



Linda S. Adams  
Secretary for  
Environmental Protection



## Department of Toxic Substances Control

Maureen F. Gorsen, Director  
700 Heinz Avenue  
Berkeley, California 94710-2721



Arnold Schwarzenegger  
Governor

December 13, 2006

Larry Mencin  
The Sherwin-Williams Company  
101 Prospect Avenue, N.W.  
Cleveland, Ohio 44115

Dear Mr. Mencin:

DTSC has completed its review of the revised Treatability Study Work Plan for Laboratory Screening Studies, Sherwin-Williams Site, 1450 Sherwin Avenue, Emeryville, California prepared by Camp Dresser & McKee Inc. (CDM) and dated November 22, 2006. Additional information was provided in the Addendum to Treatability Study Work Plan for Laboratory Screening Studies, Sherwin-Williams Site, 1450 Sherwin Avenue, Emeryville, California prepared by CDM and dated December 8, 2006. The Work Plan is approved, as clarified by the Addendum, with the following clarifications and modifications:

### GENERAL COMMENTS:

1. All cuttings and decontamination water containerized in 55-gallon drums must be characterized upon completion of this sampling event for proper disposal.
2. All borings should be logged in accordance with DTSC's Drilling, Coring, Sampling and Logging at Hazardous Substance Release Sites guidance. This guidance is located on DTSC's website at:  
[http://www.dtsc.ca.gov/SiteCleanup/upload/SMP\\_Drilling\\_Coring\\_Sampling\\_Logging.pdf](http://www.dtsc.ca.gov/SiteCleanup/upload/SMP_Drilling_Coring_Sampling_Logging.pdf)

### SPECIFIC COMMENTS

1. Page 2-5, Decision Rule 3. If the test results are not representative, then additional steps must be taken to determine the cause. If necessary, additional groundwater samples may be collected to run the test successfully. The subsequent report shall specify what additional steps, if any, were taken.
2. Pages 2-5 and 2-6, Section 2.2.1. As a clarification, samples of each lithologic unit will be collected for analysis. The subsequent report shall specify how soil samples were selected for arsenic speciation analysis.

3. Page 2-8, Section 2.2.2, Process Option Testing. The treatability study proposes laboratory tests to evaluate the ability of specific materials to treat arsenic in the groundwater underlying the Site. If a specific material is shown to be applicable to the site conditions, the Feasibility Study Report shall contain the supporting rationale and documentation to support its implementation in a specific location.
4. Page 2-9 and 3-3, Field Sampling Plan.
  - a. As clarified by Sherwin-Williams' consultant during the December 6, 2006 meeting, groundwater wells will be purged until water quality parameters (pH, temperature, and conductivity) stabilize prior to initiation of sample collection for treatability testing.
  - b. Groundwater samples collected will be collected, preserved and transported in accordance with the procedures discussed in this Work Plan, as well as those discussed in the Quality Assurance Project Plan for this Site.
5. Page 2-9, Test Set-Up. Sources of backfill material vary widely. As clarified by Sherwin-Williams' consultant during the December 6, 2006 meeting, backfill material used in these tests is expected to be available in the future in quantities that may be required as part of a cleanup action.
6. Section 2.3. If a specific technology is able to address arsenic in the groundwater, the recommendations for Phase II testing should also consider the potential of materials to interact with organic and inorganic constituents in soil within the saturated zone.
7. Page 3-1, Paragraph 1. DTSC understands that some assumptions have to be made to evaluate this technology and its applicability at this Site. The Work Plan assumes a 10,000 square foot treatment area for evaluating this technology. If this technology is suitable as part of a remedial action alternative, the Feasibility Study Report must provide the criteria and sampling data used to define the treatment area.
8. Page 3-2, Decision Rule 3. DTSC recognizes that criteria are necessary for evaluating whether it may be appropriate to consider a technology further. However, DTSC would like to clarify that its approval of this Work Plan does not mean that it concurs that mobilizing contaminants 20% above their baseline concentrations would be acceptable as part of a final remedy. This would need to be considered and compared to the effects of other options as part of the feasibility study process.
9. Page 3-3, Section 3.2.1. If the permeability of the lithologic units between the sand and gravel units discussed is not equivalent to  $1.0E-08$  cm/sec, the ability of the grout material to penetrate these units may also need to be assessed as this may affect the ability of the grout injection to achieve the desired permeability rating for the saturated zone soils.

Mr. Larry Mencin  
December 13, 2006  
Page 3

10. Page 3-5, Section 3.3.4. As discussed during the December 6, 2006 meeting, Sherwin-Williams will install the three wells within the raised cap area to obtain the soil samples required for the Phase II testing.
11. Section 3.3, Phase III Testing. DTSC will need to review the results of the Phase II testing prior to approving implementation of the Phase III testing (pilot testing). Since ground surface upheaval is a criterion for discontinuing grout injection, plans must be submitted along with the Phase II results to address this potential occurrence as it would impact the integrity of the raised cap.

If you have any questions, please contact Janet Naito of my staff at (510) 540-3833 or [jnaito@dtsc.ca.gov](mailto:jnaito@dtsc.ca.gov).

