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April 3, 2008

Mr. Jerry Wickham
Alameda County Health Care Services Agency
1131 Harbor Bay Parkway, Suite 250
Alameda, CA 94502-6577
By e-mail to: jerry.wickham@acgov.org

Re: Summary of Meeting of March 6, 2008
4800 Coliseum Way, Oakland, California

Dear Mr. Wickham:

This letter is to summarize the important points and results of the meeting that occurred on March 6, 2008 regarding the 4800 Coliseum Way. In a letter dated 26 September 2007, Alameda County Environmental Health (ACEH) made technical comments and required submission of a work plan by 30 October 2007. The ACEH did not identify the specific objective(s) of the additional investigation to be proposed. ERAS submitted a response letter dated 24 October 2007 that directly addressed the technical comments that formed the basis of the ACEH request for workplan. ERAS requested de-listing of the Property as a SLIC case based on our response to the technical comments and the summary of data from investigations at adjacent sites also presented in the response letter.

In a letter dated 30 November 2007, ACEH did not directly evaluate specifics of the response to the technical comments but re-iterated the requirement for a work plan. The meeting was requested by the owner, Mr. Bob Nichols, to discuss important gaps of data that would provide additional data of the source of contamination that is affecting the Property.

The meeting was attended by Mr. Jerry Wickham and Ms. Donna Drogos of the ACEH, Mr. Bob Nichols, Mr. Ray Sherman, Esq. of Sherman and Feller, Mr. John Miller, Esq., the previous owner of the Property, and Mr. David Siegel of ERAS Environmental, Inc. (ERAS).

During the meeting Mr. Siegel presented technical information collected and summarized from the ACEH files. The following main points were made in the meeting or are documented:

1) The history of the former asphalt plant (AAA/Lerner site, 745 50th Avenue and 746

46th Avenue) indicates the asphalt plant operated for approximately 23 years before the building at 4800 Coliseum Way was constructed. The Sanborn maps from 1952 and 1957 show the asphalt plant was served by a spur that was located within the property boundaries of the AAA/Learner site. Underground pipelines carried asphalt product directly to sumps located on the AAA/Learner site and directly adjacent to the up-gradient Property line. **Therefore, there is a known source of oils and tar located in close proximity to 4800 Coliseum Way and a means for bringing it to its current location.**

2) Mr. Wickham indicated that he thought the rail spur at 4800 Coliseum Way was the rail spur that was served by the underground pipelines from the asphalt plant. The rail spur at 4800 Coliseum was not present in 1961 but was present in 1966 so history indicated **a different second spur was constructed for use by the sporting good warehouse.** No uses of 4800 Coliseum Way including the sporting goods warehouse are likely to have contributed contamination that is migrating onto the Property from up-gradient. Neither the current or prior owner of the Property knows of any uses of 4800 Coliseum Way which has caused or would be likely to have caused subsurface contamination.

3) Mr. Nichols brought up the point that if the pipelines extended all the way to the Property rail spur as was suggested by Mr. Wickham, then they would have had to cross the rail spur at the AAA/Learner site, which was not reasonable. In addition, the sumps would have to be located under 4800 Coliseum Way and there was no evidence found of this. **The sumps are shown on the maps to be on the AAA/Learner site adjacent to the location of the former rail spur, also located on the AAA/Learner site.** A copy of a portion of the soil map showing the sumps and pipelines on the AAA/Learner site is attached to this letter.

4) Mr. Siegel presented some photographs of ponds of water containing floating oil that were located at the AAA/Learner site. The exact location of these are not known but could be determined by further site inspection of the AAA/Learner site. These likely were near an area at the Learner site that contained a hydraulic press. This area was subject to remediation in 1988 (the date on the photographs) and was located up-gradient of contamination discovered at 4800 Coliseum. **These areas of dumping of oil and perhaps other chemicals provide an obvious source of up-gradient contamination.**

5) Mr. Siegel made the point that there were at least three plumes migrating from the up-gradient AAA/Learner site and affecting the PG&E site, 4800 Coliseum Way and the site adjacent to the northwest at 4700 Coliseum Way. **CB and DCB were found in elevated concentrations in groundwater at the AAA site; therefore there is a known source of the contaminants in groundwater up-gradient**

of 4800 Coliseum Way and PG&E at 4930 Coliseum Way. In addition, ERAS is aware of at least two plumes of chlorinated solvents (other than CB and DCB) migrating from the AAA/Learner sites. One of these has been detected on the PG&E site to the southeast and another has been detected affecting 4700 Coliseum Way to the northwest. **The AAA/Learner site therefore has a long and extensive history of industrial operation, and documented dumping, leaks and spills of hazardous chemicals. These include all the contaminants found at the down-gradient 4800 Coliseum Way.**

6) Mr. Siegel indicated that one of the uses of chlorobenzene (CB) was as a solvent in the manufacturing of paints (http://www.epa.gov/chemfact/chlor-sd.txt). Pipe painting was performed on the dirt yard located directly up-gradient of the location of contamination discovered at 4800 Coliseum Way. In addition, **one of the uses of 1,2- dichlorobenzene (DCB) is for manufacturing of oils and asphalts** (http://www.oehha.org/water/phg/pdf/12dcb_c.pdf).

