

10-11 reviewed 9-14-94 report by L-F (1.5hr)

10-11-94 Sp w/D. Hwang. He Sp w/ atty Eric
Laurence today. Atty for p.o. (WIRET).
EL said Safeway never told the p.o.
about "other" USTs.

+ Safeway filled out forms (UST regist.?)
improperly + didn't notify p.o.
He claims there's more USTs onsite that
Safeway didn't acknowledge.

Don doesn't think his 7-26-93 generator
insp/ly form indicates that w.o. was
a UST.

.3hr

10-12 Mess. fm E. Laurence (lawyer) 415-777-3999
10-17 Spoke w/ " "

benzin is ^{also} ligroin (petroleum substance), probably stored
↓
in USTs, maybe ASTs.

naptha

CAS 8030-206

Hydraulic oils of nr the 2 elevators.

They've discovered additional USTs. They've
what they think are

done GPR + didn't find anything, but are
still looking. WIRET bought prop in 83
fm Union Ice Co ↓ Safeway was only a
tenant (since 58) ↓ (since dissolved).

We don't know who ^{was} last UST operator.

.3?

10-17-94 cont

Oakland Redevel. Agency is ~~is~~ in
using site of a film prodn agency.
Asked him for the "detailed Phase I".
He'll mail it.

Safeway operated the elevators.
Did " have trucks? Probably. ~~the~~
Trucks loaded up on 24th St. side.

~~Safeway oper~~
Further srs definition. Up for it ^{will} ^{send} ^{wp}
They also own parking lot across
Myrtle St. (near Grand). They put 1 MW
in lot, + 1 MW on Myrtle. Report not
yet in.

.8 hr Discussed w/SOS

Did Sway install USTs? Build improvements?

Melita Elmore

When did SW stop operating USTs?
w/c USTs did they operate?

Site Summary SLIC STID 3984
Safeway Ice Cream Plant
2240 Filbert St.
Oakland CA 94607

cont fm handwritten notes:

10/17/94 Phoned Melita Elmore of Safeway. She's out on vacation, so Alice Nolte will return my call. Which USTs did they operate? When did SW stop

10/18/94 mess. fm Alice Nolte of Safeway 891-3097 (she's calling for Melita Elmore): we have nothing to do w/any UST there. Call WIRET.

10/19/94 Reviewed 10/18/94 letter fm Eric Laurence (lawyer). WIRET is still investigating for the presence of additional (more than one) USTs. He will send me the results of gw invest. when they come in. He wants copies of reports re the former Langendorf site (Alan Zatopa RP) at 1000 W. Grand Ave. (LOP STID 3994). He enclosed the 3/14/94 Phase I by McCulley, Frick & Gilman, and the 9/28/94 wp by Levine-Fricke.

10/19/94 Phoned Alice Nolte of Safeway. She said she's been instructed to indicate that they never operated the USTs. She referred me to their attorney Jerry Harrison. He said they think that Union Ice operated the USTs: one under sidewalk or street on east side (Myrtle St.), and others in a parking lot across Myrtle St. He said he believes that Safeway never operated the USTs, and that Union Ice installed them and also closed them (maybe filled them in). Safeway operated the site incrementally from the N side southward. He said SW never used the garage or repair shop, and they were gone by the time SW occupied that part of the site. He noted that SW trucks are diesel-fueled, and the UST in the 5/87 permit application indicates unleaded gas fuel. Re the 2 elevators: SW did operate them, and Union Ice also operated Elevator #1. He said they never operated the benzine, cleaning and dyeing works, or horse collar factory. I think he said that Union Ice was out by 1980. Discussed w/SOS: **where did the waste oil come from?** (see DH's 7/26/93 inspection form) (maybe production equipment) **Where are the sumps? Do they really mean USTs?** (see 1/31/94 letter w/attachment from Melita Elmore) (1.2 hr)

Wrote letter to "RPs," requesting funding for the oversight of this project.

11/1/94 Reviewed 10/25/94 letter fm Jerome Harrison, the lawyer for Safeway.

Reviewed 6/29/94 "Report on Limited Subsurface Invest. and Agency File Review (Phase II)," by McCulley, Frick & Gilman. This was done for WIRET. Task 1: ID USTs: only one definite UST. All sorts of recommendations for the various tasks.

Reviewed 9/28/94 "Revised Proposal to Perform Additional Soil and GW Quality Invest. . .," by Levine-Fricke. Proposes soil and grab gw samples from 28 SBs in four areas of the site, previously ID'd in L-F's 9/14/94 huge report: 1) the N-Central/NW portion (8 SBs), 2) near the suspected UST on Filbert, 3) former paint room/garage/auto repair shop on Filbert and Safeway's Haz Mat Storage area (6 SBs), and 4) the 2 elevators (3 SBs in each elevator). **Figure 2 shows a haz mat storage area; I've never noticed this area before.** They anticipate that a minimum of 3-6 MWs will be installed in the next phase. GW will be analyzed for TPHg and BTEX and VOCs.

Spoke w/Eric Laurence. L-F is Safeway's consultant. MFG is WIRET's consultant. MFG is overseeing L-F's work: MFG wants to 1) add 4 more wells, 2) switching location of SBs on 24th and Filbert St. (pulling them closer to site), 3) take soil samples at 1-2' bgs, and then every 5', 4) activities to ID USTs, 5) they found 2 more former elevators and want to do invest. there (SBs), 6) do TEH instead of TRPH. . .why? (call Jeff Gilman of MFG at 415-495-7110). Even though these changes are MFG's ideas, Laurence is writing it up, so as not to step on ego-toes of L-F, and also to make it more palatable to Safeway. He'll fax me his letter. I'll review it and incorporate it into my letter to RPs.

MW1 is at W. Grand and Myrtle: Low levels. MW2 is in the NW corner of parking lot across Myrtle St: soil is ND, but gw has hits (incl. benzene). . . may be from former Chevron nearby. MFG is doing this report. It's ok for them to send report directly to me.

