

**Chan, Barney, Env. Health**

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**From:** Bryan campbell [BCampbell@eticeng.com]  
**Sent:** Wednesday, April 25, 2007 3:32 PM  
**To:** Chan, Barney, Env. Health  
**Cc:** pmcintyre@aeiconsultants.com; Christa Marting; Deborah Hensley; Erik Appel; Yuko Mamiya; jennifer.c.sedlachek@exxonmobil.com; Ken Phares  
**Subject:** 7-4121: 10605 Foothill Blvd, Oakland, California

Barney,

Per our recent conversation we are requesting an extension of the report stated in your 11/8/06 letter from May 1 to May 31. We have been working to resolve the issues with the installation of the proposed offsite well per the requirements of encroachment with the City of Oakland and to collect vapor samples from the newly installed shallow vapor wells. The vapor wells have contained only water during our multiple sampling attempts. The agreement for the offsite well is currently under review by our client.

This extension will allow us one final attempt to collect the vapor samples using some new equipment and to have the vapor samples analyzed and included as part of this report. Per our conversation the submission of the report will include the results of all completed investigation activities to date even if the vapor samples cannot be collected or the offsite well installed by that time. The report will also include a corrective action plan portion.

I certainly appreciate your understanding. Please let me know if you have any questions. Thank you.

Bryan Campbell, P.G.  
ETIC Engineering, Inc.  
2285 Morello Avenue, Pleasant Hill, CA 94523  
Phone: 925-602-4710 ext. 24, Fax: 925-602-4720  
Cell: 925-250-5256, bcampbell@eticeng.com

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



7

November 8, 2006

Ms. Jennifer Sadlachek  
ExxonMobil  
4096 Piedmont Ave., #194  
Oakland, CA 94611

Mr. Ken Phares  
MacArthur Blvd. Associates  
10700 MacArthur Blvd.  
Oakland, CA 94605

ENVIRONMENTAL HEALTH SERVICES  
ENVIRONMENTAL PROTECTION  
1131 Harbor Bay Parkway, Suite 250  
Alameda, CA 94502-6577

(510) 567-6700  
FAX (510) 537-9335

Dear Ms. Sadlachek and Mr. Phares:

Subject: Fuel Leak Case [REDACTED] Exxon #7-4121, 10605 Foothill Blvd.,  
Oakland, CA 94605

Alameda County Environmental Health staff has reviewed the case file for the subject site including the October 27, 2006 Additional Risk Assessment and Well Installation Work Plan Former Exxon Retail Site 7-4121 10605 Foothill Boulevard Oakland, California prepared by ETIC Engineering. This report proposes additional soil vapor sampling and monitoring well installation subsequent to the findings of your April and May 2006 investigation. We generally concur with the work plan, however, we have the following technical comments and request you submit the technical report requested below.

#### TECHNICAL COMMENTS

1. **Monitoring Well Installation-** We request that an additional monitoring well be installed between SB2 and SB18. This area appears to be impacted from releases from the former USTs and can be used to monitor the effects of remediation and estimate potential impact to the neighboring residences. We believe that on-site remediation alternatives should be considered to reduce the residual groundwater petroleum source and look forward to your CAP to be included in your investigation report.
2. **Soil Vapor Sampling-** Five additional vapor wells are proposed near the west property boundary near adjacent residential buildings, where there is a lack of soil vapor data. Generally, the presence of shallow (<10' depth) soil contamination or permeable pathways are associated with soil vapor contamination, however, these conditions are not present at this site. Therefore, source of the elevated TPHg and benzene in soil vapor is currently unexplained. We look forward your Site Conceptual Model, which might explain these conditions. In the event that elevated soil vapor samples are detected in these vapor wells, a survey of the neighboring homes should be proposed to identify the presence of basements and type of construction of the building foundation.

#### TECHNICAL REPORT REQUEST

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

- January 30, 2007- Soil Vapor and Monitoring Well Installation Report.

This report is being requested pursuant to California Health and Safety Code Section 25296.10. Title 23, CCR Sections 2652 through 2654, and 2721 through 2728 outline the responsibilities of a responsible party in response to an unauthorized release from petroleum UST system, and require your compliance with this request.

#### ELECTRONIC SUBMITTAL OF REPORTS

ACEH's Environmental Cleanup Oversight Programs (LOP and SLIC) now request submission of reports in electronic form. The electronic copy is intended to replace the need for a paper copy and is expected to be used for all public information requests, regulatory review, and compliance/enforcement activities. Submission of reports to the Alameda County FTP site is an addition to existing requirements for electronic submittal of information to the State Water Resources Control Board (SWRCB) Geotracker website. In September 2004, the SWRCB adopted regulations that require electronic submittal of information for groundwater cleanup programs. For several years, responsible parties for cleanup of leaks from underground storage tanks (USTs) have been required to submit groundwater analytical data, surveyed locations of monitoring wells, and other data to the Geotracker database over the Internet. Beginning July 1, 2005, electronic submittal of a complete copy of all reports is required in Geotracker (in PDF format). Please visit the State Water Resources Control Board, ([http://www.swrcb.ca.gov/ust/cleanup/electronic\\_reporting](http://www.swrcb.ca.gov/ust/cleanup/electronic_reporting)) for more information on these requirements.

#### PERJURY STATEMENT

All work plans, technical reports, or technical documents submitted to ACEH must be accompanied by a cover letter from the responsible party that states, at a minimum, the following:

"I declare, under penalty of perjury, that the information and/or recommendations contained in the attached document or report is true and correct to the best of my knowledge." This letter must be signed by an officer or legally authorized representative of your company. Please include a cover letter satisfying these requirements with all future reports and technical documents submitted for this fuel leak case.

#### PROFESSIONAL CERTIFICATION & CONCLUSIONS/RECOMMENDATIONS

The California Business and Professions Code (Sections 6735, 6835, and 7835.1) requires that work plans and technical or implementation reports containing geologic or engineering evaluations and/or judgments be performed under the direction of an appropriately registered or certified professional. For your submittal to be considered a valid technical report, you are to present site specific data, data interpretations, and recommendations prepared by an appropriately licensed professional and include the professional registration stamp, signature, and statement of professional certification.

Ms. Sadlachek & Mr. Phares  
RO0002635  
November 8, 2006  
Page 3 of 3

Please ensure all that all technical reports submitted for this fuel leak case meet this requirement.

UNDERGROUND STORAGE TANK CLEANUP FUND

Please note that delays in investigation, later reports, or enforcement actions may result in your becoming ineligible to receive grant money from the state's Underground Storage Tank Cleanup Fund (Senate Bill 2004) to reimburse you for the cost of cleanup.

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

Sincerely,



Barney M. Chan  
Hazardous Materials Specialist

C: files, D. Drogos

Ms. Sherris Prall, ETIC Engineering, 2285 Morello Ave., Pleasant Hill, CA 94523

11\_8\_06 10605 Foothill Blvd

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



7

September 25, 2006

Ms. Jennifer Sadlachek  
ExxonMobil  
4096 Piedmont Ave., #194  
Oakland, CA 94611

Mr. Ken Phares  
MacArthur Blvd. Associates  
10700 MacArthur Blvd.  
Oakland, CA 94605

ENVIRONMENTAL HEALTH SERVICES

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

Dear Ms. Sadlachek and Mr. Phares:

Subject: Fuel Leak Case R0 [REDACTED] Exxon #7-4121, 10605 Foothill Blvd.,  
Oakland, CA 94605

Alameda County Environmental Health staff has received and reviewed the July 2006, Subsurface Investigation and Risk Assessment Report, prepared by ETIC Engineering. This report provides the results of soil, groundwater and soil vapor sampling collected at the site and also provides results of a conduit/receptor survey, well search and human health risk assessment. We have the following technical comments and request you submit the technical report requested below.