Sincerely,



Barbara J. Cook, P.E., Chief  
Northern California  
Coastal Cleanup Operations Branch

cc: Mark Johnson  
Regional Water Quality Control Board  
1515 Clay Street, Suite 1400  
Oakland, California 94612

Robert Cave  
BAAQMD  
939 Ellis Street  
San Francisco, California 94109

Ignacio Dayrit  
City of Emeryville Redevelopment Agency  
1333 Park Avenue  
Emeryville, California 94608

Mr. Larry Mencin  
December 13, 2006  
Page 4

2006 DEC 19 AM 8:52

cc: Donna Drogos  
Alameda County Health Agency  
Department of Environmental Health  
1131 Harbor Bay Parkway  
Alameda, California 94502-6577

Randy Smith  
Camp Dresser & McKee Inc.  
One Walnut Creek Center  
100 Pringle Avenue, Suite 300  
Walnut Creek, California 94596

Peter Krasnoff  
WEST Environmental Services & Technology  
711 Grand Avenue, Suite 220  
San Rafael, California 94901

Paul Germain  
45th Street Artists' Cooperative  
1420 45th Street  
Emeryville, California 94608

Jody Sparks  
Toxics Assessment Group  
P.O. Box 186  
Stewarts Point, California 95480

Michael Berg  
Novartis  
4560 Horton Street  
Emeryville, California 94608





# Department of Toxic Substances Control

ENVIRONMENTAL  
PROTECTION

Edwin F. Lowry, Director  
700 Heinz Avenue, Suite 200  
Berkeley, California 94710-2721



Winston H. Hickox  
Agency Secretary  
California Environmental  
Protection Agency

Gray Davis  
Governor

December 10, 1999

Mr. Raymond Pang  
Caltrans  
P.O. Box 23660  
Oakland, California 94623-0660

## SITE INVESTIGATION REPORT, CYPRESS BIKE PATH INVESTIGATION, CYPRESS FREEWAY RECONSTRUCTION PROJECT, OAKLAND AND EMERYVILLE

Dear Mr. Pang:

The Department of Toxic Substances Control (DTSC) received the Site Investigation Report for the Cypress Bike Path Investigation prepared by IT Corporation on behalf of Caltrans. DTSC has reviewed the report and has the following comments:

1. Page 1, Executive Summary:
  - a. Please specify the type of PRG that is being referenced (i.e. residential or industrial) and cite the specific reference document.
  - b. Figure 1 needs to better delineate the location of the proposed bike path.
2. Page 15, Section 4.3, Semivolatile Organic Compounds: The U.S. EPA, Region 9 has published PRGs for PNA compounds. Individual compounds are listed under Polynuclear aromatic hydrocarbons (PAHs). Please add these to the report.
3. Figure 3.1: Please add the vertical scale to the figure.
4. Please add a conceptual design and description of a typical cross section of the proposed bike path. This should include the depth of base material and asphalt.
5. Please state in the report whether there will be unpaved areas along the bike path that will be accessible to the public. If there will be unpaved areas, please indicate on a figure where these areas will be located.



California Environmental Protection Agency  
Department of Toxic Substances Control

## SOUTH PRESCOTT PARK UPDATE

Mandela Parkway and Peralta Street  
Oakland, California

### DTSC ANNOUNCES MODIFICATION OF AIR MONITORING ACTIVITIES AS PARK REMEDIATION NEARS COMPLETION

October 1999



#### CHANGES IN AIR MONITORING PROGRAM

The California Environmental Protection Agency, Department of Toxic Substances Control (DTSC) has modified air monitoring activities associated with construction and remedial work at the South Prescott Park Site (Site) in West Oakland. Unfortunately, particulate matter standards have been regularly exceeded during work activities at the Site.

Operating standards for air monitoring at the Site had called for evaluation of the need for additional dust suppression if PM<sub>10</sub> (particulate matter measuring 10 microns or less) levels exceeded 50 micrograms per cubic meter (ug/m<sup>3</sup>). PM<sub>10</sub> size particles can cause lung irritation and are commonly at elevated levels on poor air quality days. Air quality in the area has been poor due to weather conditions, fires in Northern California, and other factors.

Air monitors are located upwind to measure the ambient air (the quality of the air before it gets to the Site) and downwind to measure any additional particles generated from the Site. There is a minimum 48 hour delay in obtaining the sampling results from the laboratory. Both the upwind and downwind monitors have exceeded the 50 ug/m<sup>3</sup> standard on a regular basis. Work has been allowed to continue because the difference between the upwind and downwind monitors has not been significant.

Lead monitoring continues to show non-detect levels or levels well below the ambient air standard. Therefore, DTSC believes lead, the main contaminant of concern at the Site, is not becoming airborne at levels which would pose a health concern.

In order to respond promptly to exceedences of the Site's PM<sub>10</sub> standard, DTSC has decided to change procedures to obtain real time air monitoring data. Real time monitoring provides on-site measurements rather than having to send air samples to a laboratory for analysis off-site. Different kinds of air monitors are now being used at the Site to measure real time dust concentrations during the remaining remedial activities. The monitors will be checked every two hours during the work period to ensure that dust levels are below 50 ug/m<sup>3</sup>. If the results exceed the 50 ug/m<sup>3</sup>, then the soil will be watered. If levels remain

above 50 ug/m<sup>3</sup>, work will be halted until the reason for the exceedence can be determined. Work will not resume until conditions change so that the action level will not be exceeded.

The average concentration of particulate matter measured during the work day will be calculated each day and posted at the end of each day on the community bulletin boards located at Third and Peralta Streets at the entrance to the cleanup site and at Chester Park on Chester Street near Third Street. Results will also be available on Caltrans' hotline at **510-286-7398** the following day.

#### CLEANUP WORK NEARS COMPLETION

Remedial work at South Prescott Park which began on August 23, 1999, should be completed mid-November. The City of Oakland has independently verified that the western side of the Site has met cleanup goals. Therefore, this area is now being backfilled with three feet of clean fill material.