11/2/94 Reviewed 11/1/94 fax fm Eric Laurence. It's a letter from him to Levine-Fricke, dated 11/1/94. It specifies the locations of additional SBs and MWs, as well as the elimination of some SBs. **Why do they want to eliminate SBs along Filbert St., 24th St. and in the lab? Why do they want to substitute TEH for TRPH?**

11/2/94 Phoned Jeff Gilman of MFG. Eliminate the SB in the lab bec. no floor drain, and they only used small quantities of chemicals. It was just a QA/QC lab, not an R&D lab. Eliminate SBs in the streets (24th and Filbert) bec. they first want to ID onsite sources. Why substitute TEH for TRPH? because you get a chromatogram w/TEH; it would be done along w/TPH-g and BTEX. He'd add TEH to Haz Mat Storage Area. This area had stoddard solvent, waste oil, ethylene glycol, drums marked waste solvent (from printing), raw material oils (compressor oils, hydraulic oils). This is discussed in MFG's 3/14/94 Phase I report. Substitute TEH for TRPH except for those SBs around the elevators. OK. sounds reasonable.

Briefly reviewed the 3/14/94 Phase I by MFG. There may be old wells (?), acting as conduits.

Wrote letter to RPs.

Rick Hirsch of L-F phoned (596-9509). Wants to know what kind of USTs were pulled from adjacent Langendorf site. Three 2K gasoline USTs. left mess. on 652-4500 voice mail

11/3/94 mess fm Rick Hirsch. Spoke w/him. He's worked w/EC. USTCF. Does stoddard solvent in UST qualify for LOP? The client hopes this site can qualify for LOP and therefore the CleanUp Fund. Is thinking of doing SBs on W side of Filbert. Were there stoddard solvent USTs? Start SBs on 11/7 Mon.

11/8/94 Spoke w/Rick Hirsch. They're canceling the MWs for now. They don't want to put more MWs than necessary. There were some grab gw samples in L-F's 9/14/94 huge report. [When Safeway wanted to move, MFG looked for some contam. But WIRET already had a consultant (L-F)???] WIRET has elected to proceed w/invest. L-F prepared the wp. There was a difference of opinion: L-F wanted to investigate on and offsite all at once. L-F has taken MFG's recommendations, and will do all interior sampling, and also use SBs along Filbert and 24th St. to bound the outer areas. Then will focus on MWs. They're starting on outside SBs first while weather is good. Then will move inside. I got the Langendorf report just today. He'd like a copy of that report, along w/field notes. They put a SB adjacent to that location yesterday; got a hit on the OVM. (Make a few copies of Langendorf report; both parties will probably want it.) They know that benzin was used: similar to petroleum naptha or ligroin (in mineral spirits/stoddard solvent family). They know that in 1932 there was a gasoline

11/8/94 UST on Filbert St. outside the auto repair shop. They
con't got FP in B-8; sent it to Friedman and Bruya; mineral
spirits range/naptha, similar to gasoline sample they
looked at that was pre-WWII. WIRET may be able to
attribute the contam to Safeway. See Appendix E in
9/14/94 LF report. Then why did they get ND in B8 soil
at 10'? Rick said they hit a permeable, sandy, gravelly
layer bet 8 and 10'bgs (vadose zone). So they were
getting high OVM hits at this zone; that's why they
collected samples at that depth. GW was at approx
12'bgs. Next permeable layer was at 25'bgs. GW flowed
out from here to 12'. So first encountered was at 25'
and static water was at 12'. Confined condition. Soils
bet 12 and 25' are confining gw (fairly impermeable).
B8 was one SB which was left open overnight and water
recharged; they planned to sample in the next morning.
But they found FP on gw. Do we know what was stored in
the ASTs (NW corner)? He thinks maybe ammonia.
Possible USTs: 1) They found patching near the
suspected 500-gal UST outside auto repair shop. They
plan to do a SB thru this spot. 2) He noticed a pile of
soil in the SW corner of lot located between Myrtle and
Market, S of their parking lot. 3) He also thinks there
was an old gas station, now a taxi area, on SW corner of
Market and W. Grand Ave. 4) There's a big bldg at NW
corner of W. Grand and Filbert; if you go around back
side of bldg, there's a buried tank (diesel?); found a
pump inside a cyclone cage; saw residual diesel on fill
port (check our files!). . . . We planned to meet Thurs
at 3 pm corner of Filbert and W. Grand, to do inside
SBs. . . .stoddard solvent (petro. spirit, type 1) has a
code of 8052413, so it could be considered LOP.

11/10/94 Met Jeff Gilman and Rick Hirsch onsite; did site tour.
See field notes.

12/2/94 Returned calls from Rick Hirsch of L-F. He wants me to
give him consultant's maps of neighboring sites. He's
making a big vicinity map, including MW locations.
CalWest Periodicals at 2400 Filbert, Arco at 889 W.
Grand and Market, and Chevron at 850 W. Grand. Myrtle
and W. Grand, NE section, across fm Safeway, western
end, is a body shop--he thought he saw evidence of tank
pull. 2200 block of Market or Myrtle. fax is 652-2246

Copied maps and faxed them.

12/20/94 mess fm and to R. Hirsch; sent fax

2/10/95 Reviewed the huge 1/17/95 "Soil and GW Invest. Report," by L-F. They assumed gw gradient to be NW (pg 3). There were 2 samples of FP in the NW portion of the site (p.7). These were B-43 and B-44 (pg 9); Friedman and Bruya analyzed the FP; it was found to be low B.P. compounds, possibly weathered gasoline, mineral spirits, JP-4, or naphtha. These results are similar to B-8 (Phase I) (pg 13). They determined the areas of contamination in soil and gw: NW and Western portions of the site (as well as other localized areas) have HCs, elevator sumps have O&G and NPH. Soil has hits at about 10' bgs (near gw table), as opposed to shallower soil. They do NOT attribute off-site sources to the contamination in the NW and W portions of the site (pg 17). RECOMMENDATIONS: (pg 18) 1) evaluate shallow soil contam in NW portion of site. Is this due to the hit in B-44? 2) install 3 MWs in the NW portion and 3 MWs in the W portion of the site. Other Questions: 1) Did Mohawk Gas Station only have one UST as shown on Fig 2? If so, is this the right location? It seems weird. 2) How thick was the FP in B-43 and B-44?