TECHNICAL COMMENTS

1. Well Search- Based upon the results of the well survey presented it appears that only one of the five wells identified would be down-gradient of this site. Because this well is approximately 1640 feet from the site, our office concurs that it is not likely being impacted by the release from this site.
2. Conduit/Receptor Survey- Based upon the information on the anticipated depth to electric and gas lines, storm and sanitary sewer lines and water lines and the general depth to groundwater at this site, these utilities would not be expected to be encountered by the fuel release.
3. Contaminant Source Characterization- Soil contamination appears to be limited to the immediate vicinity of the former UST pit and vary in depths from 10-20' bgs. Groundwater contamination appears more widespread. It is found within and down-gradient of the former tank pit and also near the former dispenser islands. The recent groundwater samples detected up to 60,600 ppb TPHg, 26,000 ppb TPHd, and 3240, 1400, 4690, 11,100 ppb, BTEX, respectively and represent a continual source of groundwater contamination. These results indicate an undefined plume, which has likely migrated off-site beneath adjacent properties. MTBE was reported in only the samples along the 106<sup>th</sup> Ave. property boundary indicating either an off-site source impacting the site or plume migration from the site. Given the absence of MTBE in soil and groundwater samples on-site, the site is not likely a source of this contaminant. Off-site plume delineation appears necessary before the site closure can be considered. In addition, on site well installation will be required to monitor current groundwater concentrations and measure the affect of on-site remediation. We believe that

on-site remediation alternatives should be considered to reduce the residual groundwater petroleum source, regardless of current or future soil vapor results. Please provide a work plan as requested below.

4. Soil Vapor Sampling- Results from soil vapor samples in the vicinity and down-gradient of the former UST pit indicate elevated TPHg in gas samples collected from 5.5-10' bgs. The risk assessment performed using these soil vapor results indicates a carcinogenic health risk of 1.8-3E-6 for commercial and residential exposure, respectively and a non-carcinogenic hazard index of 53 and 38 for residential and commercial exposure, respectively. Additional soil vapor sampling is recommended since vapor sampling occurred at varying depths and at some locations samples were not able to be collected. We are not against taking additional soil vapor samples, however, as stated, we recommend remedial alternatives be considered for the former UST pit, at a minimum, in addition to additional sampling.

#### TECHNICAL REPORT REQUEST

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

- October 30, 2006- Work plan for well installation, plume delineation, and feasibility study of remedial alternatives.

This report is being requested pursuant to California Health and Safety Code Section 25296.10. Title 23, CCR Sections 2652 through 2654, and 2721 through 2728 outline the responsibilities of a responsible party in response to an unauthorized release from petroleum UST system, and require your compliance with this request.

#### ELECTRONIC SUBMITTAL OF REPORTS

ACEH's Environmental Cleanup Oversight Programs (LOP and SLIC) now request submission of reports in electronic form. The electronic copy is intended to replace the need for a paper copy and is expected to be used for all public information requests, regulatory review, and compliance/enforcement activities. Submission of reports to the Alameda County FTP site is an addition to existing requirements for electronic submittal of information to the State Water Resources Control Board (SWRCB) Geotracker website. In September 2004, the SWRCB adopted regulations that require electronic submittal of information for groundwater cleanup programs. For several years, responsible parties for cleanup of leaks from underground storage tanks (USTs) have been required to submit groundwater analytical data, surveyed locations of monitoring wells, and other data to the Geotracker database over the Internet. Beginning July 1, 2005, electronic submittal of a complete copy of all reports is required in Geotracker (in PDF format). Please visit the State Water Resources Control Board, ([http://www.swrcb.ca.gov/ust/cleanup/electronic reporting](http://www.swrcb.ca.gov/ust/cleanup/electronic_reporting)) for more information on these requirements.

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"I declare, under penalty of perjury, that the information and/or recommendations contained in the attached document or report is true and correct to the best of my knowledge." This letter must be signed by an officer or legally authorized representative of your company. Please include a cover letter satisfying these requirements with all future reports and technical documents submitted for this fuel leak case.

PROFESSIONAL CERTIFICATION & CONCLUSIONS/RECOMMENDATIONS

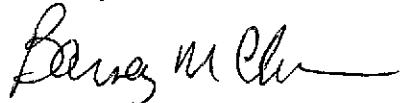
The California Business and Professions Code (Sections 6735, 6835, and 7835.1) requires that work plans and technical or implementation reports containing geologic or engineering evaluations and/or judgments be performed under the direction of an appropriately registered or certified professional. For your submittal to be considered a valid technical report, you are to present site specific data, data interpretations, and recommendations prepared by an appropriately licensed professional and include the professional registration stamp, signature, and statement of professional certification. Please ensure all that all technical reports submitted for this fuel leak case meet this requirement.

UNDERGROUND STORAGE TANK CLEANUP FUND

Please note that delays in investigation, later reports, or enforcement actions may result in your becoming ineligible to receive grant money from the state's Underground Storage Tank Cleanup Fund (Senate Bill 2004) to reimburse you for the cost of cleanup.

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

Sincerely,



Barney M. Chan  
Hazardous Materials Specialist

C: files, D. Drogos  
Ms. Sherris Prall, ETIC Engineering, 2285 Morello Ave., Pleasant Hill, CA 94523

## Chan, Barney, Env. Health

---

To: Sherris Prall  
Subject: RE: 10605 Foothill Blvd, Oakland, CA Former Exxon RS 7-4121

Sherris:  
I concur with the proposed additions and changes to the prior work plan.

Sincerely,

Barney Chan  
510-567-6765

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

From: Sherris Prall [mailto:SPrall@eticeng.com]  
Sent: Friday, March 17, 2006 12:30 PM  
To: Chan, Barney, Env. Health  
Cc: Bryan campbell; Christa Marting; Tracy Iob; gene.n.ortega@exxonmobil.com  
Subject: 10605 Foothill Blvd, Oakland, CA Former Exxon RS 7-4121

Barney,

As I mentioned to you on the phone, ETIC Engineering plans to drill at this site in mid-April. After reviewing the scope of work, we would like to add the following:

- soil vapor point 10, located in the former tank backfill area, samples at 5' and 10'
- SB-14-SB-21 - soil samples at 2.5' and analyze for porosity and moisture content

Please refer to the attached site map and summary of scope of work. We have also re-considered getting a borehole clearance variance from ExxonMobil. Instead of not clearing, we propose to use a vac-rig to clear to 2.5', collect a soil sample with the slide hammer, continue to clear to 4', then backfill with bentonite. The SB-21 boring will be cleared to 8' as will any other borings that are located near known utilities. The direct-push drilling rig will push through the bentonite-filled holes to collect soil vapor at 5', and in the case of soil vapor points 3 and 10, a second soil vapor sample will be collected at 10'. We anticipate that this work will address all risk-based decisions regarding this site.

We are currently evaluating the need for both onsite and offsite laboratories. An offsite lab may not be necessary, except for one or two confirmation samples if the detection limits of the onsite lab are low enough to meet our needs for risk assessment.

Thank you for your continued oversight and attention to this project. Let me know if you agree with these proposed additions and changes to the approved scope of work. Please call me if you have any questions.

