

Wickham, Jerry, Env. Health

From: Ken Phares [kphares@ix.netcom.com]
Sent: Saturday, February 20, 2010 10:50 AM
To: Bryan Campbell
Cc: Jennifer Sedlachek; Wickham, Jerry, Env. Health; Bruce Myers; Peter McIntyre; John Jay; Mark Salma; Alec Merriam; Christa Marting; Alan Anselmo; Douglas Oram; GopiChandran
Subject: Re: ExxonMobil Backfilling - Recommendation to Cease Activity10605Foothill Blvd. Oakland - Former Exxon Facility R/S #7-4 121 - Toxics SiteNo. RO0002635]]

Ok Brian, thank you for following up, and please copy Peter McIntyre with the sidewall sample results.

Ken

Ken Phares
510-523-0450 (direct)
510-523-5686 (fax)
510-374-2522 (cell)
kphares@ix.netcom.com
Sent via BlackBerry (without spell check)

From: Bryan Campbell <bcampbell@eticeng.com>
Date: Fri, 19 Feb 2010 21:40:55 -0800
To: Ken Phares<kphares@ix.netcom.com>
Cc: Jennifer Sedlachek<jennifer.c.sedlachek@exxonmobil.com>; Wickham,Jerry, Env. Health<jerry.wickham@acgov.org>; Bruce Myers<Bruce@SalemEngGroup.com>; Peter McIntyre<pmcintyre@aeiconsultants.com>; John Jay<johnjay@jayphares.com>; Mark Salma<mark.salma@ralphs.com>; J.Alec Merriam<alecmerriam@aol.com>; Christa Marting<cmarting@eticeng.com>; Alan Anselmo<aanselmo@eticeng.com>; Douglas Oram<doram@eticeng.com>; GopiChandran<gchandran@eticeng.com>
Subject: Re: ExxonMobil Backfilling - Recommendation to Cease Activity10605 Foothill Blvd. Oakland - Former Exxon Facility R/S #7-4 121 - Toxics Site No. RO0002635]]

Ken Phares,

The excavation method can accomodate lateral expansion as necessary based on the confirmation samples as required by Mr. Wickham provided that the expansion does not compromise nearby structures. Confirmation results will be reviewed with Mr. Wickham. We will proceed with the backfilling beginning on Monday.
Thank you.

On Feb 19, 2010, at 6:00 PM, "Ken Phares" <kphares@ix.netcom.com> wrote:

To:

Jennifer C. Sedlachek
510.547.8196
510.547.8706 FAX
jennifer.c.sedlachek@exxonmobil.com<<mailto:jennifer.c.sedlachek@exxonmobil.com>>

To:

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<<mailto:bcampbell@eticeng.com>>

Ms Sedlachek and Mr. Campbell:

Subject to satisfaction of the condition that the excavation can accommodate lateral expansion as required by Mr. Wickham's email below, we hereby retract and rescind the order to stop work stated in our email earlier this afternoon.

Kindly confirm that this is the case, and please advise if you have any questions. Thank you.

Ken Phares

Hugh K. Phares, III ("Ken")
Jay-Phares Corporation
10700 MacArthur Blvd., #200
Oakland, CA 94605-5260
[510-523-0450 \(Direct\)](tel:510-523-0450)
[510-374-2522 \(Cellular\)](tel:510-374-2522)
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----- Original Message -----

Subject:RE: ExxonMobil Backfilling - Recommendation to Cease Activity10605 Foothill Blvd. Oakland - Former Exxon Facility R/S #7-4 121 - Toxics Site No. RO0002635]]

Date:Fri, 19 Feb 2010 17:24:36 -0800

From:Wickham, Jerry, Env. Health <jerry.wickham@acgov.org>

To:Bryan Campbell <bcampbell@eticeng.com>, 'Ken Phares' <kphares@ix.netcom.com>, Jennifer Sedlachek <jennifer.c.sedlachek@exxonmobil.com>, Bruce Myers <Bruce@SalemEngGroup.com>

CC:Peter McIntyre <pmcintyre@aeiconsultants.com>, John Jay <johnjay@jayphares.com>, Mark Salma <mark.salma@ralphs.com>, J. Alec Merriam <alecmerriam@aol.com>, Christa Marting <cmarting@eticeng.com>, Alan Anselmo <aanselmo@eticeng.com>, Douglas Oram <doram@eticeng.com>, Gopi Chandran <gchandran@eticeng.com>