DTSC is awaiting Caltrans' confirmation sampling results for two areas on the eastern side of the Site to determine if remedial goals have been met on this side of the park. The City of Oakland also collected soil samples the week of October 25, 1999 on the eastern side of the Site, to verify that cleanup goals have been met. Once cleanup goals are confirmed to have been met for this area, it will be graded and backfilled with three feet of clean fill material.

#### QUESTIONS MAY BE DIRECTED TO:

##### DTSC Contacts:

Rachelle Maricq  
Public Participation Specialist  
(510) 540-3910

Janet Naito  
Project Manager  
(510) 540-3833

INFORMACION EN ESPANOL Si necesita informacion en Espanol por favor pon gase en contacto con Jacinto Soto (510) 540-3842.

##### Caltrans Contact:

Steve Williams  
Public Information Officer  
(510) 286-7399

Sey Hossnieh  
Resident Engineer  
(510) 286-1342



## NUEVOS DATOS PARQUE SOUTH PRESCOTT

Mandela Parkway y Calle Peralta  
Oakland, California

### DTSC ANUNCIA MODIFICACIONES A LAS ACTIVIDADES DE OBSERVACIÓN DEL AIRE COMO LA REMEDIACIÓN DEL PARQUE SE ACERCA A SU FINAL

Octubre 1999

#### CAMBIOS EN EL PROGRAMA DE OBSERVACIÓN DEL AIRE

La Agencia Para la Protección Ambiental de California, Departamento de Control de Substancias Tóxicas (DTSC) ha modificado las actividades para observar el aire asociado con el trabajo de construcción y remediación en el Sitio del Parque South Prescott (Sitio) en el Oeste de Oakland. Desafortunadamente, las normas de las partículas de material han sido excedidas durante las actividades de trabajo en el Sitio.

Normas de operación para observar el aire en el Sitio habían requerido evaluación de la necesidad de la supresión de polvo adicional si los niveles de PM10 (partículas de material midiendo 10 micrones o menos) excedían 50 microgramos por metro cúbico ( $\mu\text{g}/\text{m}^3$ ). Partículas de medida PM10 pueden causar irritación pulmonar y están comunmente a niveles elevados durante días de pobre calidad del aire. Calidad del aire en el area ha sido pobre debido a las condiciones de el tiempo, incendios en el Norte de California, y otros factores.

Observadores de aire están localizados viento arriba para medir el aire ambiental (la calidad del aire antes de que llega al Sitio) y viento abajo para medir algunas partículas adicionales generadas en el Sitio. Hay un mínimo de 48 horas de retraso para obtener los resultados del muestreo del laboratorio. Ambos observadores arriba del viento y abajo del viento han excedido la norma de 50  $\mu\text{g}/\text{m}^3$  regularmente. El trabajo ha sido permitido que continúe porque la diferencia entre los observadores viento arriba y viento abajo no ha sido significativa.

Observaciones de plomo continúan para mostrar niveles de no detección o niveles muy debajo de la norma del aire ambiental. Por lo tanto, DTSC cree que plomo, el principal contaminante de preocupación en el Sitio, no está siendo transmitido por medio de el aire a niveles que amenzen la salud.

Para responder prontamente a los excesos de las normas de PM10 en el Sitio, DTSC ha decidido cambiar el procedimiento para obtener datos de observación del aire en tiempo real. Observación en tiempo real provee medidas en el Sitio en lugar de tener que enviar muestras de aire al laboratorio para ser analizadas fuera del Sitio. Diferentes clases de observadores de aire serán usados ahora en el Sitio empezando el 25 de octubre de 1999 para medir concentraciones de polvo en tiempo real durante las actividades de remediación restantes. Los observadores serán chequeados cada dos días durante el período de trabajo para asegurarse que los niveles de polvo están debajo de 50  $\mu\text{g}/\text{m}^3$ . Si los resultados exceden los 50  $\mu\text{g}/\text{m}^3$ , entonces el suelo será mojado. Si los niveles

permanecen arriba de 50  $\mu\text{g}/\text{m}^3$ , el trabajo será suspendido hasta que se haya determinado la razón por el exceso. El trabajo no continuará hasta que las condiciones cambien así que el nivel de acción no será excedido.

La concentración promedio de la partícula de material medida durante el día de trabajo serán calculado cada día y puesto al final de cada día en el boletín comunitario localizado en las Calles Tercera y Peralta en la entrada al Sitio de limpieza y en Parque Chester en la Calle Chester cerca de la Calle Tercera. Resultados estarán disponible por Caltrans el siguiente día por medio de la línea de teléfono (510)286-7398.

#### TRABAJO DE LIMPIEZA CERCA DE COMPLETARSE

Trabajo de remediación en el Parque South Prescott el cual empezó el 23 de agosto de 1999 debería ser completado a mediados de noviembre. La ciudad de Oakland ha verificado independientemente que el lado oeste del Sitio haya logrado las metas de limpieza. Por lo tanto, ésta area está siendo rellenada con tres pies de material limpio.

DTSC espera los resultados de Caltrans de el muestreo de confirmación de dos areas en el lado oeste de el Sitio para determinar si las metas de remediación han sido logradas en éste lado del parque. La ciudad de Oakland también tomó muestras de suelo la semana de el 25 de octubre 1999 en el lado oeste del Sitio para verificar de que las metas de limpieza hayan sido logrados. Una vez las metas de limpieza hayan sido confirmadas en ésta area, ésta será nivelada y rellenada con tres pies de material limpio.