Sincerely,  
Sherris Prall  
Project Manager

Sherris Prall  
ETIC Engineering, Inc.  
2285 Morello Avenue  
Pleasant Hill, CA 94523  
Tel: 925-602-4710, Ext. 20  
FAX: 925-602-4720  
sprall@eticeng.com



**Chan, Barney, Env. Health**

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**From:** Sherris Prall [SPrall@eticeng.com]  
**Sent:** Thursday, December 08, 2005 9:01 AM  
**To:** Chan, Barney, Env. Health  
**Subject:** Fuel Case RO002635, Exxon 7-4121, 10605 Foothill Blvd., Oakland, CA

**Attachments:** 7-4121 proposed boring locations.pdf



7-4121 proposed boring locatio...  
Barney,

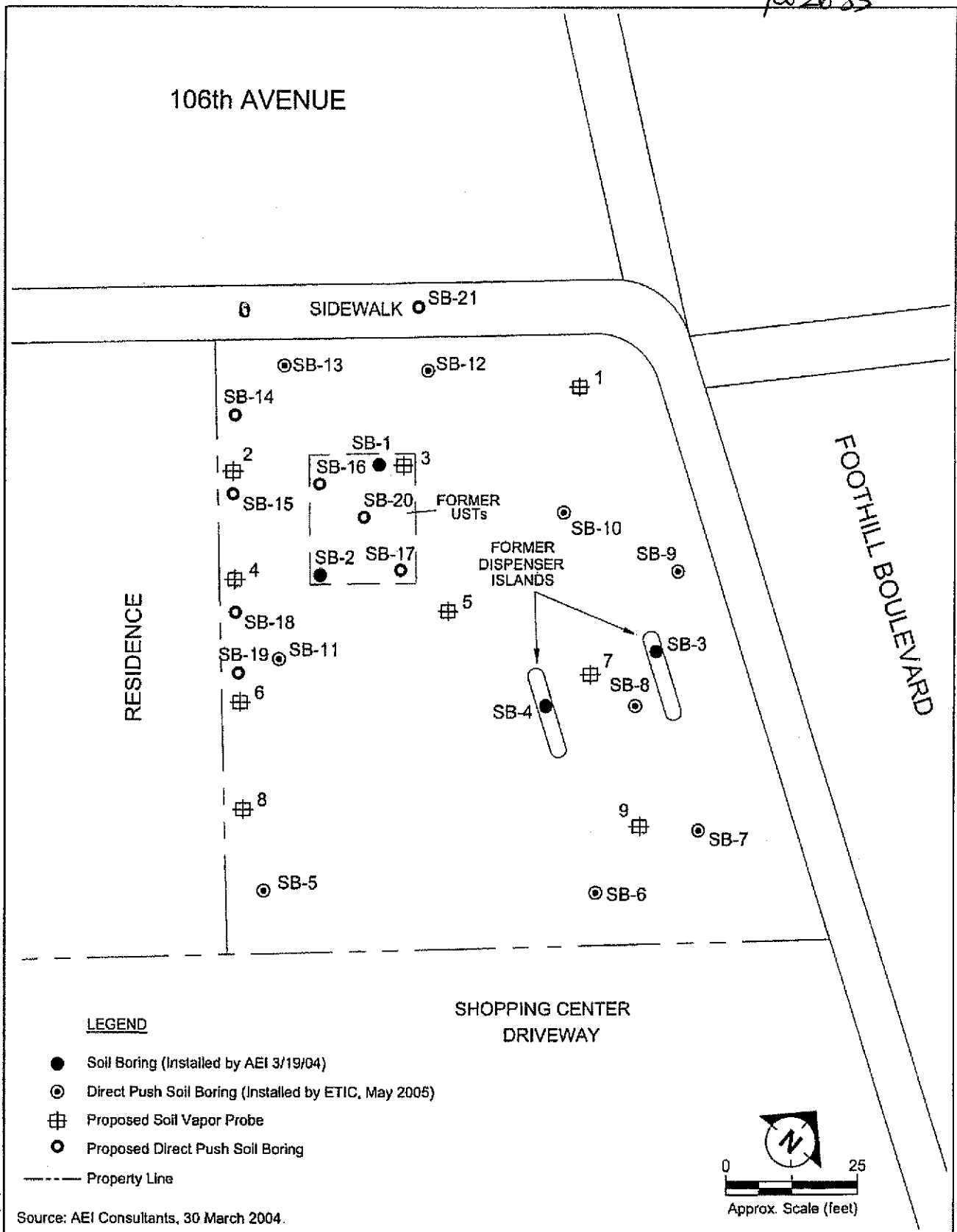
I have attached a copy of the revised map with boring locations based on our telephone and e-mail conversations. We are currently working to get an encroachment permit from the City of Oakland for the boring in the sidewalk. We anticipate drilling as soon as January 2006. Please let me know if you have any other comments regarding the boring locations.

Hope you have a happy holiday!

Sincerely,  
Sherris Prall

Sherris Prall  
ETIC Engineering, Inc.  
2285 Morello Avenue  
Pleasant Hill, CA 94523  
Tel: 925-602-4710, Ext. 20  
FAX: 925-602-4720  
sprall@eticeng.com

12/9/05  
R02635



**LEGEND**

- Soil Boring (Installed by AEI 3/19/04)
- ⊙ Direct Push Soil Boring (Installed by ETIC, May 2005)
- ⊕ Proposed Soil Vapor Probe
- Proposed Direct Push Soil Boring

----- Property Line

Source: AEI Consultants, 30 March 2004.



**SITE PLAN**  
 FORMER EXXON RS 7-4121  
 10605 FOOTHILL BOULEVARD  
 OAKLAND, CALIFORNIA

FIGURE:

**2**

FILENAME: site205.dwg 12/05/05

**Chan, Barney, Env. Health**

**From:** Sherris Prall [SPrall@eticeng.com]  
**Sent:** Monday, October 10, 2005 11:53 AM  
**To:** Chan, Barney, Env. Health  
**Cc:** pmcintyre@aeiconsultants.com; Bryan campbell; Christa Marting; jennifer.c.sedlachek@exxonmobil.com; kphares@ix.netcom.com  
**Subject:** Fuel Case RO0002635, Exxon 7-4121, 10605 Foothill Blvd., Oakland, CA  
**Attachments:** 7-4121 revised map.pdf



7-4121 revised map.pdf (36 KB)...

Barney,

To recap my 15 September 2005 phone message to you regarding your letter dated 6 September 2005, Exxon-Mobil will proceed with the additional borings and samples as requested with the following understanding:

\*The boring across 106th Avenue (see approximate proposed location SB-21 on attached map) will be for TPHg definition, not MTBE definition. Additional borings for MTBE definition will not be drilled.

\*Analyses for oxygenates will be for ACHCSA's use as data points only. Additional borings for oxygenates definition will not be drilled.

The revised locations for SB-16 and SB-17 and the locations of the additional requested borings SB-19, SB-20, and SB-21 are shown on the attached map.

Please call me if you have any questions or comments regarding the scope of work for the approved Risk Assessment Work Plan.

Sincerely,  
 Sherris Prall  
 Project Manager

Sherris Prall  
 ETIC Engineering, Inc.  
 2285 Morello Avenue  
 Pleasant Hill, CA 94523  
 Tel: 925-602-4710, Ext. 20  
 FAX: 925-602-4720  
 sprall@eticeng.com

\* email response on 10/10/05, requesting borings on the south side of 106th not north. (2), to delineate plume.

on 10/24/05 spw/S Prall of ETIC to clarify - need to see attenuation from site (source).

