

Wickham, Jerry, Env. Health

From: Sedlachek, Jennifer C [jennifer.c.sedlachek@exxonmobil.com]
Sent: Tuesday, October 16, 2012 9:47 AM
To: Ken Phares
Cc: Alex G. Snyder; Paula Sime; Bruce Myers; Defrance, John D; Peter McIntyre; John Jay; Peters, Gregory S; J. Alec Merriam; Wickham, Jerry, Env. Health
Subject: RE: Former Exxon Station 74121 - 10605 Foothill Boulevard, Oakland

Mr. Phares,

I confirmed with Cardno ERI that the well destruction report will be submitted (via electronic upload) by the December 31, 2012 deadline. As an FYI, the well destruction activities were completed this past Sunday, October 14, 2012 and waste removal (soil from well destruction activities, stored onsite in labeled drums) is scheduled to occur on Tuesday, October 23, 2012.

Thank you.

Jennifer C. Sedlachek
ExxonMobil Environmental Services Company
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From: Ken Phares [mailto:kphares@ix.netcom.com]
Sent: Monday, October 15, 2012 1:42 PM
To: Sedlachek, Jennifer C
Cc: Alex G. Snyder; Paula Sime; Bruce Myers; Defrance, John D; Peter McIntyre; John Jay; Peters, Gregory S; J. Alec Merriam; 'Wickham, Jerry, Env. Health'
Subject: Former Exxon Station 74121 - 10605 Foothill Boulevard, Oakland

Jennifer -

Please see the email below from John DeFrance, Ralphs' attorney, and the attached September 25, 2012 letter from Jerry Wickham of ACEH requiring well decommissioning and a report to be submitted by Exxon. Can you please confirm when Exxon's input will be provided, so that we may schedule the close of escrow for the sale of this parcel to Ralphs? Thank you.

Regards,

Ken

Hugh K. Phares, III ("Ken")
Jay-Phares Corporation

10700 MacArthur Blvd., #200
Oakland, CA 94605-5260
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----- Original Message -----

Subject: Fuel Center Parcel/Remedial Action by Exxon
Date: Fri, 12 Oct 2012 17:37:51 +0000
From: DeFrance, John D <john.defrance@ralphs.com>
To: <kphares@ix.netcom.com>

Hi Ken,

Per the attached letter from the Alameda County Health Services Agency, it looks like case closure for remediation of Fuel Center Parcel that Ralphs is still in escrow for will issue when the County has received documentation evidencing the monitoring well decommissioning and technical reports have been uploaded. With case closure, Ralphs will be prepared to proceed toward closing on the Fuel Center Parcel. Could you let me know if the requisite documentation has been submitted (I assume it would be by Exxon)?

Two developments you may or may not be aware of. First, Kathleen Huntsman is no longer with First American, so I will find out who will handle the escrow in her place.

Secondly, and more significantly, Mark Salma took another position with Kroger (somewhere in Indiana, I'm told). Greg Peters, with whom I believe you and John Jay have had some contact with, will be filling in for Mark going forward.

Cordially,

John DeFrance, Esq.
Senior Attorney
The Kroger Co./Ralphs/Food4Less/FoodsCo
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Compton, CA 90220
(310) 884-6030 Phone
(310) 884-2610 Fax
John.DeFrance@ralphs.com

Description:

http://bweb.kroger.com/IDS/projects/cms/web_marketing/index.cfm?fuseaction=c.resource_load&resource_id=47450&suppress=true Description: Ralphs, Food4Less and FoodsCo

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

Subject:Former Exxon Station 74121 - 10605 Foothill Boulevard, Oakland

Date:Thu, 15 Dec 2011 09:51:53 -0800

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

Organization:Hugh K. Phares, III

To:Jennifer C. Sedlachek <jennifer.c.sedlachek@exxonmobil.com>

CC:Alex G. Snyder <alex.snyder@cardno.com>, Paula Sime <paula.sime@cardno.com>, Bruce Myers <Bruce@SalemEngGroup.com>, Mark Salma <mark.salma@ralphs.com>, Defrance, John D <john.defrance@ralphs.com>, Peter McIntyre <pmcintyre@aeiconsultants.com>, John Jay <johnjay@jayphares.com>

Jennifer -

The second paragraph of my email below should have read "The sale of this parcel **cannot close** because Ralphs is awaiting issuance of a No Further Action Letter from ACEH."