#### PREGUNTAS PUEDEN SER DIRIGIDAS:

##### Contacto de DTSC:

Jacinto Soto  
(510)540-3842

##### Contacto de Caltrans:

Steve Williams  
Coordinador de Información Pública  
(510)286-7399

Sey Hossniah  
Ingeniero  
(510)286-1342

## DEPARTMENT OF HEALTH SERVICES

1515 CLAY STREET, SUITE 1700  
OAKLAND, CA 94612  
(510) 622-4500



September 24, 1999

Susan Hugo,  
Alameda County  
Department of Environmental Health  
1131 Harbor Way Parkway  
2nd Floor  
Alameda, CA 94502

Dear Ms. Hugo:

**PUBLIC HEALTH ASSESSMENT FOR SHERWIN WILLIAMS, DATED JUNE 17, 1999**

The Blue Cover Public Health Assessment for Sherwin Williams, which was issued to you recently, unfortunately has been published under the wrong number. Our intent is to rectify this mistake and we are therefor enclosing two labels with the correct information.

Please affix the label in bold type on the hard cover of the Public Health Assessment and the label in regular type on the inside front page. We appreciate your help.

Sincerely,

A handwritten signature in dark ink, appearing to read "F. Reber Brown", is written over a horizontal line.

F. Reber Brown, Ph.D.  
Research Scientist II  
Consultant to California Department  
of Health Services  
Environmental Health Investigations Branch

A handwritten signature in dark ink, appearing to read "Marilyn C. Underwood", is written in a cursive style.

Marilyn C. Underwood, Ph.D.  
Staff Toxicologist  
California Department of Health Services  
Environmental Health Investigations Branch

Encl: 2 labels

CC: Bill Nelson  
ATSDR, Agency for Toxic Substances and Disease Registry  
75 Hawthorne Street, Suite 100, Mail Stop HHS-1  
San Francisco, CA 94105



# Department of Toxic Substances Control



Winston H. Hickox  
Secretary for  
Environmental  
Protection

Edwin F. Lowry, Director  
700 Heinz Avenue, Bldg. F, Suite 200  
Berkeley, California 94710-2721

Gray Davis  
Governor

July 27, 1999

Mr. Michael Grant  
Union Pacific Railroad  
49 Stevenson Street, 15th Floor  
San Francisco, California 94105

Dear Mr. Grant:

## **1509/1513 THIRD STREET SITE, WEST OAKLAND RAIL YARD, OAKLAND, CALIFORNIA**

The Department of Toxic Substances Control (DTSC) has reviewed the Revised Health and Safety Plan (HASP) prepared by Environmental Resources Management (ERM) for the subject site. DTSC's review of the submitted HASP does not extend to verification of compliance with the requirement for an illness and injury prevention program contained in Title 8, California Code of Regulations (T8 CCR), sections 1509 and 3203 or other occupational health and safety regulations. DTSC refers the employer to Cal-OSHA's General Industrial Safety Orders for specific requirements regarding record keeping, worker exposure monitoring, engineering controls and training.

DTSC is unable to foresee all health and safety hazards associated with this removal action. There may be health and safety hazards which were not apparent during the review of the HASP and if uncorrected could cause serious illness or injury. It should be noted that the employer is ultimately and directly responsible to provide a safe and healthful working environment. DTSC is not charged with the regulatory oversight of the work place. DTSC's review of this document does not constitute nor imply approval by DTSC or compliance with all occupational health and safety regulations. DTSC's approval is limited to concurring that all the required elements of a safety plan are present. Therefore, this review does not create any rights of a third party against DTSC should injury arise subsequent to the implementation of the HASP.

The Submitted Revised HASP appears to contain all of elements specified by regulation. It is essential for both public health and worker safety that the conditions identified and specified in the approved HASP are actually implemented. Therefore, DTSC may perform a field audit in



Mr. Michael Grant  
July 27, 1999  
Page Two

order to confirm the implementation of the provisions and specifications presented in the HASP.

A signed copy of the HASP must be submitted to DTSC within 10 days of the date of this letter or before the start of the removal action at the Site. Please contact this office seven days prior to start of field activities so that arrangements can be made for a DTSC representative to be present. If you have any comments or questions, please contact Thomas Tse at (510) 540-3835.

Sincerely,



Barbara J. Cook, P.E., Chief  
Northern California  
Coastal Cleanup Operations Branch

cc: Mr. John Cavanaugh  
Environmental Resources Management  
1777 Botelho Drive, Suite 260  
Walnut Creek, California 94596

Mr. Derek Lee  
Regional Water Quality Control Board  
San Francisco Bay Region  
1515 Clay Street, Suite 1400  
Oakland, California 94612

Ms. Susan Hugo  
Alameda County Health Agency  
Department of Environmental Health  
1331 Harbor Bay Parkway, 2nd Floor  
Alameda, California 94502



# California Regional Water Quality Control Board

## San Francisco Bay Region

Winston H. Hickox  
Secretary for  
Environmental  
Protection

Internet Address: <http://www.swrcb.ca.gov>  
1515 Clay Street, Suite 1400, Oakland, California 94612  
Phone (510) 622-2300 • FAX (510) 622-2460



Gray Davis  
Governor

July 7, 1999  
File No. 43S0093 (MEJ)

Larry Mencin, Env. Specialist  
Corporate Env. Health and Regulatory Services  
The Sherwin-Williams Company  
101 Prospect Ave., N.W.  
Cleveland, OH 44115

Subject: July 1, 1999 Report, Deep Well Sampling Results and Recommendations,  
Sherwin-Williams Site, 1450 Sherwin Avenue, Emeryville, Alameda County

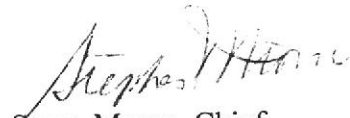
Dear Mr. Mencin:

Regional Board staff (staff) have reviewed the subject report prepared on your behalf by LFR Levine-Fricke. The report presents the results of groundwater quality sampling at different intervals within the well. Additionally the report recommends using geophysics to evaluate the stratigraphy and then abandonment. In order to evaluate the extent of impacts to deeper groundwater zones, the report also calls for using a Cone Penetrometer (CPT) downgradient of the well to determine stratigraphy and evaluate water quality sampling at different intervals.