Reviewed 11/9/94 "Report on Invest. of Impacts from Off-Site Sources," by MFG. This report documents the installation of MW1 and MW2 in Sept 1994. MW1 had low hits in soil; MW2 was ND in soil. GW sampled on 10/3/94; BOTH wells had hits in gw; MW2 was somewhat hotter. Highest hit was 1,100 ppb TPHg in MW2. These wells are located presumably upgradient.

RECOMMENDATIONS: 1) substantiate gw gradient, by tying in Chevron and ARCO wells: measure all wells on same day; 2) file review, esp Chevron's 6/94 soil excavation project at 850 W. Grand; 3) sample MW1 and MW2 and analyze for TPPH, TEPH, BTEX, and do a fuel fingerprint; 4) compare chromatograms of soil and gw samples in 7/94 to THESE samples.

left mess Rick Hirsch. I copied info for him. But I should make copies of this info for MFG, and also for my own use.

2/14/95 Mess fm and to Jennifer Beatty: 652-4500: Rick Hirsch is out of state til March or April.

2/15/95 Spoke w/J. Beatty of L-F: Ground surface is 4-9' below st. grade in the NW portion of site. Therefore, the 0-6' samples on Fig 3 are actually deeper than is obvious, except B-44 (see pg 16). There's been no word on the next phase of work. WIRET sold the property in Dec or Jan to Eddie Orton of Orbit Property Corp (OPC), located at 1475 Powell St., 2nd Floor, Emeryville CA 95608 (652-0800). She doesn't know who assumed environmental

2/15/95 responsibility. She'll get back to me on my 2 questions re 1) Mohawk Gas Station and 2) thickness of FP (see 2/10 comments)

Phoned Eddie Orton (652-0800 x225) and left mess.

Phoned Eric Laurence (lawyer for WIRET): 415-777-3999 the deposit has less than 6 hours remaining. left mess.
Mess fm E. Laurence: WIRET was landlord since 1981, but sold the prop Dec 94 to Eddie Orton and Mr. Levinsky dba Orbit Prop. Corp. He thought they had met w/me prior to purchasing the property. Doesn't know current owner's plans, but they have contractual obligations to WIRET to do cleanup. mess back to Laurence: No, the new prop owners have NOT contacted me. Who will make the next deposit for County oversight? Sounds like Orbit. . . .
mess fm Eddie Orton

2/16/95 mess fm and to Eddie Orton

2/17/95 spoke w/E. Orton: He's a non-practicing lawyer, and has a construction co. He's worked w/J. Krebs in Berkeley and Ravi and L. Feldman and WCC (Al Ridley 874-1425?-- remember Coca Cola). Also L-F, HLA, etc. He recommends I contact these people. He's been involved w/San Leandro plume, largest diesel cleanup in Oakland (Guiton Bus Lines in 1989). They have not established responsibility yet bet. Orbit and Safeway. They would rather do/clean than test. He doesn't want to put in more MWS/SBs. They're one of the biggest developers in the area: ie garbage transfer station in Pittsburg. Wants to build a Coca Cola bottling site in BENICIA. He's unhappy w/the way Safeway has been handling this site (they say they're not liable). The hydraulic oil contam is attributable to Safeway, but much of the other contam may be caused by Union Ice (prior tenant). Benzin contam probably from Union Ice (not Safeway). They have correspondence fm '74 that indicates that Safeway operated UST(s). Primary force behind the USTs was Union Ice. Their lawyers are working on this; it's at the legal stage. He doesn't want to spend \$\$ on cleanup, then hear Safeway say they would have done cleanup in a less costly way, and therefore we (Safeway) won't reimburse you completely. Plans to reuse site as refrigeration plant. He'll be here for a PERP (J. Krebs and Ravi) on 2/28. He'll be free 1:20-2pm on 2/28. Wants to discuss goals. He owns a lot of property (4 bldgs) in that immediate area. He doesn't mind giving us another \$\$ deposit to work off. Says they're "Tree Huggers." He wants us to ID Safeway as a RP; but I told him I don't know what the legal authority is to name RPs under SLIC. Explained 23CCR re LOP. Who is their

consultant? Probably ATR: All Waste Transportation and Remediation--but they don't have an RG. Orbit has a RG they contract with. J. Krebs knows who. Orbit Properties, Attn: E. Orton, 1475 Powell St., Suite 201 Eville, 94608. Gary Colbert of ATR will be at the 2/28 mtg.

spoke w/J. Krebs: has found Orton easy to work with. She thought things went better when WCC was in the picture, as opposed to just ATR. Gary Colbert is not a recognized professional, but is good at tank removal and overall strategy, but he doesn't write good reports or pay enough attention to detail. **Harry Short is RG who contracts to ATR. Push for a real consultant: WCC.** JK thought the best work was done when WCC worked in conjunction w/ATR. Eddie says "Regional problem requires regional approach." But RWQCB gives you no blueprint. Maybe we should just do a RA instead of all this characterization and cleanup. Mike Ziegler (works w/Eddie): I'll meet him. **.3hr not charged**

2/21/95 J. Beatty of L-F phoned. Did I speak w/new owner? How thick was FP in B-43 and B-44? Didn't measure bec they did not leave it open overnight. Mohawk single UST location: they asked people working on that site, just got their recollection.

