



July 31, 2015

Mrs. Alexis Coulter
Chevron Environmental Management Company
6101 Bollinger Canyon Road
San Ramon, CA 94583

Re: Mills Square Park, 2259 First Street, Livermore, CA

Dear Mrs. Coulter:

The City of Livermore is responding to you and your legal counsel's request to provide an "engineering" response to the proposal made in the letter from Mr. Goodman on behalf of Chevron, dated June 8, 2015. In the letter Chevron offered to pay for "50% of the soil sampling costs and 50% of the incremental costs of remediating impacted soil, in return for an appropriate release by the City." Chevron clarified in the July 30, 2015 meeting, that Chevron believes the City was partially responsible for the lead contamination of the site. Chevron further stated that this was based upon the information the City provided in response to your Public Records Act (2015-032) request and in particular the fact that the City had implemented a park improvement project. Chevron also offered as evidence at the meeting a Fugro West, Inc. report dated January 6, 2004, which was acquired from the County.

The City has reviewed these materials and has also done an additional search for records in the Redevelopment Agency archive files including a search using the "Regional Performing Arts Theater" as the topic. This search uncovered additional related documents, which are attached. The City discovered a letter to Chevron dated October 3, 2005, which included an attachment of the January 6, 2004 Fugro West Report. The October 3 letter was notifying Chevron that the City had encountered an underground storage tank on the site while reconstructing street and sidewalk improvements. We found a copy of the demolition permit issued to Standard Oil for the site dated July 2, 1973. Also discovered were multiple soil investigation reports indicating lead at various levels (2'-8' below surface) throughout the site.

Based on these materials, the City finds no evidence to support the allegation that the City has any responsibility for contamination of the site. As such, the entire costs of the sampling and remediation remain Chevron's responsibility.

The City has previously provided you with a topographic map from 1953, showing spot elevations of when the site was operational as Service Station. This site was generally

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flat and covered by a concrete pad. On July 2, 1973, Standard Oil was issued a demolition permit for this site. The demolition permit included (but was not limited to) the removal of the concrete pad, the service station structures, underground tanks and the First Street driveway. As part of the permit, the site was restored to its original elevation. In order to accomplish the restoration, import soil would have been required to replace the voids created by the removal of surface improvements and underground storage tank(s).

In addition prior soil investigations by Cambria in December 2006 indicated lead at 5' to 39.5' below surface and, Chevron's own recent sampling dated April 30, 2013 by Conestoga-Rovers indicates lead contaminants exist at elevations up to 10 feet below the surface. This evidence points to Service Station activities and disturbance associated with the 1973 removal of service station improvements, including excavation of underground tanks and backfill activities.

Chevron alleges that the City imported contaminated fill to the site during the City's Mini Park Project No. 74-9. The City acquired the property on March 18, 1974 and the Mini Park improvement plans dated May 21, 1974 indicate the existing site was generally flat, ranging in elevation from 488.9 and 491.7 feet. There is no evidence that the City imported fill to the site as part of this project. In fact, the City's Mini Park Improvement #74-9 Plan Sheet 1, Note 1 calls for "City to grade mound areas". There are no notes in this project indicating the requirement to import fill. It is common engineering practice today, as it was in 1974, to indicate soil quantities required for either import or export for the specific project. A "cut/fill" table is typically included on the grading plan sheet and this practice is evidenced by countless plans the City has on file. The fact that there is no cut/fill quantity included on the improvement plans further indicates that there was no need for import of fill. The soil excavated from the hardscape areas, including the drainage swales, trellis footings, planter and landscape areas together with soil amendments were adequate to create the two small mound areas. A simple cut and fill analysis would verify that this site balanced..

At the July 30, 2015 meeting your legal counsel provided the City with a Soil and Groundwater Investigation Report prepared by Fugro West, Inc. dated January 6, 2004 and alleged that the report was evidence that the City had imported fill and contaminated the site. After reviewing this report in its entirety, the City finds no evidence to support that allegation. Fugro mentions in one sentence (page 4, paragraph 2) that "the source of elevated lead concentration is unknown to Fugro but is likely related to the fill material at the site." The report does not assign any liability to any party as to the source of fill. As noted above, the source of this fill was most likely associated with the work completed under the demolition permit issued to Standard Oil.

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Based on all of the above materials, the City firmly believes the remediation responsibility lies solely with Chevron and the City bears no responsibility in any cost associated with testing or remediation of either the lead or petroleum contaminants.

