

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY



DAVID J. KEARS, Agency Director

RO#2467

November 19, 1996
STID 3615
page 1 of 2

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

Attn: Phil Briggs
Chevron USA
PO Box 5004
San Ramon CA 94583-0804

RE: Former Gulf Service Station #0006, 460 Grand Ave., Oakland CA 94610

Dear Mr. Briggs,

Since my last letter to Chevron, dated 6/6/95, the following documents have been received in this office:

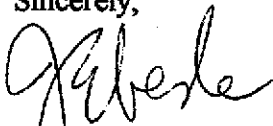
- 1) quarterly report, prepared by Gettler-Ryan, dated 4/27/95, under Chevron cover letter dated 5/24/95;
- 2) "Soil and Groundwater Investigation" report, prepared by Pacific Environmental Group, Inc., dated 8/3/95, under Chevron cover letter dated 8/7/95;
- 3) quarterly report, prepared by Gettler-Ryan, dated 7/14/95, under Chevron cover letter dated 8/16/95;
- 4) letter from Chevron dated 8/25/95, regarding future actions;
- 5) quarterly report, prepared by Gettler-Ryan, dated 10/27/95, under Chevron cover letter dated 12/19/95;
- 6) quarterly report, prepared by Gettler-Ryan, dated 1/16/96, under Chevron cover letter dated 2/13/96;
- 7) "Risk Evaluation--Soil and Groundwater," prepared by Chevron Research and Technology, dated 5/20/96, under Chevron cover letter dated 6/7/96;
- 8) "Amended Risk Evaluation," dated 9/27/96, sent via fax from Chevron Research and Technology Company; and
- 9) "Amended Risk Evaluation," dated 9/30/96, sent via fax from Chevron Research and Technology Company, under Chevron cover letter dated 10/2/96.

November 19, 1996
STID 3615
page 2 of 2
Attn: Phil Briggs
Chevron USA

The 9/30/96 Amended Risk Evaluation was prepared for the residential scenario. It concluded that the risk value was in the 10^{-5} range, for both the Conservative and Plausible scenarios. **This is an acceptable risk for commercial/industrial development of the site. Residential site development would be acceptable, providing that either 1) the development should include a 15' setback distance from Grand Ave., or 2) soil will be excavated within the 15' setback zone, soil samples are collected under the purview of this Agency, and laboratory analysis indicates the samples are either non-detect or within acceptable concentrations (as per additional calculations and another revised Risk Evaluation).**

A Case Closure Summary will be prepared for this site. After it is signed off by this Agency and the RWQCB, you will be contacted and asked to properly abandon the monitoring wells. Please notify Ms. Eberle 2 business days ahead of well abandonment. After the wells are abandoned, a brief letter report should be submitted. At that point, you will receive a Remedial Action Completion Certification, aka final case closure letter, signed by the Director of this Department. If you have questions, you may contact Ms. Eberle directly at 510-567-6761 or Ms. Logan directly at 510-567-6764.

Sincerely,



Jennifer Eberle
Hazardous Materials Specialist



Madhulla Logan
Hazardous Materials Specialist

cc: Falaschi Brothers c/o Jack Gibson, Adams, Gibson, & MacPhee, attorneys, 160 Sansome St., Suite 1200, San Francisco CA 94104
Jon Robbins, attorney, Chevron USA, 6001 Bollinger Canyon Rd., San Ramon CA 94583-0944
Gil Jensen, Alameda County District Attorney
Curt Peck, Chevron Research and Technology Company, PO Box 4054, Richmond CA 94804-0054
J. Eberle/file

je.3615-D

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY

DAVID J. KEARS, Agency Director



✓ R02467 (euc)
R0839 (LOP)

RAFAT A. SHAHID, ASST. AGENCY DIRECTOR

November 4, 1993

STID 3615

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

Falaschi Brothers
c/o Jack Gibson
Adams, Gibson, & MacPhee, attorneys
22 Battery St., 10th Floor
San Francisco CA 94111

Jon Robbins, attorney
Chevron USA
6001 Bollinger Canyon Rd.
San Ramon CA 94583-0944

RE: Former Service Station
460 Grand Ave.
Oakland CA 94610

Dear Mr. Gibson and Mr. Robbins,

We are in receipt of a cover letter from Mark Miller of Chevron dated 10/27/93, and a workplan prepared by Pacific Environmental Group, Inc. (PEG) dated 10/27/93, for the above referenced site. We are also in receipt of a one-page addendum from Mark Miller, dated 11/2/93.