Upon completion of review, staff find the report acceptable as submitted. Please inform us of your schedule for work on the well as well as the additional investigations

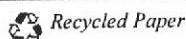
If you have any questions, please contact Mark Johnson of my staff at (510) 622-2493 or he may be e-mailed at [mej@rb2.swrcb.ca.gov](mailto:mej@rb2.swrcb.ca.gov).

Sincerely,

  
Steve Morse, Chief  
Toxics Cleanup Division

cc: see attached list

California Environmental Protection Agency



99 JUL -8 PM 4:34  
ENVIRONMENTAL  
PROTECTION



Barbara Cook, Chief  
Site Mitigation Unit  
DTSC  
700 Heinz Ave., Suite 200  
Berkeley, CA 94707

Susan Hugo  
Alameda County Health Agency  
Div. of Env. Protection  
Dept. of Env. Health  
1131 Harbor Bay Parkway  
Alameda, CA 94502

Randi Parker-Germaine/Paul Germaine  
45th St. Artists' Cooperative  
1420 45th St.  
Emeryville, CA 94608

Jay Grover, Manager  
Env. Health and Safety  
Chiron Corporation  
4560 Horton St.  
Emeryville, CA 94608

Jody Sparks  
Toxics Assessment Group  
P.O. Box 73620  
Davis, CA 95617-3620

Ignacio Dayrit  
Redevelopment Agency  
City of Emeryville  
2200 Powell Street  
Emeryville, CA 94608-1806

Jane Riggan  
Califonia DHS  
Env. Investigations Branch  
1515 Clay St.  
Oakland, CA 94612



# California Regional Water Quality Control Board

## San Francisco Bay Region

Winston H. Hickox  
Secretary for  
Environmental  
Protection

Internet Address: <http://www.swrcb.ca.gov>  
1515 Clay Street, Suite 1400, Oakland, California 94612  
Phone (510) 622-2300 • FAX (510) 622-2460



Gray Davis  
Governor

July 7, 1999  
File No. 43S0093 (MEJ)

Larry Mencin, Env. Specialist  
Corporate Env. Health and Regulatory Services  
The Sherwin-Williams Company  
101 Prospect Ave., N.W.  
Cleveland, OH 44115

Subject: December 15, 1998, Notice of Intent for NPDES Individual Permit for Treated Groundwater Discharges, Sherwin-Williams Site, 1450 Sherwin Avenue, Emeryville, Alameda County

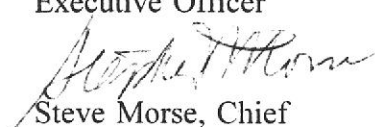
Dear Mr. Mencin:

Regional Board staff (staff) have review the subject report which contains an application for an NPDES Permit to treat and discharge groundwater which is being extracted at the site for purposes of groundwater containment/cleanup. Upon completion of review, we find the report is complete as submitted and we are currently preparing a tentative Order setting forth Waste Discharge Requirements for the discharge of the treated water. Staff intend to bring this matter before the Board in the next few months for consideration of adoption. You shall shortly be receiving a copy of the tentative Order which will be circulated for a thirty day public comment. In the meantime, you may continue the discharge of the treated water as before.

If you have any questions, please contact Mark Johnson of my staff at (510) 622-2493 or he may be e-mailed at [mej@rb2.swrcb.ca.gov](mailto:mej@rb2.swrcb.ca.gov).

Sincerely,

Loretta K. Barsamian  
Executive Officer

  
Steve Morse, Chief  
Toxic Cleanup Division

cc: see attached list

*California Environmental Protection Agency*

Barbara Cook, Chief  
Site Mitigation Unit  
DTSC  
700 Heinz Ave., Suite 200  
Berkeley, CA 94707

Susan Hugo  
Alameda County Health Agency  
Div. of Env. Protection  
Dept. of Env. Health  
1131 Harbor Bay Parkway  
Alameda, CA 94502

Randi Parker-Germaine/Paul Germaine  
45th St. Artists' Cooperative  
1420 45th St.  
Emeryville, CA 94608

Jay Grover, Manager  
Env. Health and Safety  
Chiron Corporation  
4560 Horton St.  
Emeryville, CA 94608

Jody Sparks  
Toxics Assessment Group  
P.O. Box 73620  
Davis, CA 95617-3620

Ignacio Dayrit  
Redevelopment Agency  
City of Emeryville  
2200 Powell Street  
Emeryville, CA 94608-1806

Jane Riggan  
California DHS  
Env. Investigations Branch  
1515 Clay St.  
Oakland, CA 94612



## Department of Toxic Substances Control



Winston H. Hickox  
Secretary for  
Environmental  
Protection

Edwin F. Lowry, Director  
700 Heinz Avenue, Bldg. F, Suite 200  
Berkeley, California 94710-2721

Gray Davis  
Governor

June 22, 1999

Mr. Raymond Pang  
Caltrans  
P.O. Box 23660  
Oakland, California 94623-0660

Dear Mr. Pang:

**PHOENIX 800 SITE, HEALTH AND SAFETY PLAN, 800 CEDAR STREET, CYPRESS  
RECONSTRUCTION PROJECT, OAKLAND**

The Department of Toxic Substances Control (DTSC) has completed its review of the June 15, 1999 letter from Mr. Donald P. Bransford, International Technology Corporation, to Mr. Christopher Wilson, Caltrans, regarding the Health and Safety Plan for the subject Site. DTSC received this letter by facsimile on June 21, 1999. With the following additional modification, the changes proposed adequately address the comments outlined in DTSC's June 10, 1999 letter.

