	<200	<200

No TPH analysis

Ground Water Results
(ug/L)

Sample	B	T	E	X	Chloro-Benzene	Total Di-Chlorobenzene
W-1	<5	<5	<5	<5	<5	<10
W-2	<0.5	<0.5	<0.5	<0.5	<0.5	<0.5
W-3	<0.5	<0.5	<0.5	<0.5	<0.5	<0.5
SW-1	<0.5	<0.5	<0.5	<0.5	<0.5	<0.5
SW-2	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0

A water sample from W-1 and a soil sample from SW-2 were analyzed for EPA Methods 624 (purgeables) and 625 (base/neutrals, acids, pesticides) constituents. None of these constituents were detected in the ground water, however concentrations were detected in the soil. These results are summarized in Appendix B.

The geology beneath the site consists of a clay layer approximately 13 feet thick, underlain by a sand aquifer from 13 to 30 feet below grade. This overlies a confining clay layer at least 5 feet thick. Several private wells exist in the area.

Exxon concluded that there is no contamination which would require a surface or subsurface cleanup. Exxon communicates that it trusts the RWQCB and OH&S will come to the same conclusion. Exxon states that since the RWQCB often delays signing off on matters such as these and Exxon does not appear to have any liability in the case, it will put the burden of pursuing this matter with the RWQCB to its conclusion on King Petroleum.

January through March, 1985
Apparently, the RWQCB disagreed with Exxon's position and requested that additional investigation work be done. I have not found a copy of a letter from the RWQCB, however correspondence subsequent to this time period seems to indicate that additional work needed to be done by May 1, 1985.

June 6, 1985
Exxon forwarded the "Subsurface Investigation - Phase 2" report prepared by HLA dated June 4, 1985, to RWQCB and OH&S. The additional investigation work included constructing an additional monitoring well (W-4) and installing four shallow soil borings (SB-1 through SB-4). The locations of these borings are shown in Appendix C.

No TPH analysis.

Water samples collected from W-3, W-4, and SW-2 were analyzed for EPA 624 and 625 compounds. All samples reported non-detectable concentrations of these constituents. Soil

Question the soils analyzed: see boring log for SB-4 which indicate strong HC, soil sple from 5-5.5 ND for VOAs except for Meth... + Σ @ 6 ppb. 12 ppb

samples collected were analyzed for the same constituents. Only Toluene was detected in boring SB-1 at 15 feet below grade at a concentration of 15 ppb.

Exxon indicated they believe that the case can now be closed.

July 2, 1985
The RWQCB issued a letter from Roger James, Executive Officer, which indicates that they have reviewed the correspondence on this case and feel it should be closed. The RWQCB requested that the wells on-site be properly abandoned. HLA abandoned the wells shortly thereafter. – Not Correct.

September 25, 1989
Earth Metrics Inc. prepared "Review of Environmental Documents and Site Inspection of the King Petroleum Property in Alameda, California" dated September 25, 1989 for Mr. Clifford Mapes. The report was a review of past reports gathered on the site and was prepared to assist the potential buyer, Mapes, in making a decision to proceed with the purchase of the property. The report advised Mapes to continue approaching purchase and site development with due caution and prudence based on a review of historic environmental reports and current site conditions.

The report notes the presence of two on site buildings at the time of the report, one of which was utilized for automotive repair. Several drums were stored on-site in an unbermed, unpaved area. The drums were pending disposal according to Mr. King. A concrete lined sump, a waste oil receptacle, and some subsurface product lines were observed at the site.

January 26, 1990
The property was sold from King Petroleum to Clifford Mapes. Apparently $125,000 was to be held in escrow for cleanup of the site.

September 4, 1990
Kleinfelder prepared "Preliminary Remedial Investigation Report, Former King Petroleum Property" dated September 4, 1990, for Mr. Clifford Mapes and Mr. Richard King. Apparently, this report is some sort of a preliminary or draft version of the report below dated November 5, 1990.