RO0002635

**Chan, Barney, Env. Health**

To: Sherris Prall  
Subject: RE: Fuel Case RO0002635, Exxon 7-4121, 10605 Foothill Blvd., Oakland, CA

Sherris:  
Apparently there was a misunderstanding during our prior conversation. When I suggested that the release from the former USTs should be further defined towards 106th Ave, I meant the apparent plume from the former USTs extending towards SB-12 and SB-13 should be defined in this direction. I assumed this would be done by advancing borings within the sidewalk on the southern side of 106th Ave., not the north side as shown in your attached figure. If SB-21 were impacted in soil and groundwater, it would be a stretch to say that SB-12 and SB-13 contamination came from across 106th Ave. I think SB-21 might be a good indication of whether a release had occurred from former USTs on the current commercial property but additional data would be necessary to link contamination in this boring and contamination on the referenced site. Such data might include sampling from the median of 106th Ave. Re: MTBE analysis, I agree that we do not need to delineate MTBE in groundwater, I only suggest that MTBE be run on samples "up-gradient" of the site, so as to determine a source for the low levels reported in SB-12 and SB-13.

Please call me if you have any comments or questions.

Sincerely,

Barney Chan  
510-567-6765

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

From: Sherris Prall [mailto:SPrall@eticeng.com]  
Sent: Monday, October 10, 2005 11:53 AM  
To: Chan, Barney, Env. Health  
Cc: pmcintyre@aeiconsultants.com; Bryan campbell; Christa Marting; jennifer.c.sedlachek@exxonmobil.com; kphares@ix.netcom.com  
Subject: Fuel Case RO0002635, Exxon 7-4121, 10605 Foothill Blvd., Oakland, CA

Barney,

To recap my 15 September 2005 phone message to you regarding your letter dated 6 September 2005, Exxon-Mobil will proceed with the additional borings and samples as requested with the following understanding:

\*The boring across 106th Avenue (see approximate proposed location SB-21 on attached map) will be for TPHg definition, not MTBE definition. Additional borings for MTBE definition will not be drilled.

\*Analyses for oxygenates will be for ACHCSA's use as data points only. Additional borings for oxygenates definition will not be drilled.

The revised locations for SB-16 and SB-17 and the locations of the additional requested borings SB-19, SB-20, and SB-21 are shown on the attached map.

Please call me if you have any questions or comments regarding the scope of work for the approved Risk Assessment Work Plan.

Sincerely,  
Sherris Prall  
Project Manager

Sherris Prall  
ETIC Engineering, Inc.  
2285 Morello Avenue

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



7

September 6, 2005

Ms. Jennifer Sadlachek  
ExxonMobil  
4096 Piedmont Ave., #194  
Oakland, CA 94611

Mr. Ken Phares  
MacArthur Blvd. Associates  
10700 MacArthur Blvd.  
Oakland, CA 94605

ENVIRONMENTAL HEALTH SERVICES

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

Dear Ms. Sadlachek and Mr. Phares:

Subject: Fuel Leak Case #7-4121, Exxon #7-4121, 10605 Foothill Blvd.,  
Oakland, CA 94605

Alameda County Environmental Health staff has received and reviewed the August 29, 2005, *Risk Assessment Work Plan*, prepared by ETIC Engineering. This work plan responds to the County's July 27, 2005 letter requesting additional technical information for the subject site. The work plan proposes additional soil borings and soil vapor sampling. We generally approve the work plan, however, we request that you address the following technical comments and submit the technical report requested below when performing the proposed work.

TECHNICAL COMMENTS

1. The proposal to address the County's request to perform a Conduit/Receptor Survey Study and Characterize Local Hydrogeology and Groundwater Flow Conditions is approved. Please submit your technical report as requested below.
2. Contaminant Source Characterization- We request that the following modifications to your Soil and Groundwater Investigation be made:
  - An additional soil boring should be advanced near proposed vapor probe location 6 to determine the extent of groundwater impact reported in SB-11.
  - The extent of contamination within the former UST pit should be further investigated by advancing an additional boring within the center of the former tank pit. In addition, the locations of SB-16 & SB-17 should be moved the west and east corners of the former tank pit, respectively.
  - In our previous letter, we requested additional delineation "north towards 106<sup>th</sup> Ave." This may be achieved by advancing borings to the northwest of SB-12 and proposed soil vapor probe 1. We request that soil and groundwater samples be collected from **all** boreholes. Soil samples should be collected every 5 feet for screening and sent to the lab based upon soil characteristics and field organic vapor readings. In addition to the proposed chemicals, these samples should also be analyzed for TAME, ETBE, TBA, EDB and EDC.
3. Soil Vapor Sampling- Please insure that the soil from which the soil vapor sample is being collected is from an undisturbed location. We are concerned that the proposed clearing of soil prior to sampling will volatilize contaminants prior to sampling. Please explain how this was avoided in your report. The initial sample is proposed to be collected from 5'. Please note, as recommended in the DTSC/LARWQCB document, multi-depth sampling is appropriate for sites with USTs, backfilled material, or significant elevated VOC in shallow or previous vapor sampling. Please explain the logic of collecting vapor samples for testing at

both onsite and offsite laboratories. Although the proposed soil vapor samples are approved, additional sampling may be warranted based upon the results of the proposed work.

4. Geotracker EDF Submittals - Pursuant to CCR Sections 2729 and 2729.1, beginning September 1, 2001, all analytical data, including monitoring well samples, submitted in a report to a regulatory agency as part of the LUFT program, must be transmitted electronically to the SWRCB Geotracker website via the internet. Additionally, beginning January 1, 2002, all permanent monitoring points utilized to collect groundwater samples (i.e. monitoring wells) and submitted in a report to a regulatory agency, must be surveyed (top of casing) to mean sea level and latitude and longitude accurate to within 1-meter accuracy, using NAD 83, and transmitted electronically to the SWRCB Geotracker website. Beginning July 1, 2005, electronic submittal of a complete copy of all reports (LUFT or SLIC) is required in Geotracker (in PDF format).

In order to remain in regulatory compliance, please upload all LUFT analytical data (collected on or after September 1, 2001, to the SWRCB's Geotracker database website in accordance with the above-cited regulation. Please perform the electronic submittals for applicable data and submit verification to this Agency by October 6, 2005.

#### TECHNICAL REPORT REQUEST

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

- 45 days after your soil and groundwater investigation- technical report including Conduit/Receptor Survey and Characterization of Local Hydrogeology and Groundwater Flow Conditions.
- 45 days after your soil vapor investigation- technical report and risk assessment.

These reports are being requested pursuant to California Health and Safety Code Section 25296.10. Title 23, CCR Sections 2652 through 2654, and 2721 through 2728 outline the responsibilities of a responsible party in response to an unauthorized release from petroleum UST system, and require your compliance with this request.

#### ELECTRONIC SUBMITTAL OF REPORTS

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Ms. Sadlachek & Mr. Phares  
RO0002635  
September 6, 2005  
Page 3 of 3

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

Sincerely,



Barney M. Chan  
Hazardous Materials Specialist

Enclosure: ACEH Electronic Report Upload (ftp) Instructions (Ms. Sadlachek & Ms. Prall)

C: files, D. Drogos

Ms. Sherris Prall, ETIC Engineering, 2285 Morello Ave., Pleasant Hill, CA 94523

9\_6\_05 10805 Foothill Blvd

# UNAUTHORIZED RELEASE FORM WIZARD

YOUR UNAUTHORIZED RELEASE FORM HAS BEEN SUBMITTED  
URF CONFIRMATION NUMBER: 8160581290

[CLICK HERE](#) TO EDIT THIS CASE IN MANAGE CASES 2.0  
[CLICK HERE](#) TO CREATE ANOTHER UNAUTHORIZED RELEASE

LOGGED IN AS ROSEANNA



**UNAUTHORIZED RELEASE FORM WIZARD**

--YOUR URF HAS NOT YET BEEN SUBMITTED TO GEOTRACKER--  
 CLICK ON "SUBMIT UNAUTHORIZED RELEASE FORM" TO SUBMIT THE URF.