References:<4B7EF53F.5000704@ix.netcom.com>,<8499F9EA5EBBBF48987108DF24B0912302C9633F66@mail.ad.eticeng.com>

Wickham, Jerry, Env. Health wrote:

It is my understanding that the excavation method can accommodate lateral expansion of the excavation if needed. The need for lateral expansion of the excavation is to be based upon the confirmation sampling results. Provided that the excavation can be expanded laterally as necessary in response to the confirmation sampling results, I have no objection to backfilling the

excavation above 5 feet below grade. The addition of ORC to the excavation is not a mandatory requirement.

Regards,
Jerry Wickham
Alameda County Environmental Health

From: Bryan Campbell [bcampbell@eticeng.com]
Sent: Friday, February 19, 2010 4:19 PM
To: 'Ken Phares'; Jennifer Sedlachek; Bruce Myers
Cc: Wickham, Jerry, Env. Health; Peter McIntyre; John Jay; Mark Salma; J. Alec Merriam; Christa Marting; Alan Anselmo; Douglas Oram; Gopi Chandran
Subject: RE: ExxonMobil Backfilling - Recommendation to Cease Activity10605 Foothill Blvd. Oakland - Former Exxon Facility R/S #7-4 121 - Toxics Site No. R00002635]]

Ken Phares,

Per the emails below, I am replying to you regarding the excavation activities at the site referenced above. ETIC is conducting the excavation activities on behalf of ExxonMobil for the environmental remediation of the site. The proposed excavation was initially proposed in the Well Installation and Risk Assessment report dated May 2007. That report recommended excavation as the recommended corrective action for the site and outlined initial details of the excavation. The proposed excavation was approved in a letter dated 22 May 2009 from the ACEH. The outlined scope called for the removal of soil as one single excavation with sloping, benching, and/or shoring and backfilling with drain rock, geotextile fabric, ORC and then with import fill material to grade. The scope indicated that alternative backfill materials and compaction specifications may be chosen based on the backfill requirements for the planned development of the site.

During the subsequent review of the project, it was decided that an alternative methods of excavating and backfilling would be used. The excavation would be conducted via slot trenching and backfilled up to 5 feet below grade using a controlled density fill (CDF) material which would occur for each trench each day. This method has several advantages including the elimination for the need for shoring, the elimination of safety issues associated with having an excavation deeper than 5' open overnight, and the flexibility of performing additional trenching should the concentrations in sidewall samples warrant. Due to the logistics associated with this method, ORC could not be added. Imported fill material would be used beginning at 5 feet below grade and compacted to 90 percent relative density.

Details of the planned excavation were discussed with the ACEH and no additional addendum was required. Details of the planned excavation were discussed with the City of Oakland for the purpose of obtaining a grading permit for the project. During the application process, details regarding some of the excavation actions including backfilling were communicated to the Jay-Phares Corporation in a letter from ETIC dated 17 September 2009. In a letter dated 22 September 2009, the Jay-Phares Corporation approved the grading permit and indicated that the proposed actions were satisfactory. All project details were reviewed in person with the City of Oakland and an approved grading permit was obtained.

At this time, the excavation of soil to approximately 20 feet where groundwater was encountered and the backfilling with CDF to 5 feet below grade has been completed. Sidewall samples have been collected and are being submitted on 24-hour turn around time. The current plan is to backfill the excavation beginning at 5 feet below grade beginning on Monday of next week. Mr. Wickham of the ACEH concurred that backfilling the upper 5 feet beginning on Monday was acceptable per our conversation with him today.

Please let me know if you have any questions. Thank you.

Bryan Campbell, PG

bcampbell@eticeng.com<<mailto:bcampbell@eticeng.com>>

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[[cid:image001.gif@01CAB17F.46967970](#)]

PPlease consider the environment before printing this e-mail.