7) Mr. Wickham suggested that the observation of oil and tar in soil at less than two feet in borings at 4800 Coliseum Way indicated the source was on the Property. However, the following facts relate to this occurrence at the Property.

- The tar and oil was observed in virtually all the borings along the up-gradient edge of the Property.
- Tar was observed in the up-gradient excavation sidewall at the Property in 2000.
- The former asphalt plant at the AAA/Learner site was known to have pipelines which carried oil and tar directly to the railroad spur along the property line shared with 4800 Coliseum Way and the PG&E site.
- There was known surface spilling at AAA/Learner and the solvents associated with the asphalt manufacturing could mobilize oil and tar to the shallow soil at 4800 Coliseum Way.

8) Mr. Siegel provided concentration distribution maps that indicate solvent concentrations in soil at the Property were below Tier I ESLs for leaching to groundwater and indicated a lack of correlation between the concentrations of CB and DCB in soil at the Property and concentrations of these compounds in groundwater. Together these lines of evidence indicate that the soil at 4800 Coliseum Way is not acting as a significant source of CB and DCB contamination to the groundwater.

The solvent distribution maps indicate the groundwater plume is migrating onto the Property from the up-gradient AAA/Learner site. **The data indicates that Mr. Miller and Mr. Nichols have been investigating and would perhaps have to remediate the toe of a contamination plume migrating from the adjacent**

up-gradient AAA/Learner site.

Mr. Siegel indicated the reason for discussing the existing data from adjacent sites was to present the preponderance of evidence of the probable source of the contamination as the AAA/Lerner site in conjunction with the evidence from investigations on the Property that the source of contamination was from on upgradient (northerly) source. Also, Mr. Siegel pointed to gaps in the data from adjacent site investigations and remediation work activities. The point was made that Mr. Nichols and Mr. Miller have willingly conducted several investigations and a large volume of data from perhaps 30 soil borings in the area along the northeastern side of 4800 Coliseum. This contrasts with the very limited data that has been generated from sampling at the AAA/Learner sites.

ERAS attempted to discuss the following gaps in the data for the AAA/Learner site, but Mr. Wickham stated he was not willing to discuss work at these other sites at the time of the meeting:

1) An excavation that was performed on the Learner site in an area adjacent to the property boundary shared with the Property. No results of sampling were found in the ACEH files, nor were sample locations indicated on the existing maps. There is also no record of the disposal of the contaminated soil. ERAS has been unable to determine whether or not this was contaminant removal work conducted under ACEH oversight. This was the area of known dumping and leakage of oil and perhaps other chemicals.

2) The groundwater data indicated that there was a solvent plume that was migrating onto 4800 Coliseum Way from the up-gradient AAA/Learner site. Mr. Siegel attempted to discuss the apparent facts that there were only two groundwater samples collected at the AAA/Learner site but neither of these was located up-gradient of the contamination encountered at 4800 Coliseum Way.

Mr. Siegel did not have the opportunity to discuss the following additional questions pertaining to data gaps in the investigation at the AAA/Learner site. However, ERAS considers the answers to these questions important to determine if the contamination is migrating from the up-gradient AAA/Learner site:

- There was no indication of confirmation soil sampling that was performed along the underground pipelines from the USTs at the AAA/Learner site. These pipelines emptied into sumps along the former rail line on the AAA/Learner site. There was no indication of the results of confirmation soil sampling conducted under or near the sumps.

- The solvent isoconcentration map provided by LFR did not include the CB and DCB concentrations data from the groundwater sample collected under the smaller

underground tank that was associated with the former asphalt plant. Including this data point would significantly affect the interpretation of the extent of groundwater contamination as well as the source.

- The groundwater flow direction has been well documented at the PG&E site to be southward. There were no soil and groundwater samples collected in the area directly down-gradient of the former USTs, nor is there sufficient sampling currently planned to be conducted at the AAA/Learner site.

We understand that Mr. Wickham was satisfied that Mr. Nichols and Mr. Miller would not be required to perform additional investigation at their Property until after the other parties provide the results of their investigations. However, ERAS is deeply concerned the proposed scope of work for investigation of the AAA/Learner site fails to address the data gaps listed above. Therefore, it is not clear how the work proposed at the AAA/Learner site will help resolve the outstanding issues at 4800 Coliseum Way.

As you know, we are not persuaded 4800 Coliseum Way is the source of any problem at this time but, if adequate/appropriately extensive sampling done on the other properties indicates otherwise, then we're open to discussing with ACEH an appropriate, but almost certainly limited, work plan.

We again thank you for the opportunity to meet with you and discuss the concerns associated with 4800 Coliseum Way and the contamination migrating onto the Property from the adjacent up-gradient site.

We are transmitting to you herewith, as requested at the meeting, the ERAS 2000 Phase 1 report and the text of a Phase 1 report prepared by Aqua Terra Technologies, dated April 8, 1991.

Please contact us if you have any questions or require additional information.

Sincerely,
ERAS Environmental, Inc.

David Siegel

David Siegel, REA II 20200
Senior Program Manager

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