This workplan and addendum are found acceptable. I understand that Chevron is currently negotiating a contract with a demolition company. After building demolition, field work will take approximately 3 to 4 weeks. A report will be submitted to this office 6 weeks after completion of field work, as per the schedule in the workplan.

Please notify me at least 2 business days in advance of field activities so that I may arrange to be onsite.

Sincerely,

Jennifer Eberle
Hazardous Materials Specialist

cc: Mark Miller, Chevron USA, PO Box 5004, San Ramon CA
94583-0804
Gil Jensen, Alameda County District Attorney
Steven Krcik, Pacific Environmental Group, 2025 Gateway
Place, suite 440, San Jose CA 95110
Ed Howell/file

je

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY

DAVID J. KEARS, Agency Director



✓ R02467

R0839

RAFAT A. SHAHID, ASST. AGENCY DIRECTOR

July 29, 1993
STID 3615

Mark Miller
Chevron USA
PO Box 5004
San Ramon CA 94583-0804

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

RE: Former Service Station
460 Grand Ave.
Oakland CA 94610

Dear Mr. Miller,

I am enclosing copies of the latest groundwater sampling results for the former Texaco station at 500 Grand Ave. This information was requested by Mr. Falaschi during the Pre-Enforcement Review Panel held on 7/27/93. As you can see, the groundwater flow direction is east-southeast, which places the site down- or cross-gradient from 460 Grand Ave. If you have any questions, please contact me at 510-271-4530.

Sincerely,

Jennifer Eberle
Hazardous Materials Specialist

cc: Falaschi Brothers, c/o Jack Gibson, Adams, Gibson, &
MacPhee, 22 Battery St., 10th Floor, San Francisco CA
94111
Jon Robbins, Chevron USA, 6001 Bollinger Canyon Rd.
San Ramon CA 94583-0944
Ed Howell/file

je

**Alameda County Health Care Services Agency, Department of
Environmental Health, Hazardous Materials Division**

In Re The Property Known As :) Notice of
Pre-Enforcement
Review Panel

Former Service Station
460 Grand Ave. Oakland, CA 94610)

Notice is hereby given that upon the motion of the Alameda County Hazardous Materials Division, and the San Francisco Bay Regional Water Quality Control Board a Review Panel will convene on July 27, 1993 at 10:00 a.m. in the offices of the Alameda County Hazardous Materials Division located at 80 Swan Way, Room 200, Oakland, CA 94621. This Review Panel will convene for the purpose of determining responsible parties as well as appropriate closure, site assessment, clean-up and mitigation of contamination at the above location.

The Alameda County Hazardous Materials Division, and the San Francisco Bay Regional Water Quality Control Board have named and served notice of this Review Panel on the following persons or entities as having proposed responsibility for closure, site assessment, clean-up and mitigation of contamination at the above location, and by this notice all parties named herein are informed of the right to appear and show cause, if any they have, for the exclusion or inclusion of any of the parties served herein from said responsibility or obligations:

1. Jon Robbins, Esq.
Chevron USA Inc.
6001 Bollinger Canyon Road
San Ramon CA 94583-0944
2. The Falaschi Brothers
c/o Jack Gibson, Esq.
Adams, Gibson and MacPhee
100 Pine St., 21st Floor
San Francisco CA 94111
3. The Falaschi Brothers
c/o Peter Brewer, Esq.
1960 The Alameda
San Jose CA 95126

Dated: July 13, 1993

Tom Peacock by J. Gerberle
(signature)

Alameda County Health Care Services Agency, Department of
Environmental Health, Hazardous Materials Division

In Re The Property Known As :)

Proof of Service of

Former Service Station)
460 Grand Ave, Oakland 94610)

Notice of
Pre-Enforcement
Review Panel

I Tim Spates, do hereby certify
that I served The Falaschi Brothers c/o Peter Brewer
with a copy of the attached Notice of Pre-Enforcement Review
Panel on July 14, 1993 by certified
mailer # P 418 724 611

Dated: 7/14/93

Timothy Spates
(signature)