THIS WILL BE YOUR URF TRACKING NUMBER: 8160581290

UNDERGROUND STORAGE TANK UNAUTHORIZED RELEASE/CONTAMINATION SITE REPORT

REPORT DATE                      HAZARDOUS MATERIAL INCIDENT REPORT FILED WITH OES?  
 04-22-04                              N

**I. REPORTED BY -**  
RESPONSIBLE PARTY CONTACT

<u>CONTACT NAME</u>	<u>INITIALS</u>	<u>ORGANIZATION NAME</u>	<u>EMAIL ADDRESS</u>
GENE ORTEGA		EXXONMOBIL	
<u>ADDRESS</u>		<u>CONTACT DESCRIPTION</u>	
2300 CLAYTON ROAD, SUITE 1250 CONCORD, CA 94524-4032 USA		Responsible Party	

**II. RESPONSIBLE PARTY -**  
RESPONSIBLE PARTY CONTACT

<u>CONTACT NAME</u>	<u>INITIALS</u>	<u>ORGANIZATION NAME</u>	<u>EMAIL ADDRESS</u>
GENE ORTEGA		EXXONMOBIL	
<u>ADDRESS</u>		<u>CONTACT DESCRIPTION</u>	
2300 CLAYTON ROAD, SUITE 1250 CONCORD, CA 94524-4032 USA		Responsible Party	

**III. SITE LOCATION**

<u>FACILITY NAME</u>	<u>FACILITY ID</u>
EXXON #7-4121	
<u>FACILITY ADDRESS</u>	<u>ORIENTATION OF SITE TO STREET</u>
10605 FOOTHILL BLVD. OAKLAND, CA 94605 ALAMEDA COUNTY	<u>CROSS STREET</u>

**V. SUBSTANCES RELEASED**

<u>SUBSTANCE RELEASED</u>	<u>DESCRIPTION</u>	<u>QUANTITY LOST</u>
GASOLINE - AUTOMOTIVE		UNKNOWN

**VI. DISCOVERY/ABATEMENT**

<u>DATE DISCHARGE BEGAN</u>	<u>DATE DISCOVERED</u>	<u>HOW DISCOVERED</u>	<u>DESCRIPTION</u>
UNKNOWN	03-19-04	SASI	
<u>DATE STOPPED</u>	<u>STOP METHOD</u>	<u>DESCRIPTION</u>	
	CT		

**VII. SOURCE/CAUSE**

<u>SOURCE OF DISCHARGE</u>	<u>CAUSE OF DISCHARGE</u>
UNK	UNK
<u>DISCHARGE DESCRIPTION</u>	

**VIII. CASE TYPE**

CASE TYPE  
 OTHER GROUNDWATER (NOT USED FOR DRINKING WATER)

**IX. REMEDIAL ACTION**

<u>REMEDIAL ACTION</u>	<u>BEGIN DATE</u>	<u>END DATE</u>	<u>DESCRIPTION</u>

**X. GENERAL COMMENTS**

**XI. CERTIFICATION**

I HEREBY CERTIFY THAT THE INFORMATION REPORTED HEREIN IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE.

**XII. REGULATORY USE ONLY**

LOCAL AGENCY CASE NUMBER

RO0002635

REGIONAL BOARD CASE NUMBER

**LOCAL AGENCY - LEAD AGENCY**

CONTACT NAME

BARNEY CHAN

INITIALS

BC

ORGANIZATION NAME

ALAMEDA COUNTY LOP

EMAIL ADDRESS

ADDRESS

1131 HARBOR BAY PARKWAY  
ALAMEDA, CA 94502

USA

CONTACT DESCRIPTION

Hazardous Materials Specialist Alameda County Department of Environmental Health

PHONE TYPE

Phone

PHONE NUMBER

(510)-567-6765

EXTENSION

**REGIONAL BOARD**

CONTACT NAME

BETTY GRAHAM

INITIALS

BG

ORGANIZATION NAME

SAN FRANCISCO BAY RWQCB (REGION 2)

EMAIL ADDRESS

ADDRESS

1515 CLAY ST, STE 1400  
OAKLAND, CA 94612

USA

CONTACT DESCRIPTION

PHONE TYPE

BUSINESS

PHONE NUMBER

(510)-622-2358

EXTENSION

[← BACK](#)

[SUBMIT UNAUTHORIZED RELEASE FORM](#)

LOGGED IN AS ROSEANNA

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



7

July 27, 2005

Ms. Jennifer Sadlachek  
ExxonMobil  
4096 Piedmont Ave., #194  
Oakland, CA 94611

Mr. Ken Phares  
MacArthur Blvd. Associates  
10700 MacArthur Blvd.  
Oakland, CA 94605

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

Dear Ms. Sadlachek and Mr. Phares:

Subject: Fuel Leak Case ~~RO0012635~~, Exxon #7-4121, 10605 Foothill Blvd.,  
Oakland, CA 94605

Alameda County Environmental Health staff has received and reviewed the July 15, 2005 *Subsurface Investigation Report*, prepared by ETIC Engineering. This report details the results of soil and groundwater sampling from nine (9) borings advanced at the site in an attempt to determine the lateral and vertical extent of petroleum contamination from the former UST system. A previous investigation had detected soil and groundwater contamination in the vicinity of the former USTs, although the exact location of the UST system appears uncertain. We request that you address the following technical comments and submit the technical report requested below.

#### TECHNICAL COMMENTS

##### 1. Conduit/Receptor Survey Study

The purpose of the conduit study is to locate potential migration pathways and potential conduits and determine the probability of the plume encountering preferential pathways and conduits that could spread the contamination. The conduit study shall include a detailed well survey of all wells (monitoring and production wells: active, inactive, standby, destroyed (sealed with concrete), abandoned (improperly destroyed); and dewatering, drainage, and cathodic protection wells) within a ½ mile radius of the subject site. As part of your detailed well survey, please perform a background study of the historical land uses of the site and properties in the vicinity of the site. Use the results of your background study to determine the existence of unrecorded/unknown (abandoned) wells, such as agricultural and domestic wells, that can act as pathways for migration of contamination at and/or from your site. Please review historical maps such as Sanborn maps, aerial photos, etc., when performing the background study. Provide a map(s) showing the location of all wells identified in your study. Please also provide copies of Sanborn maps indicating the presence of "gas and oil".

##### 2. Characterization of Local Hydrogeology and Groundwater Flow Conditions

The purpose of this characterization is to understand the physical and geochemical characteristics of the subsurface, which may affect groundwater flow, the breakdown (fate),

migration (transport), and the distribution of contaminants through the subsurface. Additionally, factors such as water level fluctuations, gradient changes, local hydrogeology, groundwater extraction, and groundwater recharge activities (natural and artificial) can significantly alter groundwater flow conditions. We request that you properly characterize the hydrogeology and groundwater flow conditions in the vicinity of your site. We require that you prepare detailed cross-sections and determine the gradient for the site. Include soil concentrations and groundwater iso-concentration contours on your cross-section.