November 5, 1990
Kleinfelder prepared "Preliminary Remedial Investigation Report, Former King Petroleum Property" dated November 5, 1990, for Mr. Clifford Mapes and Mr. Richard King. This investigation was initiated to evaluate the general soil and ground water quality across the site. The report indicates that 14 duet type houses were proposed for the the site.

Ten (10) trenches were excavated at the site to a depth of approximately 10 feet below grade and soil samples were collected at selected locations. The location of these trenches and soil results are shown in Appendix D. Results of soil analyses indicate that hydrocarbon contamination was widespread across the site, with TPH-G and benzene concentrations up to 8200 ppm and 2900 ppm, respectively.

spill tank?

The report indicated that all above ground structures were removed in the past 12 months. A 1,000 gallon underground storage tank was discovered in trench T-1 at approximately 3 feet below grade. The tank was full of a liquid which appeared to be water, but a sample was not collected for analysis.

UST for spills, one of two

April 2, 1991
Carrol, Burdick & McDonough (CB&M), representing Richard King and King Petroleum, Inc. as former owners of the subject property wrote a letter to Exxon asking if they will voluntarily accept

responsibility for the contamination discovered at the property. Letters were also sent to the Department of Health Services and the RWQCB notifying them of the work done above and indicating that they had contacted Exxon to ask for cooperation in conducting the investigation.

April 4, 1991
CB&M wrote a letter to Chevron indicating that petroleum contamination has been found at the property. Mr. King claimed that no bulk storage of petroleum products or discharges have occurred on the property during Mr. King's ownership. The letter indicates that Exxon has been put on notice of the contamination, but they will also look to Chevron to address and remediate the site.

May 28, 1991
CB&M wrote a letter to Exxon supplying them with additional information they requested. CB&M thought Exxon would have had this information from the prior claim regarding this site.

June 14, 1991
Exxon wrote a letter to CB&M stating that they feel they are not responsible for their client's claim. Exxon's position was based in part, but not exclusively, on the contractual provisions of the bill of sale between Exxon and King Petroleum executed on November 29, 1982.

June 18, 1991
CB&M writes to Exxon saying that the bill of sale referenced only personal property and does not affect the real property. CB&M continues to state that the bill of sale had been executed with the understanding that Exxon refused to sell the property with the facilities and tanks still in place. This was not the case as shown in the recent Kleinfelder report which documented the presence of a 1,000 gallon underground storage tank. CB&M continues that Exxon never asserted any defenses arising out of the bill of sale when Mr. King originally approached and sought Exxon's cooperation in remediating the property in the mid-1980's. Rather Exxon assumed full responsibility of the site investigation and remediation and should continue to do so now.

September 26, 1991
CB&M wrote a letter to Exxon reiterating their position and urging Exxon to step forward. CB&M states that they are willing to make one last informal effort to resolve the matter prior to resorting to legal action.

December 16, 1991
CB&M and Exxon met to discuss the site (CB&M letter 2/4/92). Apparently Exxon required four weeks to formulate a position on the case.

February 4, 1992
CB&M wrote to Exxon indicating that seven weeks have gone by with no response. CB&M indicates that a suit will be filed by February 7, 1992, if there is no response from Exxon. CB&M also included a copy of the Mangini v. Aerojet case which held that a company which causes toxic contamination of a property remains responsible to all subsequent owners of the property for removing that contamination under theories of continuing trespass and nuisance.

February 6, 1992
Exxon writes a letter to CB&M indicating that they feel they have complied with all applicable regulatory requirements for the sites and have fulfilled all legal obligations to King and Mapes.