From: Ken Phares [<mailto:kphares@ix.netcom.com>]

Sent: Friday, February 19, 2010 12:32 PM

To: Jennifer Sedlachek; Bryan Campbell; Bruce Myers

Cc: 'Wickham, Jerry, Env. Health'; Peter McIntyre; John Jay; Mark Salma; J. Alec Merriam

Subject: Re: ExxonMobil Backfilling - Recommendation to Cease Activity10605

Foothill Blvd. Oakland - Former Exxon Facility R/S #7-4 121 - Toxics Site No. R00002635]]

To:

Jennifer C. Sedlachek

510.547.8196

510.547.8706 FAX

jennifer.c.sedlachek@exxonmobil.com<<mailto:jennifer.c.sedlachek@exxonmobil.com>>

To:

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<<mailto:bcampbell@eticeng.com>>

Ms Sedlachek and Mr. Campbell:

We have received the email below from Ralphs Grocery Company Real Estate Director Mark Salma, recommending that work be stopped at the referenced site.

We immediately conducted a conference phone call with Messrs. Salma and Bruce Myers, an Environmental Engineer with Salem Engineering Group on-site. Mr. Myers indicated that rather than using ORC compound to backfill, ETIC (Exxon's consultant) is instead using a concrete slurry to backfill the excavation slots to within 5' of grade. Mr. Myers also noted stained material possibly indicating residual contamination, but did not possess

specific workplan criteria to know the extent to which excavation was required by the ACEH-approved workplan.

Because the excavated slots were already 75% backfilled with the concrete slurry at the time of our conference phone call (about 12:10 pm 2-19-10), and to prevent the excavations from caving in, Mr. Myers recommended that ETIC be allowed to complete the backfill to within 5' of grade but to then stop work and not complete the fill with compacted material in the event ACEH requires the use of the ORC compound specified in the workplan.

Based only on the foregoing information, Exxon and ETIC is herewith notified and instructed to immediately cease all work after backfilling to within 5' of grade until approval from Jerry Wickham or another authorized official of AECH approves use of the substituted material and compliance with the excavation requirements of the workplan.

Please phone John Jay at 510-562-9505 to confirm that you will comply with this work stoppage order.

JAY-PHARES CORPORATION,
as Management Agent for
MAC ARTHUR BOULEVARD ASSOCIATES (Property Owner)

Ken Phares

Hugh K. Phares, III ("Ken")
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510-374-2522 (Cellular)
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----- Original Message -----

Subject:

FW: ExxonMobil Backfilling - Recommendation to Cease Activity

Date:

Fri, 19 Feb 2010 11:34:50 -0800

From:

John Jay johnjay@jayphares.com

Reply-To:

johnjay@jayphares.com

Organization:

johnjay@jayphares.com

To:

Hkp hkp@jayphares.com

CC:

alecmerriam@aol.com<<mailto:alecmerriam@aol.com>>, "'Andy Lafrenz'"
<Andy@donahue.com><<mailto:Andy@donahue.com>>

FYI

From: Salma, Mark K [<mailto:mark.salma@ralphs.com>]
Sent: Friday, February 19, 2010 11:05 AM
To: johnjay@jayphares.com<<mailto:johnjay@jayphares.com>>
Subject: ExxonMobil Backfilling - Recommendation to Cease Activity
Importance: High

John,
My recommendation is to notify ExxonMobil to cease work on the site immediately.

I spoke w/James Smithson this morning. James has great concern regarding the alleged fact that ExxonMobil is backfilling at least a portion of the site with concrete. James states that backfilling with this technique will not be acceptable to Kroger as Kroger will be unable to obtain pad certification consistent with Kroger pad specifications.

We can iron out the details next week and are happy to meet with ExxonMobil and/or provide any additional specifications that they may require. Again, my suggestion is that ExxonMobil cease operation now and vacate the site until they are authorized to return by you. If ExxonMobil is allowed to continue using techniques that are not acceptable to Kroger, the pad may require significant and redundant over-excavation, backfilling, and re-compaction which will not be conducted by Kroger nor at Kroger's expense.
Mark Salma.

Mark K. Salma
Director of Real Estate
Ralphs Grocery Company
PO Box 54143
Los Angeles, CA 90054

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562-712-6262 (mobile)

Please reply to: mark.salma@ralphs.com<<mailto:mark.salma@ralphs.com>>
Visit our website: www.ralphs.com<<http://www.ralphs.com/>>

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