### 3. Contaminant Source Characterization

The purpose of contaminant source characterization is to determine the nature and extent of free product (liquid phase), petroleum saturated soils (residual phase), and hydrocarbons dissolved in groundwater (aqueous phase), and high concentrations of soil vapor (vapor phase) that will continue to increase the concentration and mass of the dissolved phase contaminant plume. Contaminant source characterization also includes characterization of dissolved phase contamination and an estimation of contaminant mass in the source area. We are concerned that soil contamination has not been adequately defined within the vicinity of the former USTs, which could leave a significant residual source of contamination. The lack of vertical delineation in SB-1 and the presence of elevated TPH in groundwater in SB-2 is of concern. In addition, the plume requires delineation towards the residence to the west and north towards 106<sup>th</sup> Ave. After completion of this characterization, an evaluation as to the need for permanent monitoring wells must be made.

### 4. Soil Vapor Sampling

We concur that soil vapor sampling would be useful to determine if vapor risk exists from residual contamination, however, it would be most appropriately done when site characterization is complete. Sampling in known areas of contamination and near receptors would typically be recommended.

## TECHNICAL REPORT REQUEST

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

- August 29, 2005- Conduit/Receptor Survey study, hydrogeology characterization and work plan to further delineate soil and groundwater contamination.
- 30 days after the submittal of your soil and groundwater investigation report- Soil vapor sampling work plan

These reports are being requested pursuant to California Health and Safety Code Section 25296.10. Title 23, CCR Sections 2652 through 2654, and 2721 through 2728 outline the responsibilities of a responsible party in response to an unauthorized release from petroleum UST system, and require your compliance with this request.

Ms. Sadlachek & Mr. Pinares  
RO0002635  
July 27, 2005  
Page 3 of 3

PERJURY STATEMENT

All work plans, technical reports, or technical documents submitted to ACEH must be accompanied by a cover letter from the responsible party that states, at a minimum, the following:

"I declare, under penalty of perjury, that the information and/or recommendations contained in the attached document or report is true and correct to the best of my knowledge." This letter must be signed by an officer or legally authorized representative of your company. Please include a cover letter satisfying these requirements with all future reports and technical documents submitted for this fuel leak case.

PROFESSIONAL CERTIFICATION & CONCLUSIONS/RECOMMENDATIONS

The California Business and Professions Code (Sections 6735, 6835, and 7835.1) requires that work plans and technical or implementation reports containing geologic or engineering evaluations and/or judgments be performed under the direction of an appropriately registered or certified professional. For your submittal to be considered a valid technical report, you are to present site specific data, data interpretations, and recommendations prepared by an appropriately licensed professional and include the professional registration stamp, signature, and statement of professional certification. Please ensure all that all technical reports submitted for this fuel leak case meet this requirement.

UNDERGROUND STORAGE TANK CLEANUP FUND

Please note that delays in investigation, later reports, or enforcement actions may result in your becoming ineligible to receive grant money from the state's Underground Storage Tank Cleanup Fund (Senate Bill 2004) to reimburse you for the cost of cleanup.

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

Sincerely,



Barney M. Chan  
Hazardous Materials Specialist

C: files, D. Drogos

Ms. Sherris Prall, ETIC Engineering, 2285 Morello Ave., Pleasant Hill, CA 94523

7\_26\_05 10605 Foothill Blvd

**Gholami, Amir, Env. Health**

Ro 2638

**From:** Sherris Prall [SPrall@eticeng.com]  
**Sent:** Thursday, May 19, 2005 9:35 AM  
**To:** Gholami, Amir, Env. Health  
**Cc:** Bryan Campbell; Christa Marting; jennifer.c.sedlachek@exxonmobil.com  
**Subject:** Re. Work Plan for 10605 Foothill Blvd, Oakland, CA, RO 2635

Mr. Gholami,

Per our discussion yesterday, this e-mail serves as a modification to the April 18, 2005 Work Plan for Additional Site Assessment for the former Exxon Retail Site 7-4121, located at 10605 Foothill Blvd in Oakland. This modification has been discussed with Jennifer Sedlachek, Project Manager, ExxonMobil Refining & Supply Company.

In the Work Plan, ETIC recommended drilling nine temporary borings using the single-tube direct-push method. The proposed Scope of Work will remain the same with one exception; the borings will be drilled to a depth of at least 25 feet. Actual boring depths will be dependent on conditions encountered in the field. As proposed, the borings will be continuously logged to the total depths, selected soil samples will be submitted for laboratory analysis, and grab groundwater samples will be collected from the first water bearing zone. Sampling protocols and analytical methods remain the same as proposed in the Work Plan.

We appreciate your attention to this Work Plan and look forward to your approval of this modification as we discussed.

Sincerely,  
Sherris Prall  
Project Manager

Sherris Prall  
ETIC Engineering, Inc.  
2285 Morello Avenue  
Pleasant Hill, CA 94523  
Tel: 925-602-4710, Ext. 20  
FAX: 925-602-4720  
sprall@eticeng.com



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

May 19, 2005

Jennifer C. Sadlachek  
Exxonmobil  
4096 Piedmont Ave., # 194  
Oakland, CA 94611

Ken Phares  
MacArthur Blvd Associates  
10700 MacArthur Blvd.  
Oakland, Ca 94605

**Re: Fuel Leak Investigation, Site No. RO0002635, EXXON #7-4121, 10605 Foothill Blvd., Oakland, CA 94605**

Dear Ms. Sadlachek and Mr. Phares:

Alameda County Environmental Health, Local Oversight Program (LOP), has received and reviewed the April 19, 2005 document and its addendum dated May 19<sup>th</sup>, 2005 regarding the above referenced site as prepared by Ms. Sherris Prall of ETIC Engineering, (ETIC). Additionally I have discussed the above referenced case with several individuals including Ms. Prall of ETIC.

This office requests that you address the following technical comments, perform the proposed work, and send us the technical reports requested below:

#### **TECHNICAL COMMENTS**

This work plan addresses the required investigations in my correspondence dated March 22<sup>nd</sup>, 2005 including further definition of both the horizontal and vertical extent of groundwater contamination. However, we had also requested copies of any other reports pertaining to any USTs systems that are/were present at this site and/or environmental contamination related reports.

This office concurs with the submitted workplan as amended specified above.

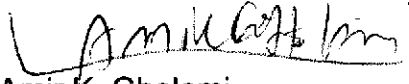
#### **TECHNICAL REPORT REQUEST**

Please submit the following technical reports to Alameda County Department of Environmental Health (Attention: Amir K. Gholami):

- |                      |  |
|----------------------|--|
| <b>July 19, 2004</b> | Result of the Work Plan                                    |
| <b>July 19, 2004</b> | Copies of any other reports pertaining to any USTs systems |

If you have any questions, please do not hesitate to call me at (510) 567-6876

Sincerely,

A handwritten signature in black ink, appearing to read "Amir K. Gholami". The signature is written in a cursive style with a horizontal line underneath.

Amir K. Gholami  
Hazardous Materials Specialist

C: Ms. Sherris Prall, ETIC Engineering, 2285 Morello Ave., Pleasant Hill, CA 94523  
A.gholami, D.Drogos



RO 263J-

**Gholami, Amir, Env. Health**

---

**From:** Ken Phares [kphares@ix.netcom.com]  
**Sent:** Thursday, May 05, 2005 2:39 PM  
**To:** Gholami, Amir, Env. Health  
**Cc:** Jennifer Sedlachek; Christa Marting; Peter McIntyre; Gowri Kowtha  
**Subject:** 10605 Foothill Blvd. Oakland - Former Exxon Facility R/S #7-4121 - Toxics Site No. RO0002635

Amir -

Thank you for your time during our phone conversation today, and for letting me know that you expect to process the work plan on the referenced former Exxon site forwarded to you with Jennifer Sedlachek's April 19th transmittal sometime within the coming week or so.