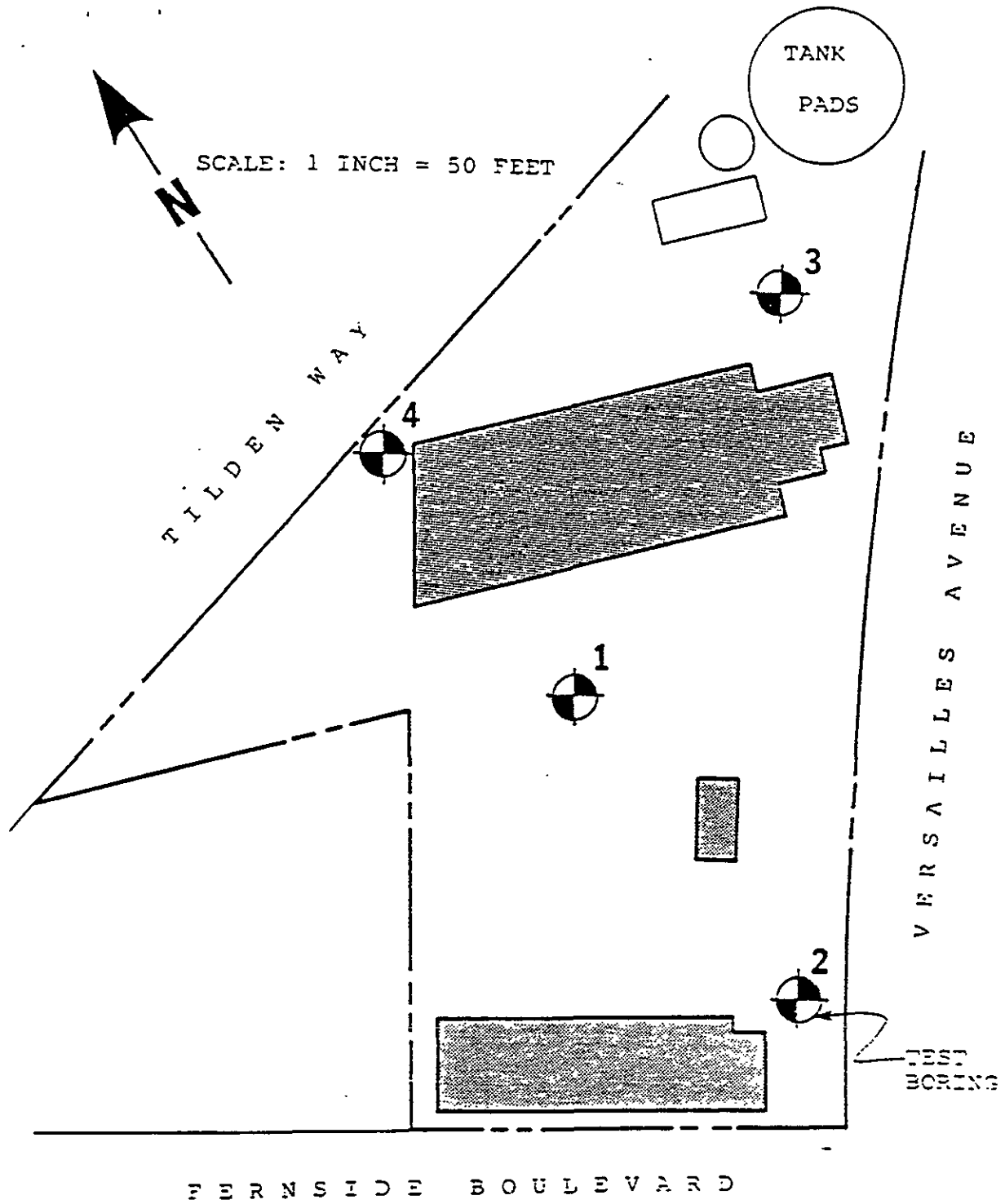
Exxon's position was based on the fact that neither the RWQCB nor any local agency had requested that further investigation or remediation be performed at the site. Furthermore, Exxon stated that there certainly has been no finding nor evidence that current conditions pose a health hazard to future occupants of the site.