Sorry for any confusion.

Ken Phares

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Jennifer -

As you know, for some time this former Exxon station parcel has been in escrow for sale by MacArthur Boulevard Associates, owner of Foothill Square center, to Ralphs Grocery Company for redevelopment.

The sale of this parcel only because Ralphs is awaiting issuance of a No Further Action Letter from ACEH.

We understand that ACEH is unwilling to issue an NFA letter without additional vapor data. We have just received the attached letter from your new consultant, Cardno, advising that ACEH is now requiring the replacement of four of the permanent soil gas vapor wells earlier destroyed due to excavation at the referenced site.

However, we understand that even if the wells are installed, the water table is so high in this area that it will be difficult or impossible to obtain the additional soil gas vapor readings sought by ACEH to

supplement their existing data.

By copy to Mark Salma of Ralphs and Bruce Myers, Ralphs' consultant, I am suggesting that Bruce confer with you and Cardno's personnel before the new wells are placed to (a) decide the best location for the wells required by ACEH, giving consideration to the location of Ralphs' intended future improvements, and (b) discuss whether the presentation of additional water table evidence to ACEH might expedite their issuance of an NFA to enable the close of escrow.

If you have any thoughts, please advise, and thank you for your continuing cooperation in this matter.

Ken Phares

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December 12, 2011
Cardno ERI 2780C.L01

Mr. John Jay
MacArthur Boulevard Associates
10700 MacArthur Boulevard, Suite 200
Oakland, California 94605

Cardno ERI
License A/C10-611383

601 N McDowell Boulevard
Petaluma, CA 94954
USA

SUBJECT **Notification of On-Site Assessment Activities**
Former Exxon Service Station 74121
10605 Foothill Boulevard, California

Phone 707 766 2000
Toll-free 800 382 9105
Fax 707 789 9414
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Mr. Jay:

www.cardnoeri.com

At the request of ExxonMobil Environmental Services (EMES), on behalf of Exxon Mobil Corporation, Cardno ERI is notifying you of the upcoming installation of soil vapor wells VW3R, VW4R, VW11R, and VW12R at the subject site on December 19, 2011. This work is expected to take approximately one day to complete. The work is being performed at the direction of the Alameda County Health Care Services, Environmental Health Services. The proposed locations of the wells are shown on the attached Generalized Site Plan.

Once the wells are completed, the driller will refinish the surface to match the surrounding area. Soil waste generated during field activities will be stored on site in 55-gallon drums pending removal from the site and transport to an EMES-approved disposal facility.

Cardno ERI will make every attempt to minimize disruptions. Cardno ERI will employ various pedestrian and vehicular traffic control measures (i.e., cones, delineators, and caution tape) to limit access to the work zones as necessary. These traffic control measures are designed to ensure the safety of our personnel and the general public.

Thank you for your cooperation. Please contact Ms. Paula Sime, Cardno ERI's project manager for this site, at paula.sime@cardno.com or at (707) 766-2000 with questions regarding the scheduled work.