As mentioned by phone, our over-all Foothill Square project consultant (Peter McIntyre of AEI Consultants) has been in touch with Christa Marting of ETIC (Exxon's consultant). ETIC is ready quickly implement the workplan submitted to you on April 19th upon receipt of your comments and approval. Knowing that you have over 100 sites, we appreciate your help and cooperation in working with Gowri Kowtha (USA's Consultant) and Christa Marting (Exxon's Consultant) to resolve the environmental issues so that we can proceed with construction drawings by the end of this year.

For your ready reference, Christa's contact information is:

Christa G. Marting  
ETIC Engineering, Inc.  
2285 Morello Ave.  
Pleasant Hill, CA 94523  
Phone: (925) 602-4710 x. 13  
Fax: (925) 602-4720  
[cmarting@eticeng.com](mailto:cmarting@eticeng.com)

Gowri Kowtha's information is:

Gowri Kowtha, P.E.  
Project Manager  
Stratus Environmental, Inc.  
530-676-6001 or 530-676--6004  
[gkowtha@stratusinc.net](mailto:gkowtha@stratusinc.net)

Amir, Please phone me at any time if I can be of any assistance in this matter.  
Thanks.

Hugh K ("Ken") Phares  
510-523-0450 (Direct)  
510-812-9137 (cell)

5/5/2005



FR 2635

ENVIRONMENTAL HEALTH SERVICES  
ENVIRONMENTAL PROTECTION  
1131 Harbor Bay Parkway  
Alameda, CA 94502-8577  
(510) 567-6700  
Fax (510) 337-9335

March 22, 2005

Jennifer C. Sadlachek  
Exxonmobil  
4096 Piedmont Ave., # 194  
Oakland, CA 94611

Ken Phares  
MacArthur Blvd Associates  
10700 MacArthur Blvd.  
Oakland, Ca 94605

**Re: Fuel Leak Investigation, Site No. RO0002635, EXXON #7-4121, 10605 Foothill Blvd., Oakland, CA 94605**

Dear Ms. Sadlachek and Mr. Phares:

Alameda County Environmental Health (ACEH) staff reviewed a report dated April 7, 2004 indicating a release from your former gasoline underground storage tank (UST) system removed from your property prior to December 1998. This office subsequently listed the subject site on our database of fuel leak sites. Our office acts as the lead agency to oversee the investigation and cleanup of petroleum hydrocarbon releases.

#### TECHNICAL COMMENTS

We have recently reviewed the information in our file and determined that up to 1,000 ppm TPHG, 590 ppm TPHD, and 0.55 ppm Benzene were detected in soil. Up to 7,000 ppb TPHG, 26,000 ppb TPHD, 250 ppb Benzene, and up to 17 ppb MTBE were detected in groundwater. Per our meeting this afternoon a soil and groundwater investigation is necessary at this site to progress toward case closure.

Please define the extent of soil and groundwater at your site. This type of investigation usually involves drilling soil borings and collecting soil and groundwater samples for chemical analyses. Groundwater monitoring wells may be needed and groundwater sampled to properly characterize groundwater contamination. Other options for additional investigation may be appropriate to define contamination at your site.

Please submit a work plan detailing your proposal to define the extent of soil and groundwater contamination by **April 22, 2005**.

The case file for the subject site contains one report "phase II site investigation", dated April 7, 2004, prepared by AEI Consultants. We request that you submit copies of any other reports pertaining to any USTs systems that are/were present at this site and/or environmental contamination related reports by **April 22, 2005**.

## TECHNICAL REPORT REQUEST

Please submit the following technical reports to Alameda County Department of Environmental Health (Attention: Amir K. Gholami):

**April 22, 2005** Work Plan

**April 22, 2005** Copies of any other reports pertaining to any USTs systems that are/were present at this site and/or environmental contamination related reports

These reports are being requested pursuant to California Health and Safety Code Section 25296.10. 23 CCR Sections 2652 through 2654, and 2721 through 2728 outline the responsibilities of a responsible party in response to an unauthorized release from a petroleum UST system, and require your compliance with this request.

## PERJURY STATEMENT

All work plans, technical reports, or technical documents submitted to ACEH must be accompanied by a cover letter from the responsible party that states, at a minimum, the following: "I declare, under penalty of perjury, that the information and/or recommendations contained in the attached document or report is true and correct to the best of my knowledge." This letter must be signed by an officer or legally authorized representative of your company. Please include a cover letter satisfying these requirements with all future reports and technical documents submitted for this fuel leak case.

## UNDERGROUND STORAGE TANK CLEANUP FUND

Please note that delays in investigation, later reports, or enforcement actions may result in your becoming ineligible to receive grant money from the state's Underground Storage Tank Cleanup Fund (Senate Bill 2004) to reimburse you for the cost of cleanup.

## LANDOWNER NOTIFICATION REQUIREMENTS

Pursuant to California Health & Safety Code Section 25297.15, the active or primary responsible party for a fuel leak case must inform all current property owners of the site of cleanup actions or requests for closure. Furthermore, ACEH may not consider any cleanup proposals or requests for case closure without assurance that this notification requirement has been met. Additionally, the active or primary responsible party is required to forward to ACEH a complete mailing list of all record fee title holders to the site.

At this time we require that you submit a complete mailing list of all record fee title owners of the site by **April 22, 2005**, which states, at a minimum, the following:

A. *In accordance with section 25297.15(a) of Chapter 6.7 of the Health & Safety Code, I, (name of primary responsible party), certify that the following is a complete list of current record fee title owners and their mailing addresses for the above site:*

- OR -

B. *In accordance with section 25297.15(a) of Chapter 6.7 of the Health & Safety Code, I, (name of primary responsible party), certify that I am the sole landowner for the above site.*

(Note: Complete item A if there are multiple site landowners. If you are the sole site landowner, skip item A and complete item B.)

## PROFESSIONAL CERTIFICATION

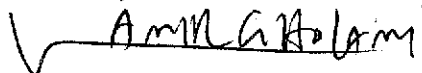
The California Business and Professions Code (Sections 6735, 6835, and 7835.1) requires that work plans and technical or implementation reports containing geologic or engineering evaluations and/or judgments be performed under the direction of an appropriately registered or certified professional. For your submittal to be considered a valid technical report, you are to present site specific data, data interpretations, and recommendations prepared by an appropriately licensed professional and include the professional registration stamp, signature, and statement of professional certification. Please ensure all that all technical reports submitted for this fuel leak case meet this requirement.

## AGENCY OVERSIGHT

If it appears as though significant delays are occurring or reports are not submitted as requested, we will consider referring your case to the Regional Board or other appropriate agency, including the County District Attorney, for possible enforcement actions. California Health and Safety Code, Section 25299.76 authorizes enforcement including administrative action or monetary penalties of up to \$10,000 per day for each day of violation.

If you have any questions, please do not hesitate to call me at 510-567-6876.