Page 19, Second Table. Level D should include hearing protection. This should not be part of an upgrade which is based upon the potential to contact contaminants.

This change should be incorporated with the changes proposed in the June 15, 1999 letter and attached to the document. A copy of the attachment should be forwarded to DTSC for our records.

If you have any questions, please contact Janet Naito at (510) 540-3833.

Sincerely,

Barbara J. Cook, P.E., Chief  
Northern California  
Coastal Cleanup Operations Branch

cc: See next page.

ENVIRONMENTAL  
PROTECTION  
99 JUN 23 PM 3:22

Mr. Raymond Pang  
June 22, 1999  
Page Two

cc: Mr. Christopher Wilson  
Caltrans - Environmental Engineering  
P.O. Box 23660  
Oakland, California 94623-0660

Mr. Derek Lee  
RWQCB - San Francisco Bay Region  
1515 Clay Street, Suite 1400  
Oakland, California 94612

Ms. Susan Hugo  
Alameda County Health Agency  
Department of Environmental Health  
1131 Harbor Bay Parkway, 2nd Floor  
Alameda, California 94502



Cal/EPA

## MEMORANDUM

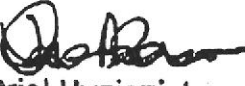
Department of  
Toxic Substances  
Control

Pete Wilson  
Governor

Peter M. Rooney  
Secretary for  
Environmental  
Protection

400 P Street,  
4th Floor  
P.O. Box 806  
Sacramento, CA  
95812-0806

TO: Lynn Nakashima  
Senior Hazardous Substances Scientist  
Site Mitigation Branch

FROM: Dave Anderson   
Associate Industrial Hygienist  
Human and Ecological Risk Division

DATE: June 11, 1999

SUBJECT: PHOENIX 800 - CYPRESS FREEWAY  
800 Cedar Street  
Oakland, California  
PCA: 12050 Site Code: 200350/11

---

### BACKGROUND

The Site Mitigation Branch, Berkeley, requested on April 13, 1999 that the Human and Ecological Risk Division (HERD) review and comment on the revised health and safety plan (HASP) for the Phoenix Iron Works site investigation, which is located beneath the new alignment for Interstate Highway 880. Access to the site is through a gate along 9<sup>th</sup> Street in Oakland, California.

The scope of work at the site will consist of 24 soil boring/temporary wells to collect soil and groundwater from grid pattern locations across this site. Following sample collection, the borings will be backfilled with bentonite-cement grout.

The HERD reviewed the "Health & Safety Plan, Soil and Groundwater Investigation, Phoenix Iron Works Site Investigation, Oakland, California". The document was prepared for: California Department of Transportation by IT Corporation, in Rancho Cordova, California. It was dated March 25, 1999, and was received by HERD April 8, 1999.

## GENERAL COMMENTS

[Page 20 and 21]. Refer to the California Code of Regulations (CCR) Title 8 regulations in revised HASP rather than the Code of Federal Regulations (CFR).

## SPECIFIC COMMENTS

1. **Personal Protective Equipment.** Section 2.7, page 18 and 19.  
Please explain how this is health protective.

## CONCLUSION

This plan, except for the above comments, is adequate for the work activities proposed for this site.

Any future site activities will require a work activity/site specific HASP.

  
Nannette Oseas, CIH  
Senior Industrial Hygienist

cc: HERD chron file





## Department of Toxic Substances Control



Winston H. Hickox  
Secretary for  
Environmental  
Protection

Edwin F. Lowry, Director  
700 Heinz Avenue, Bldg. F, Suite 200  
Berkeley, California 94710-2721

Gray Davis  
Governor

June 10, 1999

Mr. Raymond Pang  
Caltrans  
P.O. Box 23660  
Oakland, California 94623-0660

Dear Mr. Pang:

**PHOENIX 800 SITE SPECIFIC HEALTH AND SAFETY PLAN, 800 CEDAR STREET,  
CYPRESS RECONSTRUCTION PROJECT, OAKLAND**

The Department of Toxic Substances Control (DTSC) received the revised Health and Safety Plan (HASP) for the above referenced site, prepared by IT Corporation on behalf of Caltrans. DTSC's Human and Ecological Risk Division (HERD) reviewed the revised plan. Please find enclosed HERD's comments which must be addressed prior to approval of the HASP.

If you have any questions regarding this letter, please contact Janet Naito at (510) 540-3833.

Sincerely,

Barbara J. Cook, P.E., Chief  
Northern California - Coastal Cleanup  
Operations Branch

Enclosure

cc: Mr. Christopher Wilson  
Caltrans - Environmental Engineering  
P.O. Box 23660  
Oakland, California 94623-0660

Mr. Derek Lee  
RWQCB - SF Bay Region  
1515 Clay Street, Suite 1400  
Oakland, California 94612

99 JUN 14 PM 3:48  
ENVIRONMENTAL  
PROTECTION

Mr. Raymond Pang  
June 10, 1998  
Page 2

Ms. Susan Hugo  
Alameda County Health Agency  
Department of Environmental Health  
1131 Harbor Bay Parkway, 2nd Floor  
Alameda, California 94502



# California Regional Water Quality Control Board

## San Francisco Bay Region

Winston H. Hickox  
Secretary for  
Environmental  
Protection

Internet Address: <http://www.swrcb.ca.gov>  
1515 Clay Street, Suite 1400, Oakland, California 94612  
Phone (510) 622-2300 • FAX (510) 622-2460



Gray Davis  
Governor

Date: JUN 7 1999  
File No. 01S0372 (DCL)

Raymond C. Pang  
Project Manager  
Cypress Replacement Project  
Department of Transportation  
Box 23660  
Oakland, CA 94623-0660

Subject: Adoption of Board Order No. 99-021 for Caltrans - Cypress Reconstruction Project, Alameda County

Dear Mr. Pang:

Enclosed is a copy of Board Order No. 99-021 for the rescission of NPDES Permit No. CA0029980 (Order No. 94-007). The Order was adopted by the Board at its meeting of May 25, 1999.