April 16, 1992
A letter from the State Water Resources Control Board was sent to Clifford Mapes regarding his application to the underground storage tank cleanup fund program. His claim was denied on the grounds that there was no documentation submitted of an unauthorized release and there was no documentation submitted that the underground tanks were permitted.

July 31, 1992
Thomas & Porrazzo (T&P) file a claim against Standard Oil Company of California, Exxon Corporation, John Richard King and Molly King, King Petroleum, Inc., Harding Lawson Associates, Sunbelt Railroad, and DOES 2 through 50.

Numerous causes of action including negligence, trespass, strict liability, nuisance, and indemnity have been plead against Chevron. The damages sought against Chevron are not quantified, but it is clear that the plaintiff seeks to be made whole financially and further seeks a court directive mandating the clean-up of the site.

APPENDIX A



SITE PLAN MPS 00246

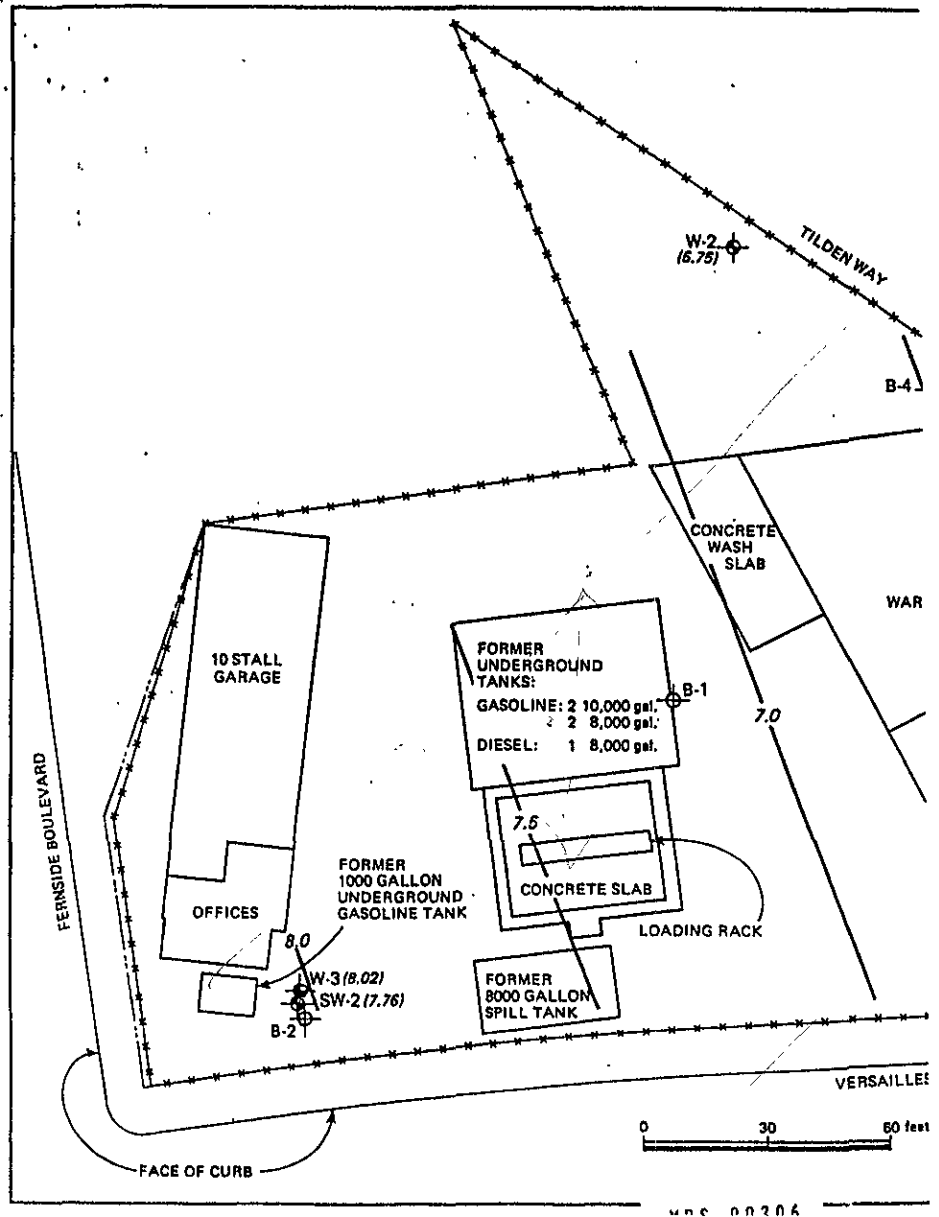
Subsurface Consultants

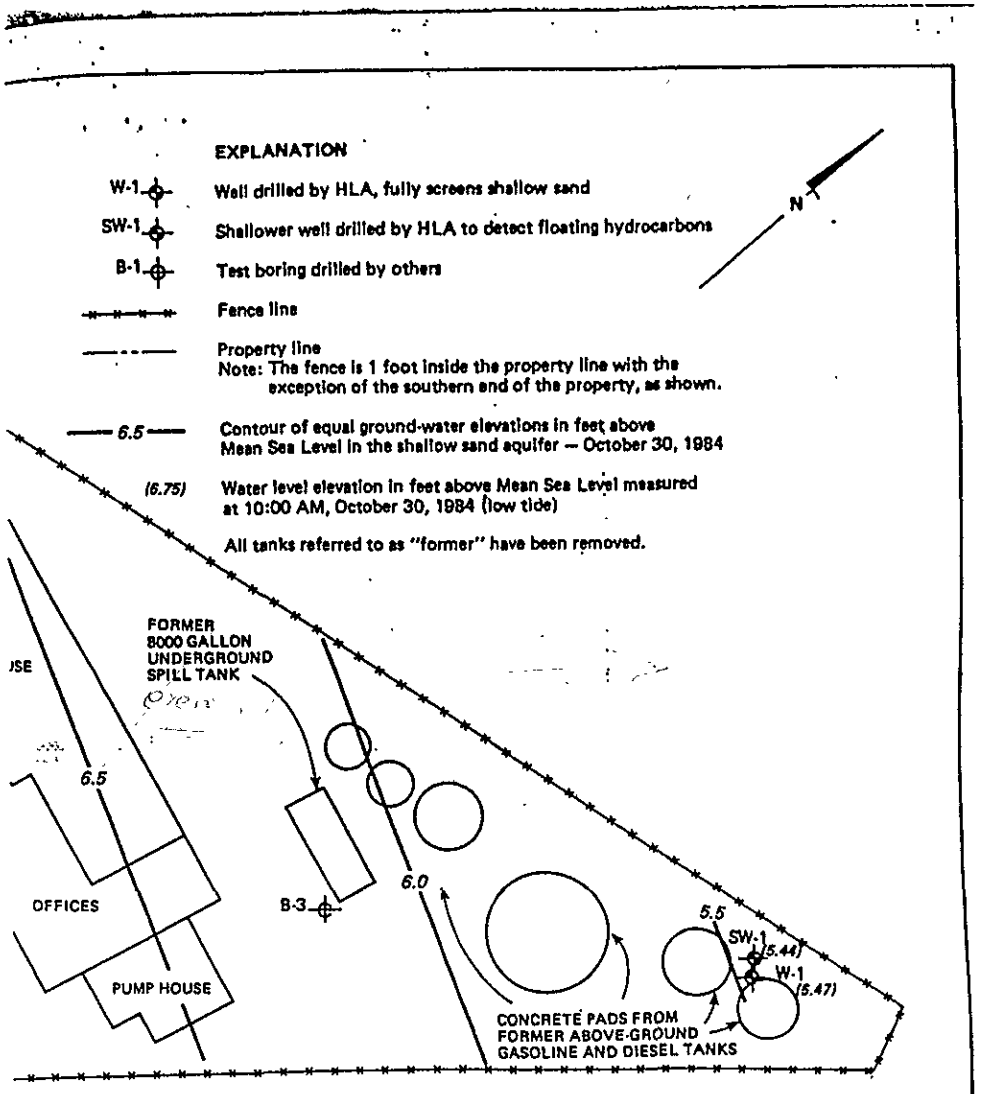
KING PETROLEUM FACILITY- ALAMEDA

JOB NUMBER	DATE	APPROVED
120.001	3/9/84	

PLATE 1

APPENDIX B





ENUE

Harding Lawson Associates
Engineers, Geologists & Geophysicists

Site Plan
King Petroleum
Alameda, California

MPS 00305

PLATE 2

DRAWN	JOB NUMBER	APPROVED	DATE	REVISED	DATE
ML	4167,076.12		10/84		

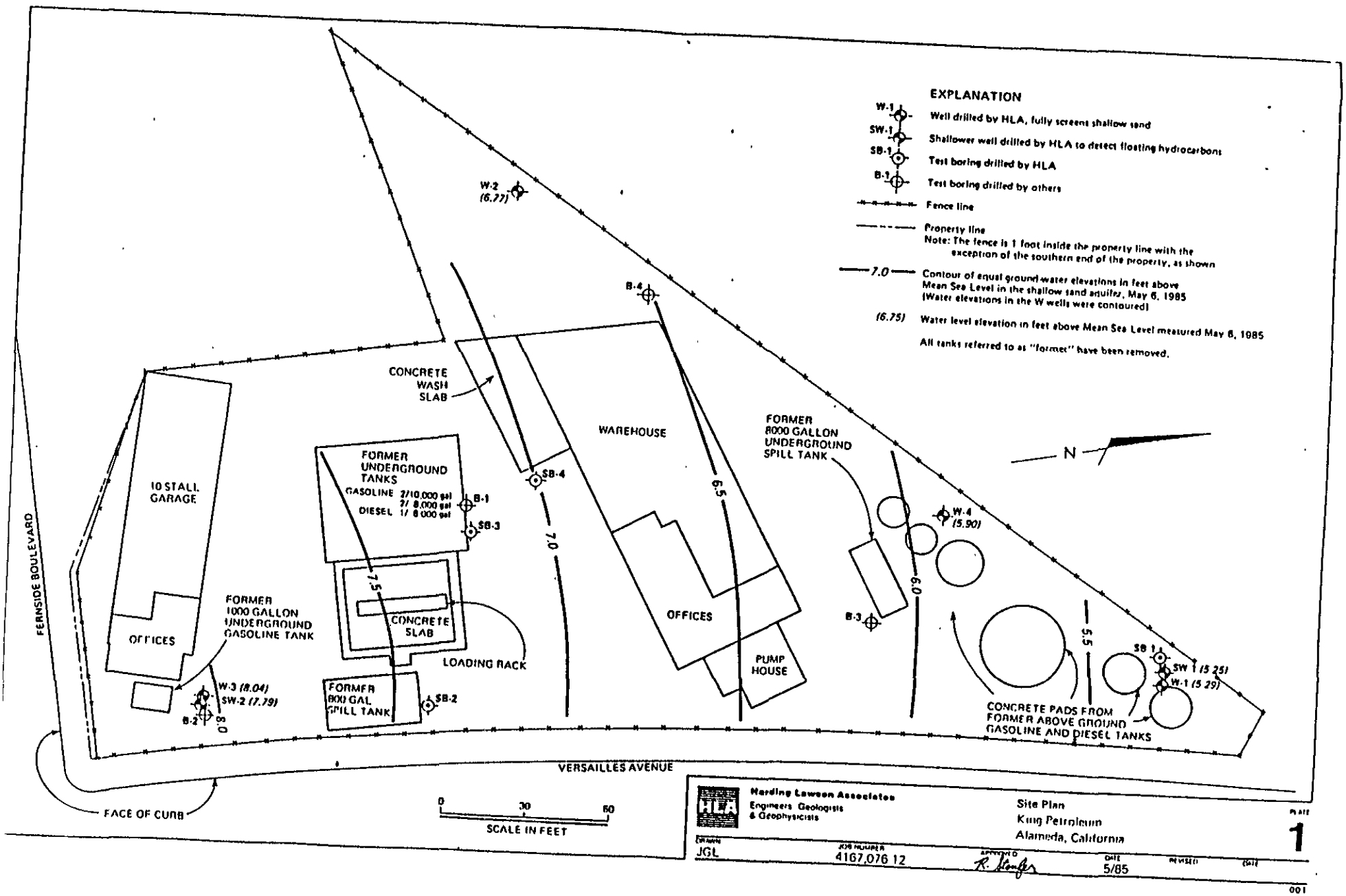