Sincerely,



Amir K. Gholami, REHS  
Hazardous Materials Specialist

C: Peter McIntyre, AEI Consultants, 2500 Camino Diablo, Suite  
200, Walnut Creek, CA 94597 Tremont Road, Dixon, CA 95620  
D. Drogos, A. Gholami



**JAY-PHARES CORPORATION**

Commercial Real Estate  
Telephone: (510) 523-0450  
Fax: (510) 523-5686  
E-mail: [hkp@jayphares.com](mailto:hkp@jayphares.com)

## **FAX TRANSMITTAL**

DATE: 9- 24-2004  
TO: Barney Chan  
TO: Amir Gholami  
FIRM: Alameda County Health Care Services Agency  
FAX: 1-510-337-9335  
CC: Alec Merriam, MacArthur Boulevard Associates  
FROM: Hugh K. ("Ken") Phares, Jay-Phares Corporation  
RE: (1) 10700 MacArthur Boulevard (Foothill Square Center), Oakland, Calif.  
(2) 10605 Foothill Blvd., Oakland, Calif. (Former Exxon Site #7-4121;  
**Record ID: RO0002635.**

WE ARE TRANSMITTING A TOTAL OF 15 PAGES, INCLUDING THIS COVER SHEET. IF THERE ARE ANY PROBLEMS WITH THIS TRANSMISSION, PLEASE CALL ME AT (510) 523-0450 or (510) 812-9137.

### **COMMENTS:**

Amir - Thank you for your helpful comments on what we need to do to substitute the owner of these two sites for Jay-Phares Corporation, who is merely the property manager.

Jay-Phares Corporation was never in the chain of title as an owner, nor was it ever an operator of either the former Exxon gas station site referenced above or the adjacent Foothill Square Center, or the former "Young's Cleaners" which operated as one of the many retail tenants in Foothill Square shopping center.

The sole role of Jay-Phares Corporation was, and still is, to act as a real estate broker in handling the purchase and management of these two properties for its client, MacArthur Boulevard Associates, a California limited partnership ("MBA").

To document this, we enclose the following:

1. Corporation Grant Deed recorded July 31, 1998 under Instrument No. 98-267256, conveying the 13.52 acre Foothill Square shopping center to MacArthur Boulevard Associates, a California limited partnership. RP
2. Grant Deed recorded March 12, 1999 under Instrument No. 99-105768, Alameda County Records, conveying the former Exxon Site to MacArthur Boulevard Associates, a California limited partnership.
3. Photocopy of "Real Property Management Agreement" dated July 31, 1998 between MacArthur Boulevard Associates, as "Owner", and Jay-Phares Corporation, as "Agent." [NOTE: THIS WILL FOLLOW BY SEPARATE FAX FROM JOHN JAY AT OUR BUSINESS OFFICE].

NOTE: THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHOM IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF THE READER IS NOT THE INTENDED RECIPIENT OR A PERSON RESPONSIBLE FOR DELIVERY TO THE INTENDED RECIPIENT, DO NOT DISSEMINATE, DISTRIBUTE OR COPY THIS COMMUNICATION. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US AT THE ADDRESS BELOW VIA THE U.S. POSTAL SERVICE.

10700 MacArthur Blvd., Suite 200, Oakland, California 94605-5260

Mr. Barney Chan  
Mr. Amir Gholami  
September 24, 2004  
Page 2

Thank you for your assistance in helping us correct the records in this matter. As before, Jay-Phares shall continue to work with you and MBA's environmental consultant (AEI Consultants) with respect to all environmental matters.

At the time of the sale of the former Exxon site to MBA, an indemnity agreement was entered whereby Exxon agreed to indemnify MBA with respect to remediation or monitoring, if any, which might be required by regulatory agencies.

As you know, Barney, AEI and Stratus Environmental (the environmental consultant of former Foothill Square tenant USA Gasoline Company) have presented to you a proposed well closure and relocation plan to accommodate the proposed redevelopment of Foothill Square.

Please advise if either of you would like further information regarding the above.

Sincerely yours,



Hugh K. Phares, III  
Real Estate Broker

## INDEMNIFICATION

This Agreement is made effective this 1<sup>st</sup> day of March 1999, between EXXON COMPANY, U.S.A., a division of Exxon Corporation ("Exxon"), and MACARTHUR BOULEVARD ASSOCIATES, a California limited partnership ("Owner").

### WITNESSETH:

Whereas Owner is in escrow to purchase a certain property located at 10605 Foothill Boulevard, Oakland, California ("Property") was formerly the location of an Exxon service station (Former Exxon Facility R/S #7-4121).

Whereas Owner requests a written Indemnification Agreement from Exxon.

Now Therefore, effective upon Owner's purchase of the Property, and in consideration of the mutual promises and covenants contained herein, the sufficiency of which are acknowledged, Exxon and Owner agree as follows:

1. If remediation activities are required, Exxon, at no cost to Owner, its respective directors, partners, officers, employees, mortgagees, heirs, assigns, or successors in interest, shall investigate, remediate, monitor and sample the petroleum hydrocarbon contamination located on or beneath the Property, (i) which was caused by Exxon or its predecessor's, including Humble Oil and Refining Company ("Predecessor") and (ii) as may be required by the State or other appropriate governmental agencies with oversight and enforcement responsibility.
2. Indemnity.

For a period of fifteen (15) years from the date of this Agreement, Exxon shall defend, indemnify and hold harmless Owner, its successors, assigns or lenders from any loss, claim, damage, or liability for Property damage and personal injury asserted by any third party or governmental authority which arises or occurs directly as a result of any leak, spill, or other discharge of petroleum hydrocarbons occurring from the Property, or a release from the underground storage tank system caused by operations of Exxon or its Predecessor and occurring during Exxon's or its Predecessor's ownership of the Property, underground storage tank system, and/or dispensing equipment occurring at the Property.

The foregoing indemnity:

- (a) Shall be subject to Exxon being given reasonable notice of and a reasonable opportunity to respond to, negotiate, settle, or defend, any claim covered by this indemnity;
- (b) Shall be subject to Owner and its contractors, subcontractors, agents and representatives not interfering with Exxon's site investigation and remediation activities, if ever required by regulatory authorities;

- (c) Shall be subject to those leaks, spills, or discharges which result in a level of contamination exceeding the current action levels established by the applicable governmental authorities and shall be limited to such compliance response activity as required by the applicable governmental authority;
- (d) Shall not apply to any loss, claim, damage or liability arising out of any contractual obligations to any third party which Owner, a subsequent purchaser, tenant, or lender may assume;
- (e) Shall not apply to any damages or losses arising from loss of profits or business opportunity, or any other special or consequential damages, nor will it be applicable to any attorneys' fees or any fines or penalties levied upon Owner, a subsequent purchaser, tenant, or lender; and
- (f) Shall not apply to any loss, claim, damage, or liability resulting from, relating to, or arising out of Owner or a subsequent purchaser's use, operation, or occupation of the Property.

"Reasonable notice," as referenced in paragraph (1) above, shall require Exxon to be notified within thirty (30) days of any claim brought by a third party or a governmental authority. Notice shall be given in writing to Exxon Company, U.S.A., Marketing Department; Attn: Manager, Environmental Engineering, 800 Bell Street, Suite 2753, Houston, Texas 77002.

In the event that Exxon fails to respond to, commence defense of any claim, and/or assume its responsibilities covered by this Indemnification Agreement within thirty (30) days of notification of a claim covered by this Agreement, Owner shall have the right to respond to, negotiate, settle or defend such claim. This shall not be construed to mean that Exxon must complete its response to such a claim within thirty (30) days, but that Exxon must state its intentions as to the claim during that time period.

In Witness Whereof, the parties hereto have caused this Agreement to be executed as of the date first written above.

**EXXON COMPANY, U.S.A.**  
(a division of Exxon Corporation)

3/1/99  
Date

By: W. Stevens AGF  
Name: C. D. Stevens  
Title: Environmental Engineering Manager  
Marketing/Fuel Products/Business Services

**MACARTHUR BOULEVARD ASSOCIATES**  
(a California limited partnership)

3/1/99  
Date

By: [Signature]  
Name: Alas Merriam  
Title: President