2/28/95 Prepared for mtg w/Eddie Orton. left mess Eric Laurence (lawyer for WIRET) re WIRET's cleanup agreement w/Orbit. Re cleanup goals: all I can tell him is either clean up to ND, or use a risk-based approach. Can do a RA, using ASTM #s. But must have a qualified consultant, one who is familiar w/RAs. Toxicologist is best, one who knows the computer program for RAs. Their former consultant, WCC, has Marco Lobascio, who does RAs, and who has worked w/Madhulla in the past. But they must first have delineated the contamination. And also remove the USTs.

sp w/E. Laurence: Union Ice appears to be defunct. They've left USTs in other sites around the state. Orbit is in the business of cleaning up sites. They have their own company to do this, and can save 15% of cleanup costs. Orbit is assuming WIRET's claims re Safeway. SW used stoddard solvent in ammonia, to keep it fm freezing, and this leaked for years. WIRET didn't want to fight SW, but Orbit is willing to. WIRET hired MFG and also L-F; L-F was SW's consultant. SW would not agree to do cleanup if WIRET didn't hire L-F (their consultant). SW has only pd for a portion of the cost of first L-F report. SW says that NFA is appropriate. If ALCo had written a ltr req'g site assessment, then WIRET would've had a reason to get SW to pay. Eric

2/28/95 recommended RA to his clients; the consultants also recommended RA. He thinks L-F's reports were biased to SW. They think stoddard was stored in drums (not USTs) and may have leaked. Union Ice gave them historical files, which indicate leaks. **Let him know if Eddie Orton is not cooperating.**

mtg w/Eddie Orton: he just found out that Union Ice may not be defunct, and may be located in Commerce CA under same name. His lawyer is looking into it. Did Union Ice declare bankruptcy? don't know. 2 USTs IN Filbert St. are not his responsibility bec. they're in the street; City is the property owner. Other UST off Filbert (in sidewalk) is not really there. What about UST at corner of Grand and Filbert? Is it there? He doesn't know for sure. I req'd to be present when they go out and probe USTs. Status of TR? He wants to settle w/SW first. Hopefully in a couple of wks. Both parties don't want to litigate. He's got an ongoing relationship w/SW. **Let's decide on the COCs; talk to Madhulla; he'll have Marco at WCC do RA. He'll update me in a couple wks w/TR status and legal status.** He needs a Tank Closure Plan. And I need a check from him for oversight costs. **COCs: benzene (also TEX?), benzin (or mineral spirits?), what else? .5 hr including typing time.**

spoke w/Gil. He said to notify Britt Johnson that RP wants to reuse site as refrig plant. He said there were significant env. problems w/neighbors getting sick. He doesn't think City would want this site to start operations again, at least not without proper upgrading, and RMPP. **Also cc Gil on letters. Phoned BJ w/Oakland Fire Dept: told him; he'll contact new po.**

3/1/95 Discussed COCs w/Madhulla. COCs are divided into "carcinogens" and "non-carcinogens." Should do benzene as carc, and TEX and TPHg as non. Marco has the new toxicity value for TPHg, as per EPA's Region X. If they use residential scenario, they won't need more MWS. If they use industrial scenario, they must put in MWS, bec. we don't have a clear grip on gw gradient, and this is important to know bec. even though this is an industrial site, this site is in a residential neighborhood; we'd need to do long-term monitoring; maybe only for 3-5 yrs. (He doesn't need closure anyway, bec. he bought site outright.) As for VOCs: compare avg VOC values (for each constituent) w/MCLs or other goals (Marshack?). If value is >MCL, include the constituent as a COC. The consultant should do this. . . . lm Eddie Orton

3/2/95 spoke w/E. Orton: He's afraid that it costs 10K for RA per each COC. He's not gonna want to do RA if the cost is too much. Also doesn't want to do residential scenario bec. their site is industrial, and he doesn't see why he should be responsible for the adjacent residences. Toldhim it's bec. "his plume" is heading under the residences. See L-F report (figures). Told him MWS may be needed if they do industrial scenario. He couldn't believe that gradient is not already defined in that area. Told him the site is equidistant bet Oakland Inner and outer Harbors. Re VOCs: He said no evidence that VOCs were used at his site. The VOCs found are background levels. I countered that the VOC concs were low, and probably below the MCLs. I asked him to do a comparison of average conc for each VOC, and compare to MCL or other risk-based cleanup goal (see Marschack document). He said WCC will probably charge another 5K just to do that w/the VOCs.

3/8/95 ML says we can eliminate TPHg is concs are low.

3/16/95 mess fm Al Ridley of Woodward Clyde Co. (874-3125)

3/20/95 Spoke w/Al Ridley and Marco Lobascio. They toured the site, and have the reports prepared by others. They want to be clear what there goals are. ASTM recommends that when the contaminant is gasoline, to use BTEX instead of TPH-gasoline. Their approach is more widely accepted than EPA's approach (reference doses for TPHg, TPHd, and TPH-jet fuel). Does Madhulla have a copy of that? The EPA document is written by Mr. Dollarhide. He gave her a copy a couple wks ago. Since benzin is not as toxic as BTEX, we'll leave it out. We'd look for the maximum (not average) conc (using RBCA Tier 1) of each VOC, and compare to MCL or other cleanup goal. And then decide whether or not to include it as a COC. How about ammonia? They can develop a Tier 1 conc for ammonia? See 8/24/94 L-F report: highest conc for ammonia is 730 ppb (in water). They can do this for any COC for which there is a published toxicity value (reference dose for non-carcinogens, slope factor for carcinogens). He provided ML w/the model for 80 chemicals. The Tier 1 levels are MORE conservative than PRGs. PRGs are based on open-air exposure scenario; ASTM is more specific.

4/3/95 mess fm Tim Freeman of WIRET re status of env work?
(415-929-1314 X326)

4/6/95

phoned Eddie Orton: what is the status of checking for USTs? He had instructed JR Martin to stick a wire down what seems to be a fill pipe, to see if there IS a UST(s). . . . left a brief voice mail mess Tim Freeman of WIRET: said we're doing a RA.

spoke w/Eddie Orton: Got bid on TR from All Waste Transportation, but it was too expensive. They did find a UST on SW corner, along Grand Ave. (or Filbert). So we're talking about 2 USTs. There's more USTs in Filbert that he's taking no responsibility for. RA: he signed a contract w/WCC today. The Safeway settlement is way down the road. Union Ice was bought out recently; they're chasing them down. They found someone who sued UI to no avail. Tim Freeman is prop mgr for WIRET (not a lawyer). **What are we gonna do about those USTs in Filbert St.?** 1) confirm that they ARE there. (Outside of the HazMat storage area) left mess J. Beatty at L-F. 2) call City of Oakland; tell their lawyer to talk w/Eddie Orton and HIS lawyer.

left mess Andrew Clark-Clough w/City of Oakland Env. Affairs re this.

mess fm Rick Hirsch of L-F: (596-9509) suspects that those 2 USTs (he called them fuel oil USTs) are still there. They were located on Sanborn maps that MFG found. Then they were detected during GPR (underground utility locator). They also did not find any documentation showing they were removed. He plans to call Eddie Orton.

spoke w/Rick Hirsch: He thinks USTs were used to fire up ammonia compressor. Look at the 1951 Sanborn map (tabbed now) in MFG's 3/14/94 Phase I report. It's there, and it says "oil USTs."