4167 076 0003

Table 2. Compounds Identified in Samples by GC/MS, EPA Methods 624 and 625

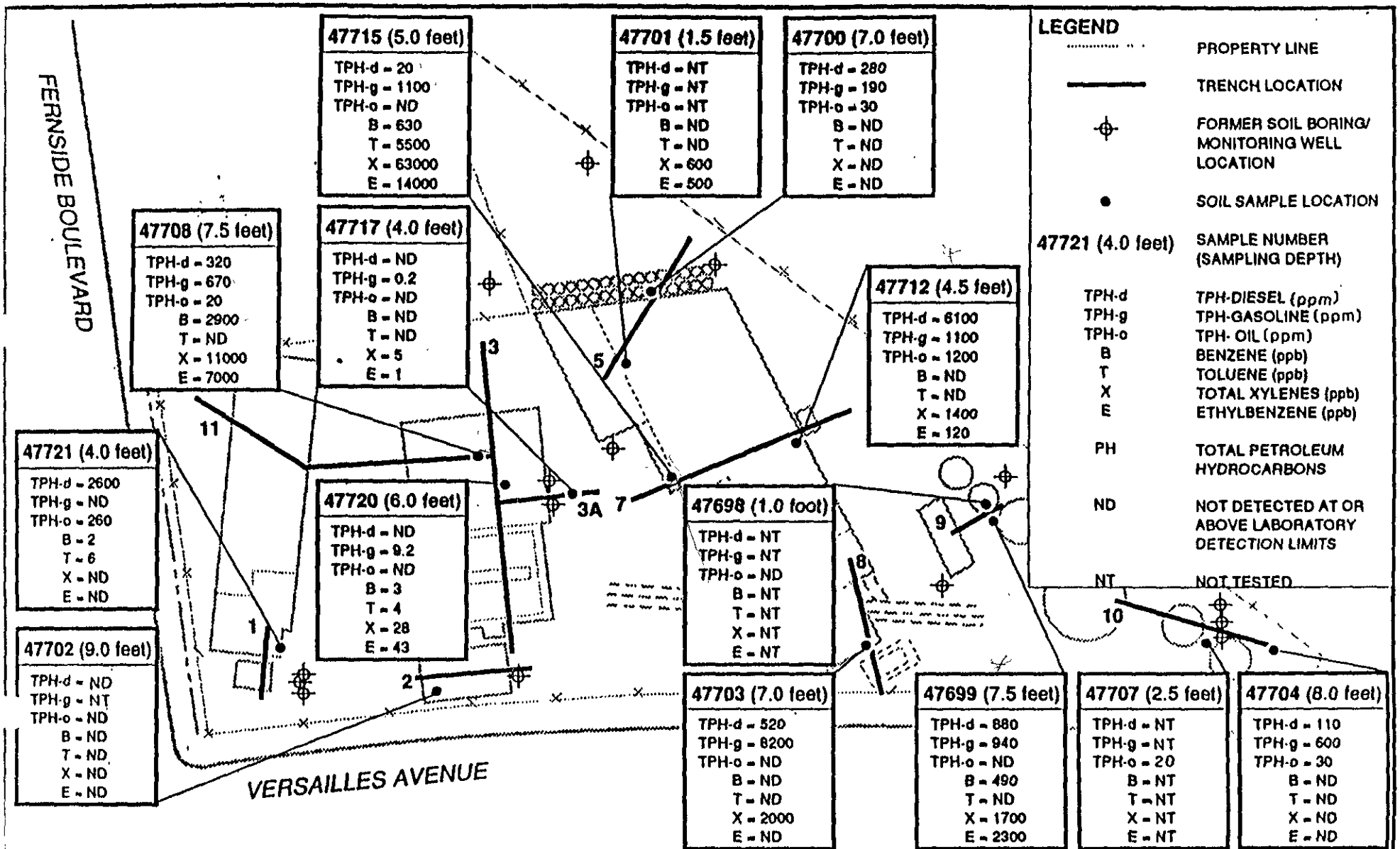
Sample	Sample Type	Depth (ft)	Compound Identified	Concentration (µg/kg)*
W-1	Water	NA	None	-
SW-2	Soil	5.0-5.5	Trimethyl cyclohexane	750
			Ethyl methyl cyclohexane	200
			Tetramethyl hexene	850
			Decahydromethyl naphthalene	7000
			Trimethyl octane	11,000
			Dimethyl naphthalene	13,000
			Heptadecane	20,000
			Dioctylester hexane dioicacid	86,000