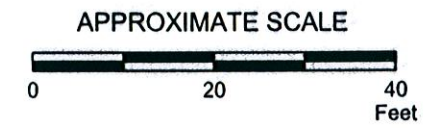
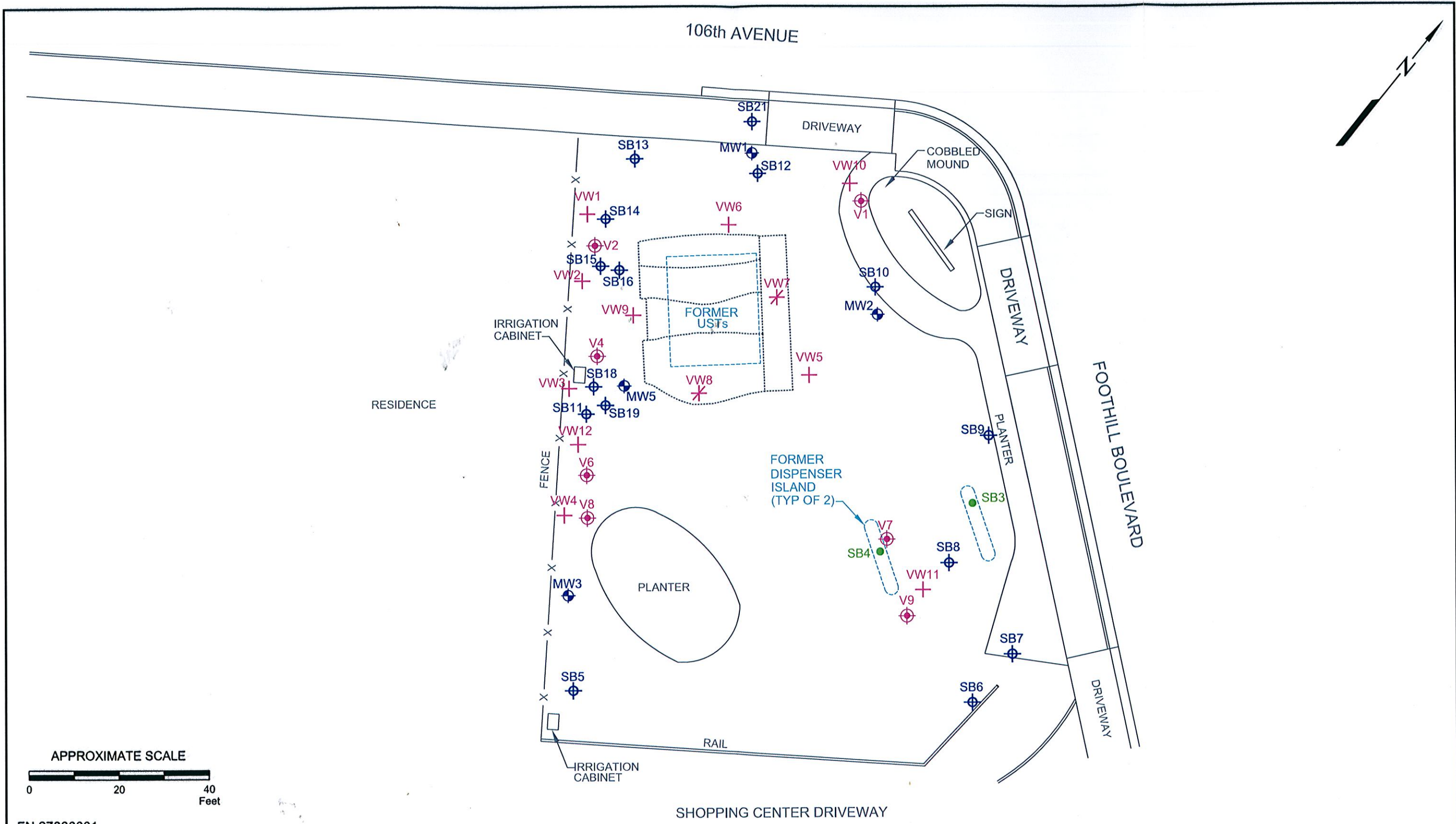
Sincerely,

Alex G. Snyder
Staff Geologist
for Cardno ERI
Direct Line 707 766 2000
Email: alex.snyder@cardno.com

Paula Sime
Senior Project Manager
for Cardno ERI
Direct Line 707 766 2000
Email: paula.sime@cardno.com

Enclosure: Generalized Site Plan

cc: Ms. Jennifer C. Sedlachek, ExxonMobil Environmental Services Company
 Mr. Leroy Griffin, Oakland Fire Department, 250 Frank H. Ogawa Plaza, Ste. 3341, Oakland, CA 94612
 Mr. Peter McIntyre, AEI Consultants, 2500 Camino Diablo, Suite 200, Walnut Creek, CA 94597
 Ms. Donna Drogos, Alameda County Health Care Services, Environmental Health Services
 Mr. Jerry Wickham, Alameda County Health Care Services, Environmental Health Services



FN 27800001



GENERALIZED SITE PLAN
 FORMER EXXON SERVICE STATION 74121
 10605 Foothill Boulevard
 Oakland, California

EXPLANATION

- MW5 Groundwater Monitoring Well
- VW12 Soil Vapor Sampling Well

- SB21 Direct Push Boring
- SB4 Soil Boring
- V9 Soil Vapor Sampling Well

- VW8 Destroyed Soil Vapor Sampling Well

PROJECT NO.
2780

PLATE
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