4/18/95

mess fm Eddie Orton: wants to do TR soon. Contact JR Martin at 652-0800 X211 re TR.

4/24/95

phoned JR Martin He said the closure plan is being put together by Gary Colbert of All Waste. They're getting bids now. They also have to remove asbestos fm bldg. WCC is doing RA. They need to borrow \$\$ for tenant improvements, and to remove the refrigerator equipment (it's gone now). But the bank needs to get environmental clearance, or at least to know that env work is underway. They also need new roofs and paint. Asked him to let Eddie know I called back.

4/25/95 mess fm Andrew C-C: The City lawyer is Vivian O'Neal, Office of City Attorney, 505-14th St., Suite 1200, Oakland 94612.

5/18/95 spoke w/JR Martin: he'd like to meet w/me and Steve Schwartz from IT, to discuss the latest report of Phase I findings by IT. Includes findings of USTs: whether they exist, are filled, etc. Asked him to send the report, let me look at it, THEN I'll schedule a mtg.

6/1/95 Reviewed 5/19/95 letter from JR Martin. **Area 1:** known 10,000-gal UST along W side Myrtle St. **Issue a:** They claim that AlCo "permitted" the 10,000-gal UST closure in place. Not true. They merely filled out a Permit App. They didn't even date it, or fill out the size of UST. We received the form in 5/87, which was about the time our UST program was only starting. **Issue b:** wheres a copy of the 2/22/90 ltr from Safeway to Bd of Eq? **Issue c:** where does it say the size of the GPR anomaly? ie size of UST? IT concludes that the UST was approved for closure in place, was closed in place, and NFA. **Area 7:** suspected 1,000-gal UST adj to Myrtle St, approx 45 S of Area 1. **Issue a:** where is the port opening? On the curb? See pg 4. Dont see it on photographs. **Issue b:** So the piping was left in place? See pg 4. IT recommends overex at B47 to remove contam found at 10'bgs. **Area 4:** suspected 550-gal UST at SW corner near Filbert and W. Grand. They think the UST is below 3-4' of concrete (loading dock), but they dont know which way UST is oriented. IT recommends to close the UST in place, and install a MW within 10' in assumed DG direction.

or indicate UST location ←

Phoned Steven Schwartz of IT: 372-9100

6/5/95 spoke w/S. Schwartz: Area 1: issue a: no OFD permit either. Issue c: magnetic survey people outlined the sidewalk in white. Where is GPR report? Does it say 25' x 8-9'? Issue D: must do borings under UST. He does not think we can do it. B25 closest SB. He thinks gw flows West. **Area 7:** issue b: yes. check DTW in MW1 for SS. It was 12' in 9/94, when MW was installed. Then was 10.1' on 10/3/94 during sampling. His concern is that they may be digging in gw. Agree w/recs. **Area 4:** ok, agree w/recs. But it would be good to install another well so as to make an equilateral triangle, to determine flow direction. Another well in Area 4 will only make the wells in a straight line. What was the rationale for installing MW1 and MW2 where they did? It was not mentioned in the 11/8/94 MFG report (essentially

until ←

MW Inst. Report).

Phoned JR Martin: left message

6/6/95

spoke w/JR: **Area 1:** He doesn't know why there are 2 fill ports. He'll try to get the 2/22/90 ltr from Safeway to St Bd of Eq. **Area 7:** I agree w/recommendations: a) to plug piping, and b) to overex B47. **Area 4:** agree. But I'd like to see another well (4th well) in order to make an equilateral triangle with 2 other wells and determine gw flow direction. But where? What was the rationale for locating MW1 and MW2? Maybe ask MFG people. I'll ask MFG. Orbit didn't do it. But they're about 325' apart. Maybe near Area 7, due to the hits found in B47. Or maybe in Haz Mat Storage Room, near B29. Or maybe near the susepected USTs under Filbert St. (The ones Eddie doesn't want to touch). It'll cost a million to do tenant improvements. He'll try to get the 2/22/90 ltr, I'll contact MFG, and then I'll write a ltr to Orbit, accepting their proposal. Phoned Jeff Gilman: asked about the rationale for MW1 and MW2. Those wells were placed to see if there was UG contam, coming from offsite.

6/7/95

Reviewed 5/26/95 "Proposal of Approach for Development of Risk-Based Cleanup Levels for Soil and Groundwater," by WCC. Issues: Area One: 1) I dont see a listing for TPH-ms in their Table. I see 1100 mg/kg TPHms in B43 at 10'bgs. 2) I see 1900 mg/kg TPHg in B43 at 10'bgs (as max), not 1000 mg/kg. [Their map doesnt have all the borings.] 3) There was FP in B43 and B44 4) Corrections to Table 1 for gw: 62 mg/L TPHg, add 270 mg/L TPHms. Area Two: 1) They say contam may be coming fm a source "UG to the North," but theyve already assumed gradient to be NW, not North. 2) Corrections to Table 1 for BTEX, TPHg, and add TPHms. Area Three: I think they made some typos, and also got confused. 1) They say "soil samples did not contain TPHg," but the table says 170 ppm TPHg in B11. 2) They say water samples detected TPHg at 17 mg/L, but table says 0.3 mg/L. 3) They allude to "soils and water in areas to the immediate near North, . . . detected TPHg w/a pattern atypical of gasoline." They should specify which sample(s). 4) Corrections to Table 1: for soil: 0.12 ppm benzene, 0.61 ppm toluene, 210 ppm TPHg, 4400 ppm O&G, add 410 ppm TPHms. For gw: see the Table. Area Four: Did they mean to say that gw at Elevator #2 contained Hcs, but at very low levels? They said "not at very low levels." Come on now! Madhulla must also review this. They made so many errors on their Table 1. They should revise and resubmit it.