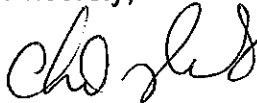
As stated during our meetings of May 5, 2015 and June 30, 2015, the City has no interest in taking part in the remediation of the site due to liabilities and public health associated with this remediation effort. Chevron is well versed in these types of remediation activities; the City is not. We are again requesting that Chevron complete the required remediation and allow the City to proceed with the redevelopment of this Park/Plaza unimpeded. The failure of this site to have been remediated in a timely manner has impacted both the schedule and costs of the capital improvement project. The City should not have to bear the additional burden of the testing and remediation when neither resulted from the City's actions.

Lastly, the City understands that Chevron is agreeable to the removal of most, if not all, of the monitoring wells on site. The City has already received preliminary approval from Alameda County Health Services that the majority of monitoring wells can be removed after the remediation of the site has been completed. This is an essential element to ensure that the wells do not limit the use of this property.

In summary, the City would like Chevron to comply with Alameda County Health Services directive to complete the Work Plan for Lead Delineation in Soil dated June 1, 2015 (Work Plan) and remediate the site prior to the City's Livermorium Park/Plaza project, which is scheduled to begin construction in January 2016.

If you have any questions, please call me at (925) 960-4510.

Sincerely,



Cheri Sheets, PE
City Engineer

cc: Carryl MacLeod, Chevron
Kelly York, Chevron
Jerry Wickham, Alameda County Health Services Agency
Robert C. Goodman, Rogers Joseph O'Donnell
Jason Alcala, City Attorney

Enclosures

1. Demolition Permit 7-2-73
2. Letter to Chevron from City 10-3-2005

Address 2259 First St.

Date rec 7-2-73 Date issued 7/1/73

CITY OF LIVERMORE

BUILDING

PERMIT APPLICATION

Permit number
34105

CITY HALL 2250 FIRST STREET LIVERMORE, CALIFORNIA 94550 415-447-2100

Owner Standard Oil Co

Address _____ Phone no 3717400

Contractor Paul Phoe Phone no _____

Address 2259 First St, Livermore, CA Phone no 2758730

State Contractor License No 275853

Arch
Eng
Address
State
License No
Phone no

Consl
lender
Location

City Business License No
HOUSE PLAN NO

JOB DESCRIPTION

Demolish Sewer
Station and move
Tank. Remove First
St & driveway.

DEPARTMENT USE ONLY

| Type of construction | No of stories | | |
|--|---------------|--------|-----|
| Floor area | 1st | 2nd | 3rd |
| Fire zone | | | |
| Present bldg use | | | |
| Proposed bldg use | | | |
| Lot size | | | |
| Occup Groups | 1st | 2nd | 3rd |
| No Bedrooms | | | |
| No Baths | | | |
| Valuation include labor material wiring heating plumbing etc | | Amount | \$ |

ELECTRICAL CONTRACTOR

Name _____
Address _____
City License No _____ Phone _____

PLUMBING CONTRACTOR

Name _____
Address _____
City License No _____ Phone _____

SEWER CONTRACTOR

Name _____
Address _____
City License No _____ Phone _____

MECHANICAL CONTRACTOR

Name _____
Address _____
City License No _____ Phone _____

| T.O.R.C. | SMIP | " METER |
|------------------------------|------|---------|
| ZONE 7 - WATER ANNEXATION | | |
| RENTAL PERMIT | | |
| WATER CONNECTION - CITY FARE | | |
| ZONE 7 - STORM | | |
| STORM DRAIN - CITY | | |
| WATER CONNECTION | | |
| PLAN CHECK | | |
| BUILDING PERMIT | | |
| ELECTRICAL | | |
| PLUMBING | | |
| MECHANICAL | | |
| SEWER | | |

300
200

TOTAL →

Paul Phoe
SIGNATURE OF OWNER CONTRACTOR OR REALTY AGENT

This form constitutes a valid Building Permit and Zoning Use Permit when properly signed below and total fee is paid.

Building Official by Paul

CITY OF LIVERMORE



ADMINISTRATION BUILDING

1052 S. Livermore Avenue
Livermore, CA 94550-4899
Ph: (925) 960-4000
Fax: (925) 960-4058
TDD (925) 960-4104
www.ci.livermore.ca.us