**Alameda County Health Care Services Agency, Department of
Environmental Health, Hazardous Materials Division**

In Re The Property Known As :)
|

**Notice of
Pre-Enforcement
Review Panel**

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460 Grand Ave. Oakland, CA 94610)

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1. **Jon Robbins, Esq.**
Chevron USA Inc.
6001 Bollinger Canyon Road
San Ramon CA 94583-0944
2. **The Falaschi Brothers**
c/o Jack Gibson, Esq.
Adams, Gibson and MacPhee
100 Pine St., 21st Floor
San Francisco CA 94111
3. **The Falaschi Brothers**
c/o Peter Brewer, Esq.
1960 The Alameda
San Jose CA 95126

Dated: July 13, 1993

Tom Peacock by J. Berle
(signature)

**Alameda County Health Care Services Agency, Department of
Environmental Health, Hazardous Materials Division**

In Re The Property Known As :) **Notice of
Pre-Enforcement
Review Panel**

Former Service Station
460 Grand Ave. Oakland, CA 94610)

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1. **Jon Robbins, Esq.**
Chevron USA Inc.
6001 Bollinger Canyon Road
San Ramon CA 94583-0944
2. **The Falaschi Brothers**
c/o Jack Gibson, Esq.
Adams, Gibson and MacPhee
100 Pine St., 21st Floor
San Francisco CA 94111
3. **The Falaschi Brothers**
c/o Peter Brewer, Esq.
1960 The Alameda
San Jose CA 95126

Dated: July 13, 1993

Tom Peacock by J. Berke
(signature)

Alameda County Health Care Services Agency, Department of
Environmental Health, Hazardous Materials Division

In Re The Property Known As :)

Proof of Service of

Former Service Station)
460 Grand Ave, Oakland 94610)

Notice of
Pre-Enforcement
Review Panel

I Tim Spates, do hereby certify
that I served The Falaschi Brothers c/o Jack Gibson
with a copy of the attached Notice of Pre-Enforcement Review
Panel on July 14, 1993 by certified
mailer # P 418 724 612

Dated: 7/14/93

Timothy Spates
(signature)

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



SITE: 460 Grand Ave.

R02467

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

August 23, 1991

J. Jeffrey Mojcher, Esq.
Counsel, Law Department
Chevron U.S.A. Inc.
P.O. Box 5044
San Ramon, Ca 94583-0944

Re: Former Gulf Station #0006
Grand Ave. and Bellevue
Oakland, Ca

Dear Mr. Mojcher:

In November, 1990, abandoned underground tanks were removed at 460 Grand Ave., Oakland, Ca. At tank removal, substantial site contamination was observed. It appears likely that groundwater has been impacted.

This site was owned and operated by Gulf Oil Co. from 1961-1978.

The current owners have represented to this office that they never operated the underground tanks since acquiring the property in 1978.

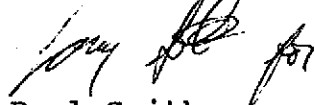
This office is considering whether a Health and Safety Code section 25299.37 order shall be issued and whether parties in addition to the current property owner shall be named in any such order. Water Code section 13304 permits the inclusion of parties who caused the pollution.

Prior to making our decision on whether an order shall issue naming Chevron a responsible party, this office would be interested in reviewing your written analysis of the responsible party issue. In structuring your reply, please be advised in In Re Stuart Petroleum, WQ86-15, the Board wrote, "It is not the province of this Board to assign rights and duties between various third parties based on their mutual contractual obligations. Those issues must be decided elsewhere." Accordingly, we suggest your analysis should focus on the responsible party issue and not the collateral third party issue that a release was signed at the time of sale.

Page 2 of 2

Thank you for your prompt attention to this inquiry by September 10, 1991.

Very truly yours,



Paul Smith
Hazardous Materials Specialist

PS:lp

cc: Mark N. Thomson, Alameda County District Attorney's Office
Charlene Mitchell, Esq.

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



✓ R02467 (SLC)
R0839 (LOP)

July 1, 1991

Charlene P. Mitchell, Esq.
Adams, Sadler and Hovis
100 Pine Street, 21st Floor
San Francisco, CA 94111

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

**Re: Site Assessment & Site Remediation at 460 Grand Ave.,
Oakland**

Dear Ms. Mitchell:

I am in receipt of your June 14, 1991 letter with enclosed work plan and am in the process of review of the work plan. I shall be contacting Mr. Falaschi with regard to its contents within the next couple of weeks.