Phoned WCC and left mess for Al Ridley: told him there's so many errors in Table 1. I wonder if they even had a copy of the 1/17/95 Phase II report by L-F.

6/8/95 mess fm Al Ridley: he will get the 1/95 L-F report and revise the table.

6/12/95 Reviewed 6/9 fax fm JR Martin: it's the 2/22/90 letter from Susan Lowe, Sr Attorney of Safeway to the State Bd of Eq. They understand that "the tank was taken out of service years ago, and that the tank has been abandoned in place and filled w/sand." No signature.

Wrote ltr to RP re USTs.

7/7/95 spoke w/Al Ridley and Marco L: They spoke w/Madhulla just today. She said their conceptual approach was ok, but they should use the most current values. They'll incorporate the new data in their Risk Assessment report. **I need to write RP a letter, accepting the conceptual approach.** Whats the status of the USTs? I thought they were in a hurry to close them. I havent heard from JR Martin. Phoned JR Martin: Whats the status of UST closure? He was waiting for the Risk Assessment from WCC. I told him that we should install the wells first, bec the RA is based on data already generated, ie gw flow direction.

Wrote ltr to RP, accepting conceptual approach for risk assessment

7/18/95 Long Chin of All West phoned. Hes writing a bid for Orbit. Told him wed need one SB below the 550-gal UST (to be closed in place).

7/21/95 mtg w/JR Martin: told him wed need a SB below the 550-gal UST. IT did not mention this in their UST proposal, nor did I mention it in my 6/12/95 ltr to Orbit. But its required as per 23CCR. Told him he could maybe do the SB at same time as the Mws. But maybe he needs a separate rig to do a slant boring (?). Told him to do SB either under fill end or under the middle of UST. But we dont even know which way the UST is situated, so we dont know where fill end is. He gave us a check for \$900.

- 7/21/95 Spoke w/S. Schwartz: The tank had liquid in it. He wants to pump the UST, then fill it with grout. Sand often mounds up below the fill port, and doesn't completely fill the tank. Wants to just do the MW, within 2-5' of the tank. Doesn't want to do SB under the tank. Too difficult. The soil in the well borehole should be able to show any leaks from the tank. **OK, we can get away without the SB below the tank.** When I spoke w/Long Chin, I had forgotten about this well, and just remembered the tank regs. left mess JR re this.
- 7/24/95 Reviewed 7/20/95 WCC letter.
- 7/25/95 spoke w/Al Ridley. Maybe they should just assume gw flows towards nearest residence, and consider the impact to nearest residence, using a residential scenario for offsite impacts. Told him that if they do the RA now, before the GWE data is in, they may need to revise the RA. RP needs to satisfy a lender, and can't wait a year. The RA will tell us what concs are acceptable to leave in place.
- 8/7/95 phoned JR Martin: he has draft wp for MW inst and tank closure. Will get it to me by mid week.
- 8/9/95 Received the wp for MW installation and "tank closure." Unfortunately, **they did not submit the County's Tank Closure Plan.** left mess JR Martin re this. The rest looks good. There are a few comments I wrote in the wp.
- 8/23/95 Met w/Steve Schwartz of IT and w/JR Martin. They gave me the UST closure plan. I reviewed it and approved it so they could take it with them. They gave me another check for \$603, thinking it was for the tank closure. We just applied it to the SLIC case. They want any refund to be sent to Orbit, even though the check was from IT Corp.
- 9/19/95 Dale spoke w/Mike Tietze, consultant, re cement filled tank. **Let's flesh this out, Dale.**
- 12/15/95 mess fm and to JR Martin.
- 12/20/95 spoke w/JR: Mws not in yet. They don't have City encroachment permit yet. Getting cert. Of insurance to City now. They filled the UST at Filbert and W. Grand about 2 months ago. Removed asbestos fm bldg, and drums of soil from borings (\$8,000 for drums).

1/30/96 They should submit a UST closure report for the UST they filled at Filbert and W. Grand. Status of Mws? Phoned JR Martin: lm.

Received 1/12/96 "Development of Risk-Based Cleanup Goals for soil and gw" by WCC. Gave copy to M. Logan, and asked her to review it. She has already been involved at this site, and co-signed a letter to RP, dated 7/7/95, conditionally approving the concept of a RA.

2/1/96 spoke w/Steve Schwartz: took 4 mos to get encroachmt permit. Owner had to get it himself (Orbit). Will probably drill late Feb or early March. MW3 will be moved NW onto property. MW4 will stay. **They still haven't excavated the hotspot at B47 to remove contam found at 10'bgs.** They don't want to disturb the new tenant who has trucking business. MW4 is directly West of the closed-in-place UST. He will submit a short letter report on closing of the UST at Filbert and Grand.

Mess fm JR Martin: Mws will be in within 10 days. He lm WCC re lack of gw data from Mws (in RA).

3/18/96 Reviewed 3/13 ltr fm ML to WCC. Approves the RA

Mess to and fm S. Schwartz: 2 Mws are in. First water was 11', static water 9'. Awaiting lab results. Need to survey Mws. Report to me in approx 2 wks.

4/4/96 phoned SS: where are the reports for MW Inst and UST closure? When will they excavate the hot spot?

4/5/96 mess fm S. Schwartz: got my message ok: got sample results from Mws, surveyed them Friday. Just starting report; draft to me Wed or Thu. No authorization to dig hot spots.

4/10/96 mess fm S. Schwartz: report for MW Inst is being approved, and got ok to excavate the hot spot soils.

4/15/96 mess fm Mike Prince-Valle from Sumitomo Bank: 415-445-3851 re RBCA Risk Assessment.