* Approximately equivalent to parts per billion.

APPENDIX C


EXPLANATION
W-1
Well drilled by HLA, fully screens shallow sand
SW-1
Shallower well drilled by HLA to detect floating hydrocarbons
SB-1
Test boring drilled by HLA
B-1
Test boring drilled by others
Fence line
Property line
Note: The fence is 1 foot inside the property line with the exception of the southern end of the property, as shown
7.0
Contour of equal ground-water elevations in feet above Mean Sea Level in the shallow sand aquifer, May 6, 1985 (Water elevations in the W wells were contoured)
(6.75)
Water level elevation in feet above Mean Sea Level measured May 6, 1985
All tanks referred to as "former" have been removed.
W-2 (6.77)
B-4
CONCRETE WASH SLAB
WAREHOUSE
FORMER 8000 GALLON UNDERGROUND SPILL TANK
FORMER UNDERGROUND TANKS
GASOLINE 2/10,000 gal 2/ 8,000 gal
DIESEL 1/ 8,000 gal
B-1
SB-3
SB-4
10 STALL GARAGE
OFFICES
FORMER 1000 GALLON UNDERGROUND GASOLINE TANK
W-3 (8.04)
SW-2 (7.79)
B-2
8.0
7.5
7.0
6.5
6.0
5.5
CONCRETE SLAB
LOADING RACK
FORMER 800 GAL SPILL TANK
SB-2
OFFICES
PUMP HOUSE
W-4 (5.90)
B-3
SB 1
SW 1 (5.25)
W-1 (5.29)
CONCRETE PADS FROM FORMER ABOVE GROUND GASOLINE AND DIESEL TANKS
N
FERNSIDE BOULEVARD
VERSAILLES AVENUE
FACE OF CURB
0
30
60
SCALE IN FEET
Harding Lawson Associates
Engineers Geologists & Geophysicists
Site Plan
King Petroleum
Alameda, California
PLATE
1
DRAWN
JGL
JOB NUMBER
4167,076 12
APPROVED
DATE
5/85
REVISED
DATE

APPENDIX D



BASE MAP: Modified from Earth Metrics

KLEINFELDER

DRAFTED BY: L. Sue DATE: 8-21-90

CHECKED BY: L. Larsen DATE: 8-22-90

SAMPLING POINTS AND ANALYTICAL DATA

FORMER KING PETROLEUM PROPERTY
2001 VERSAILLES AVENUE
ALAMEDA, CALIFORNIA

PROJECT NO. 10-2156-01

PLATE 4