MAYOR/COUNCIL

Ph: 960-4010 • Fax: 960-4025

CITY MANAGER

Ph: 960-4040 • Fax: 960-4045

CITY ATTORNEY

Ph: 960-4150 • Fax: 960-4180

RISK MANAGEMENT

Ph: 960-4170 • Fax: 960-4180

CITY CLERK

Ph: 960-4200 • Fax: 960-4205

COMMUNITY DEVELOPMENT

Ph: 960-4400 • Fax: 960-4459

Building Division

Ph: 960-4410 • Fax: 960-4419

Engineering Division

Ph: 960-4500 • Fax: 960-4505

Housing & Human Services Division

Ph: 960-4580 • Fax: 960-4149

Planning Division

Ph: 960-4450 • Fax: 960-4459

ECONOMIC DEVELOPMENT

Ph: 960-4140 • Fax: 960-4149

FINANCE DEPARTMENT

Ph: 960-4300 • Fax: 960-4309

FIRE DEPARTMENT

4550 East Avenue

Ph: 454-2361 • Fax: 454-2367

LIBRARY

1000 S. Livermore Avenue

Ph: 373-5500 • Fax: 373-5503

PERSONNEL

Ph: 960-4100 • Fax: 960-4105

POLICE DEPARTMENT

1110 S. Livermore Avenue

Ph: 371-4900 • Fax: 371-4950

TDD 371-4982

PUBLIC SERVICES

3500 Robertson Park Rd.

Ph: 960-8000 • Fax: 960-8005

Airport Division

636 Terminal Circle

Ph: 373-5280 • Fax: 373-5042

Golf Course Division

909 Clubhouse Drive

Ph: 373-5239 • Fax: 373-5203

Maintenance Division

3500 Robertson Park Rd.

Ph: 960-8020 • Fax: 960-8025

Water Resources Division

101 W. Jack Landon Blvd.

Ph: 960-8100 • Fax: 960-8105

October 3, 2005

Chevron Environmental Management Company
Attention: Ms. Karen Streich
P.O. Box 6012
San Ramon, CA 94583

Subject: Former Service Station
2259 First Street
Livermore, California

Dear Ms. Streich:

With this letter, the City of Livermore notifies Chevron Environmental Management Company that recent reconstruction of street and sidewalk improvements have caused the Agency to undergo an underground storage tank removal from this site, incurring additional costs to the project for construction and contractor delays. Based on our review of building records and insurance maps, it appears that the subject site was a former Standard Oil Company service station dating from the 1920's to the 1970's. Our files indicate that the site was issued a demolition permit in 1973. Therefore, we are preparing a bill for costs associated with the UST removal and it will be forward to you as it is available.

The City currently owns and operates the property as a small City Park. The park comprises lawn, sidewalks, trees, and benches. The City is considering additional redevelopment activities at the site that may involve the construction of a new Performing Arts Center. The actual design and schedule for construction of the remainder of the site are in design and will likely involve excavation of shallow soil for foundations, utilities, etc.

Please be advised that testing conducted in 2004 detected residual petroleum hydrocarbons in soil and groundwater at the City Park. To evaluate subsurface conditions, the City contracted Frugo West Inc. to install three borings at the site. Fugro observed stained soil and hydrocarbon odors in all three of the borings completed. Chemical analyses detected up to 42,000 ug/l of TPHd, up to 18,000 ug/l of TPHg, and 140 ug/L of benzene in groundwater samples collected from the Site. A copy of their Soil and Groundwater Investigation Report dated January 6, 2004 is attached.

Based on recent findings, the City is concerned that the UST and residual hydrocarbons may require additional investigation and mitigation that may impact certain construction activities during site redevelopment. The City requests confirmation that Chevron will be responsible for the impacts to soil and groundwater at the site. We also request information regarding the historical site operations that you may have in your files, including the types of fuels used at the site, the size and locations of former USTs and

dispenser islands, and information regarding UST removal, observations during removal, and backfill activities.

Please forward information regarding the historical site uses to me at your earliest convenience. Should you have any questions or require additional information, please do not hesitate to contact me at 925.960.4143.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Davidson", with a long horizontal flourish extending to the right.

Chris Davidson
Redevelopment/Economic Development Coordinator

Attachment: Fugro's Soil and Groundwater Investigation Report dated January 6, 2004

From: [Mahler, Cindy](#)
To: ACoulter@chevron.com; cmacleod@chevron.com; kyork@chevron.com; [Wickham, Jerry, Env. Health](#); [Alcala, Jason](#); RGoodman@rjo.com; [dehloptoxic, Env. Health](#)
Cc: [Sheets, Cheri](#); [Ehlert, Rosy](#)
Subject: City of Livermore Engineering Response Letter 07312015
Date: Friday, July 31, 2015 5:09:45 PM
Attachments: [image003.png](#)
[00 City letter dated 073115 with Enclosures.pdf](#)

To All,

The attached engineering response letter dated July 31, 2015, is being sent to you on behalf of Cheri Sheets, City Engineer, City of Livermore. All reports referenced in the letter are being sent via mail to Chevron.

Thank you

Cindy Mahler
Acting Division Clerk
Community & Economic Development Department
Engineering Division
City of Livermore
(925) 960-4509
www.cityoflivermore.net