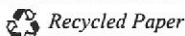
Please contact Derek Lee of my staff at (510) 622-2374 or email: [dcl@rb2.swrcb.ca.gov](mailto:dcl@rb2.swrcb.ca.gov) if you have any questions.

Sincerely,

Loretta K. Barsamian  
Executive Officer

Enclosure: Order No. 99-021  
cc w/ enc: Mailing List

California Environmental Protection Agency



99 JUN -7 PM 4:00  
ENVIRONMENT  
PROTECTION

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
SAN FRANCISCO BAY REGION

ORDER NO. 99-021

NPDES PERMIT NUMBER CA0029980

RESCISSION OF ORDER NUMBER 94-007, WASTE DISCHARGE REQUIREMENTS  
CALTRANS - CYPRESS RECONSTRUCTION, ALAMEDA COUNTY

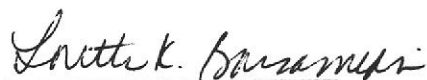
The California Regional Water Quality Control Board, San Francisco Bay Region (hereinafter Board) finds that:

1. On January 18, 1994, the Board issued an individual NPDES permit for discharge of extracted groundwater to the California Department of Transportation for its Cypress Reconstruction Project in Oakland and Emeryville, Alameda County (Order No. 94-007, NPDES No. CA0029980).
2. The primary purpose of the I-880/Cypress project was to restore continuity and capacity to the interstate and regional network that was lost when the I-880 link between 18th and 34th streets in Oakland was destroyed by the Loma Prieta earthquake. Locally detected pollutants in both the soil and groundwater included petroleum hydrocarbons as gasoline and diesel, non-speciated hydrocarbons, aromatic volatile organics, chlorinated volatile organics, semi-volatile organics, polynuclear aromatic hydrocarbons, pesticides and heavy metals. Groundwater was extracted from freeway footing excavations. This NPDES permit was issued for the discharge of extracted and treated groundwater from the several contracts of the project.
3. All major excavation for the Cypress project has been completed. No additional waste discharges authorized under the NPDES permit are anticipated beyond the expiration date of January 19, 1999. This individual NPDES permit is therefore no longer needed.
4. The rescission of waste discharge requirements (NPDES permit) for the discharge is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 13389 of the California Water Code.
5. The Board has notified the discharger and interested agencies and persons of its intent to rescind waste discharge requirements (NPDES permit) for the discharge, and has provided them with an opportunity for a public hearing and an opportunity to submit their written views and recommendations.

6. The Board, in a public meeting, heard and considered all comments pertaining to the discharge.

IT IS HEREBY ORDERED that Board Order Number 94-007 is rescinded.

I, Loretta Barsamian, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Francisco Bay Region, on May 25, 1999.



Loretta K. Barsamian  
Executive Officer

Mr. Raymond Pang  
May 25, 1999  
Page 2

cc: Mr. Peter Altherr  
Caltrans - Environmental Engineering  
P.O. Box 23660  
Oakland, California 94623-0660

Mr. Derek Lee  
RWQCB - SF Bay Region  
1515 Clay Street, Suite 1400  
Oakland, California 94612

Ms. Susan Hugo  
Alameda County Health Agency  
Department of Environmental Health  
1131 Harbor Bay Parkway, 2nd Floor  
Alameda, California 94502



# Department of Toxic Substances Control



Winston H. Hickox  
Secretary for  
Environmental  
Protection

Edwin F. Lowry, Director  
700 Heinz Avenue, Bldg. F, Suite 200  
Berkeley, California 94710-2721

Gray Davis  
Governor

May 20, 1999

Mr. Raymond Pang  
Caltrans  
P.O. Box 23600  
Oakland, California 94623-0660

Dear Mr. Pang:

## **DRAFT HEALTH AND SAFETY PLAN, SOIL INVESTIGATION, NELSON MANDELA EXTENSION, CYPRESS FREEWAY RECONSTRUCTION PROJECT, OAKLAND**

The Department of Toxic Substances Control (DTSC) received on May 18, 1999 the draft Health and Safety Plan (HASP), dated May 13, 1999, prepared by Professional Service Industries, Inc. (PSI) on behalf of Caltrans for the above referenced site. The HASP is intended for use by PSI personnel and its subcontractors to perform work on the site. DTSC reviewed the HASP for conformance with Title 8, California Code of Regulations. Please note that in addition to the requirements of this section, the employer is responsible for the implementation of an effective Illness and Injury Prevention program and other related regulations. The requirements of those sections were not included in this review.

An industrial hygienist from DTSC may perform a field audit in order to confirm the implementation of the HASP. The review of this HASP is not a guarantee that it will be properly and safely implemented. HASP implementation is the employer's responsibility.

The site HASP is intended to be a functional stand alone document. The plan is used to educate and familiarize the on-site-workers with the site history, proposed work activities, know or potential hazards, emergency action plans and the site safety information that is necessary to mitigate the risks from the identified hazards. Therefore, the final site HASP must be available at all times for on-site personnel to reference.