Reviewed 1/12/96 Risk Assessment by WCC. They recommend continued "w monitoring" (does this mean just GWEs? And not sampling?). "If results indicate that concs in gw and flow directions continue not to pose a signif health concern (compared to target levels--**what are they?**), then they propose NFA re gw. Phoned Al Ridley of WCC for clarification. Left message. What does this mean

in terms of how long to monitor and sample gw? And what are the target levels?

4/16/96 spoke w/Al Ridley: Sample in wet and dry seasons (1st and 3rd Qs). Possible change in gradient. Flat gradient. He will call JR Martin, and tell him we need a complete set of data (all Mws at same time). Did they sample the first 2 Mws when they did the new ones? One condition/assumption of the RA is that gw is not flowing towards the residences. We think. Must ask Marco. **How long a period of time will we monitor/sample gw?** He thinks one year. **What are the target levels?** He thinks it's the column (See table 3) for residential indoor 10-5 risk. Ask Marco. See page 3-11 (SSTLs for benzene).

Phoned JR Martin: Where is the MW Inst report? **Were all 4 Mws sampled/monitored at the same time? If not, they should be done immediately.** He said I should have had the MW Inst report by now. They only surveyed the wells about 8 days ago. That's why it's taking so long to submit report. **Sumitomo Bank is giving them a loan. Bank is asking what is worst case scenario?** JR told them they'd have to monitor/sample indefinitely. (This may not be true.) Bid is approx \$20,000 to dig the hot spot. He told them the worst case is they might have to dig some tanks in Filbert St. Site is up and running w/tenants: SF French Bread, Growers Produce, Kelmar Distributors (seafood, based in Guam), JL Assoc (govt contractor--food distribution). This is 60%. They are all refrigerated companies. New R22 equipment, good til 2025. No more ammonia. They want to finance \$\$ from new tenants to make more \$\$. Use their leases to leverage vs their leases. Get more equipment (coolers). Tanks left in street: Eddie was adamant vs removing them. Eddie told him about the LLNL study. **Did the RA look at the conc remaining in place at our hotspot?**

Phoned Marco at WCC: lm. It was B47. Soil at 10'bgs had 1,000 ppm TPH as mineral spirits, 63 ppm TPHg, and ND BTEX (at 3'bgs, 5'bgs, and 10'bgs). The grab water sample fm this boring was ND for these constituents. See JR's 5/19/95 cover letter and attached 5/3/95 IT letter. **If no BTEX, probably not a problem. No need for overex.**

Spoke w/SS: ND BTEX in both MW3 and 4. ND TPHd, ND TPHg in MW3 and 200 ppb in MW4. Let's resample all 4 Mws again in order to have a complete set of data. JR told him just the two.

4/16/96 Spoke w/Marco: Target levels are on pg 3-11 (SSTLs). For benzene, use 6.0 mg/L in gw (residential). They recommended on pg ES-4, future gw mon/sampling. He said it means just one year. Told him that 2 new Mws were installed a month or 2 ago. He doesn't think B47 is a problem, bec the COCs that are driving the RA are BTEX, and are ND. Talked about the suspected USTs in Filbert St. And how the Sbs do not show any COCs. B5 and B6 are closest. **Look at those results.** Maybe no need for further assessment.

I need to write RP a letter.

4/18/96 More calls from Mike Princevalle (Appraisal Dept.) from Sumitomo Bank: 320 Cal St., 8th Fl, SF 94104. Phoned him back: he has the RBCA report from WCC. He has a letter from AlCo dated 3/13/96. Told him plan for gw mon/sampling. His concern is re deed restriction. Bank has opportunity to be involved w/the property. He saw a number: \$600,000 to remediate this site. **He wants a letter saying they don't need any deed restrictions.** "We understand the RA, and don't see any reason to put deed restriction. As long as concs of COCs (BTEX) are within the acceptable levels, as stated in the RA, for the residential pathway. Future workers health and safety re utility trenching. How to handle possible future contam soil, with special handling. Told him there could be some tanks remaining." So he wants to know that we're confident the contam plume is confined, and not migrating offsite. He'd like that in writing, if possible. But not nec at this time.

Reviewed file to determine status of each UST: suspected or known, closed or removed.

4/19/96 JR Martin phoned: JR doesn't think tenants wd break concrete to trench for any reason. The USTs on Filbert St. were shown on one map as "existing USTs," another map says "suspected USTs." We need an accounting of all the USTs on this site: suspected or known, closed in place or removed. If suspected, what attempts have been made to verify the existence. Remember they probed some USTs. JR will get IT to put together such a report. He thinks we should address it to Orbit. Further gw mon, acctg of USTs, deed restriction, if further trenching occurs and contam soil is encountered, and the best news is that we don't have to re-excavate the hotspot. Bec there was no BTEX in that boring.

Wrote Letter to RP

- 4/29/96 mess fm and spoke w/JR Martin. Got my 4/19/96 letter. Former owners (WIRET) came back and wanted update, bec they are liable for any work over \$658,000. They are around \$150 or 175,000 so far. He met w/S. Schwartz over lunch. They tested the 4 wells. That info and UST status report are coming.
- 5/2/96 Mike Princevalle of Sumitomo Bank phoned: thinks Rps have been defined: Safeway and Union Ice. I told him we do not officially name Rps for SLIC sites, like we do for LOP sites. Explained the LOP and SLIC. Why does he need to define the Rps? Assume Orbit takes title to property. President gets sued, Orbit goes bankrupt, then can't make payments to Bank. Bank has loaned them \$\$, secured prop as collateral, and now will foreclose on property. Wd the bank be liable as RP? I referred him to Gil Jensen. Other Counties wd name the Bank. Tell Gil that it is a SLIC case. If a new env problem arises, wd it put the Risk Assessment in jeopardy? It could. Depends on constituent, concs, but they probably wd not find anything bec they're just mon for certain chemicals at certain times of the year. He asked if Safeway contributed any \$\$; I don't think so. Do I think they'll get closure at end of 1996? Can't say!!!
- 5/9/96 Steve Schwartz phoned: the tank closure/MW inst report is done, in draft form, to Orbit. I asked him about Ust status report. He hasn't started it yet. He doesn't have a complete site file. He did not investigate the suspected or known USTs below Filbert. No vent pipes, no fill plates. Zip. Big problem doing work in Oakland, from City's demands. Told him I'd be happy to write a ltr to City. Who to? Name on his encroachmt permit is Randall A. Lum, Deputy Director, Bldg Services, 1330 Bway, 2nd Fl, Oak 612
- 5/14/96 Steve S: gw flowed S-SW all four wells; at 0.0044 ft/ft.
- 6/3/96 Reviewed April 1996 "Tank Closure and GW MW Installation Report," by IT. They closed one 800-gallon gasoline UST in place. They initially thought it was fuel oil. They filled it w/concrete after pumping the water out. They also installed MW3 and MW4. GW was first encountered at 9' and 11'bgs. GW flowed S-SW at 0.0044 ft/ft on 4/25/96 (see pg 7 and Fig 3). Hmm; we thought it would be NW. Water results: max hits were 1100 ppb TPHg, 2400 ppb Tphg, and 9 ppb benzene; TPHmo was ND in all wells. The well w/max hits is MW2, which is distant from the other 3 wells, in the parking lot. Soil results: all ND for TPHg, TPHd, and BTEX, in both boreholes. **Concludes that there is no large scale residual HC impact on gw. Wants closure.**