You have argued that other parties may have some responsibility for site assessment and clean up. In that regard, you are requested to provide the following information:

- 1) A copy of the 1978 property sale contract when title passed from Gulf to your client.
- 2) All correspondence between your office and Chevron (or Gulf) and their response. Contrary to denying you "due process" as you asserted in our telephone conversation, such correspondence will undoubtedly contain facts and legal positions useful to me as I consider your argument.
- 3) A copy of any complaint filed by your client against Chevron (or Gulf).

As you know, this office has determined that site assessment and clean up is the responsibility of the current and long time tank and property owner (see Health and Safety Code sections 25298 and 25299). The decision by this office to write Chevron was premature and is being reconsidered. Obviously, nothing this office does should stop your client from pursuing remedies he may have against other parties. Because I do not believe my request for information to be unreasonable, I am hopeful you will promptly supply me the requested materials.

Sincerely,

Paul M. Smith

Paul M. Smith
Hazardous Materials Specialist

cc:

Mark Thomson, Deputy District Attorney, Alameda County District Attorneys Office, Consumer and Environmental Division

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



✓ R02467 (SUC)
R0839 (LOP)

May 16, 1991

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

Mr. Joseph A. Adams
Adams, Sadler & Hovis
100 Pine St., 21st Fl.
San Francisco, CA 94111

Re: **Work plan for subsurface investigation, 460 Grand Ave.,
Oakland**

Dear Mr. Adams:

The Alameda County Department of Environmental Health, Hazardous Materials Division has reviewed the work plan for the 460 Grand Ave. site. We concur with Treadwell & Rollo's approach for investigating groundwater contamination at the site, with the following conditions:

1. The slotted interval for all monitoring wells should extend at least 5 feet above the groundwater surface, rather than the 1 foot indicated in the work plan. A 5-foot interval is consistent with RWQCB standard protocol.
2. Quarterly sampling of all monitoring wells will be required. This is also standard procedure for the Water Board. The work plan suggests that groundwater sampling would be a one-time event.
3. If any or all of the wells contain hydrocarbons, additional monitoring wells may be required. If there is any contamination, plume limits will need to be defined.

With regard to documented soil contamination still in the ground, there is no mention in the work plan of how it will be characterized and remediated. This is particularly important around the former waste oil tank pit, as well as in the vicinity of piping and dispenser areas. Please refer to the attachment to our letter dated February 25, 1991, which describes the initial assessment requirements for both groundwater and soil.

Finally, the work plan indicates that eight soil samples will be taken from the soil now stockpiled at the site. This is inadequate coverage for the existing volume of soil. According to the closure report prepared by Treadwell, there is approximately 300 cubic yards of soil on the ground. Proper sampling for soil characterization dictates that the pile(s) be divided into 50-yard segments, with four discrete samples being taken from each segment. For each segment, the four discrettes can then be composited for laboratory analysis. Assuming a 300-yard volume, then, 24 discrete samples should be

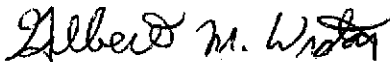
Mr. Joseph Adams
May 16, 1991
Page 2 of 2

collected and six analyses performed. Of course, should the size of the pile(s) increase with additional excavation, this formula will need to be adjusted accordingly.

Based on the discussion in this letter, please submit a revised work plan to this office, by **June 14, 1991**. Copies of the proposal should also be sent to the RWQCB (attention: Lester Feldman). Because we are overseeing this site under the designated authority of the Water Board, this letter constitutes a formal request for technical reports, per Sec. 13267(b) of the California Water Code. Failure to respond in a timely manner could result in civil liabilities under the Water Code of up to \$1,000 per day. Other violations of California law may also be cited.

If you have any questions about this letter, please contact the undersigned at 271-4320.

Sincerely,



Gil Wistar
Hazardous Materials Specialist

cc: Jon Rosso, Treadwell & Rollo (353 Sacramento St., Suite 800, San Francisco, CA 94111)
Howard Hatayama, DOHS
Lester Feldman, San Francisco Bay RWQCB
Gil Jensen, District Attorney, Alameda County Consumer and Environmental Protection Division
Rafat Shahid, Asst. Agency Director, Environmental Health files