6/3/96 STATUS: wells to be sampled in 3rd quarter, to account for the "dry season," as per the risk assessment, and my 4/19/96 letter. Also waiting for letter report re UST status.

6/25/96 Steve Schwartz phoned: Kevin Tinsley went out to do a UST inspection. He got plans from tenants, asked questions, and wrote JR a letter saying he wants an investigation. He scared the tenants, and JR was mystified. **Why isnt Kevin talking to me? Does he even know Im doing the SLIC case?** SS also said the ball was dropped re the letter report I requested re the status of all USTs. Lm for Kevin.spoke w/Kevin and JR Martin in conference call: JR said he did not get a letter, but rather the copy of Kevins inspection report (earlier this month). It said that further investigation is warranted re the USTs. We agreed to cc Kevin on ITs forthcoming report, which should answer his many many questions.

7/9/96 Reviewed 6/28/96 "Status Report: USTs" from IT. Gave a copy to Kevin Tinsley. Page one says that MFG divided the site into 6 areas of suspected USTs. But Page 18 of the 3/14/94 MFG report noted 4 areas of suspected USTs. Area 1: 10,000-gal UST: ok (see my 6/12/95 letter) Area 4: closed in place 550-gal UST: ok. **Area 5: where is the GPR report that MFG did?** Area 7: suspected 1,000-gal UST: ok, as per my 6/12/95 letter. But Kevin and/or I could go out there and check it out w/a wire fish, to verify what they did. **Areas 2 and 6: I think that more effort should be taken to determine the existence of this tank(s). But assuming there are no fill ports, what should we do?** They say there is only a 8-inch iron pipe attached to the bldg in this area. A Sanborn map from 1951 shows two "oil tanks." Levine-fricke depicted these USTs as in the street, but how do they know they are not in the sidewalk? **Lets see what Kevin says.**

READY TO CLOSE CASE AFTER 3RD Q GW EVENT AND CHECKING OUT USTs IN FILBERT ST.

9/25/96 Re IT's 6/28/96 report on USTs. . . . I had more questions re the existing UST in area 1. But, as per the 5/3/95 IT letter, "the dispenser has been removed and capped, and both the product line and fill port are sealed w/concrete. And other factors. So it's OK; area 1 is ok.

As for AREA 4, this UST was closed in place on 9/12/95 by IT. **We need A&B forms, so Norma can delete it fm the database.** I don't think I ever received them.

As for AREA 7, IT recommended that the pipe opening (at juncture of sidewalk and street, I think) be capped w/concrete to prevent street runoff from entering the excavation fill material.

As for AREAS 2 AND 6, along Filbert St., **I do not have the MFG report titled "Additional Info re USTs at and in the vicinity of former Safeway Ice Cream Plant."** This report mentions the possible existence of two 10K fuel oil USTs.

What about the 3rd QM for the MWs?

Phoned Steve Schwartz of IT: left message.

9/26/96 mess fm S. Schwartz: they sampled the Mws on 9/13, got results on 9/23, and they are writing report. I should have it next week. Phoned SS and left a detailed message.

9/30/96 spoke w/S. Schwartz: They have a records mgr at Orbit named Susan 652-0800 who will fed ex me any docs I need. He said that was a memo; not sure of the date. I thought he referred to it as a report, not a memo. **"Additional Info re USTs at and in the vicinity of former Safeway Ice Cream Plant"** He said it's a letter, and the date is 10/18/94. The pipe has been grouted.

10/1/96 phoned Orbit: asked for Susan (Brown); left message. She immediately faxed me the MFG report! How nice!

10/4/96 Reviewed 10/1 fax from Orbit: includes the 10/18/94 MFG report. It mentions 2 vent pipes along bldg on Filbert St, in area 2. I should go check it out yet again.

Site visit. I did not see anything that definitely looks like a UST.

11/27/96 Reviewed Sept 96 "GW Samplg Rpt" by IT. **GW sampled on 9/13/96 flowed West.** Max results: 10 ppb benzene, 840 ppb TPHg (MW2, which is way over to the East, in parking lot). Copied 10/3/94 GW results from 11/8/94 rpt. There were only 2 wells then. MW1 had ND BTEX and 160 TPHg, while MW2 had 7.5 benzene and 1100 TPHg. So we've seen a decrease in MW2. **IT recommends**

11/27/96

con't

monitoring MW2 on biannual or annual basis, as it is UG. They recommend NFA on the other wells.

Phoned S. Schwartz: does he have any reason to continue to sample UG MW2? Other than the hit of 10 ppb benzene? Left message.

Phoned JR Martin: lm: looks like we are ready to close this case. Do you want to keep the Mws open for any particular reason? We usually close them.

WROTE CONDITIONAL CLOSURE LETTER. THEY JUST HAVE TO CLOSE THE MWS.

November 27 1996