DTSC reviewed the HASP and has the following comments:

1. The HASP needs to include a brief site history.
2. Please include a section describing the sanitation facilities that will be made available to site personnel. This should include adequately stocked washing facilities, toilets, potable water, etc.

99 MAY 21 PM 3:39  
ENVIRONMENTAL  
PROTECTION



Mr. Raymond Pang

May 20, 1999

Page 2

3. Project Summary, Wind Direction Indicator: Using a tree as a wind direction indicator is not an acceptable practice. A wind sock or similar type device should be used.
4. Figure 1: Please include the appropriate street names and arrows indicating the route from the project site to Summit Medical Center.
5. Section 6.5, last paragraph: Please explain why UST investigations are mentioned in this section, or delete this paragraph if no investigations of this nature are anticipated.
6. Section 6.6, Noise Hazards: Please specify the type of device that will be used to monitor noise levels. Please note that a noise monitoring device must be used if it is anticipated that noise levels will exceed Cal/OSHA action levels.
7. Section 7.1, Site Control: A description of all work zones in addition to the exclusion zone (i.e., reduction and support zones) and how their locations will be determined needs to be included in this section. In addition, please include a diagram showing how the zones will be set up around the drill rig, and the location of the decontamination area.
8. Section 11.0, Medical Surveillance/Training Requirements:
  - a. At a minimum, one person who is currently certified in both first aide and CPR must be present during site work.
  - b. Please verify and include the list five elements of the medical surveillance program listed in Title 8, California Code of Regulations, Section 5192 (f)(3).
  - c. Please identify whether any specialized training is required for handling specific materials or machinery.

If you have any questions regarding these comments, please call Lynn Nakashima at (510) 540-3839.

Sincerely,



Barbara J. Cook, P.E., Chief  
Northern California - Coastal Cleanup  
Operations Branch

cc: See next page

Mr. Raymond Pang  
May 20, 1999  
Page 3

cc: Mr. Peter Altherr  
Caltrans - Environmental Engineering  
P.O. Box 23660  
Oakland, California 94623-0660

Mr. Derek Lee  
RWQCB - SF Bay Region  
1515 Clay Street, Suite 1400  
Oakland, California 94612

Ms. Susan Hugo  
Alameda County Health Agency  
Department of Environmental Health  
1131 Harbor Bay Parkway, 2nd Floor  
Alameda, California 94502



# Department of Toxic Substances Control

Edwin F. Lowry, Director  
700 Heinz Avenue, Bldg. F, Suite 200  
Berkeley, California 94710-2721



Winston H. Hickox  
Secretary for  
Environmental  
Protection

Gray Davis  
Governor

May 19, 1999

Mr. Raymond Pang  
Caltrans  
P.O. Box 23600  
Oakland, California 94623-0660

Dear Mr. Pang:

**DRAFT WORKPLAN, PRELIMINARY ENDANGERMENT ASSESSMENT (PEA),  
NELSON MANDELA EXTENSION PROJECT, CYPRESS RECONSTRUCTION  
PROJECT, OAKLAND**

The Department of Toxic Substances Control (DTSC) received on May 18, 1999 the draft PEA workplan, dated May 11, 1999 prepared by Professional Service Industries, Inc. (PSI) on behalf of Caltrans. DTSC has reviewed the workplan and has the following comments:

1. Page 2, Section 1.2, Site History, 3rd paragraph, and page 5, Section 3.1, Soil Borings: Please add that DTSC also requested semi-volatile organic compound analysis.
2. Page 4, Section 2.2, Health and Safety Plan: Please add that the site-specific Health and Safety Plan must also comply with California Code of Regulations, Title 8, section 5192.
3. Page 5, section 3.1: Please include a clearer copy of Figure 2. Many of the sample designations are illegible.
4. Page 5, section 3.2, Soil Sampling Protocol: Clarify what part of the acetate tube will be sent to the laboratory for analysis. If the entire tube will not be sent, also include a brief description of how the tube will be cut.
5. Page 6, Section 3.3., Soil Classification:
  - a. Please include a copy of the boring log sheet that will be used.
  - b. As stated in Appendix A, soils must also be classified using the Unified Soil Classification System (UCSC).
6. Page 6, Section 3.5, Storage and Disposal of Generated Wastes: Please clarify where wastes will be stored pending analysis. Any wastes stored on-site must be secured from unauthorized personnel. In addition, please note that if the waste is determined to be a hazardous waste, the waste may not be stored on-site greater than 90 days.

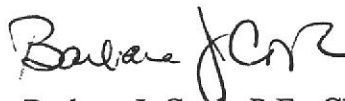
99 MAY 20 PM 3:41  
ENVIRONMENTAL  
PROTECTION

Mr. Raymond Pang  
May 19, 1999  
Page 2

7. Page 7, Section 4, Laboratory Analysis Program:
  - a. This section needs to include the rationale for limiting the laboratory analysis of some sample locations. For example, samples collected in specific areas where previously analyzed for VOCs.
  - b. The EPA method for analysis of metals should be revised to method 6010B as per the third revision to SW-846.
  - c. Please request that the 2 meter soil samples be retained for possible analysis for PCBs. In the event that PCBs are detected in a 1 meter soil sample the 2 meter sample should be analyzed.
8. Page 8, Section 5.2, Chain-of-Custody Procedures: Please include a copy of the chain-of-custody form that will be used.
9. Page 12, Section 9, Preliminary Endangerment Assessment Report Preparation: The PEA should include all elements contained in DTSC's Preliminary Endangerment Assessment Guidance Manual (January 1994) and Errata Sheet (June 10, 1998). A copy of the suggested report format and errata sheet are enclosed with this letter.

If you have any questions regarding these comments, please call Lynn Nakashima at (510) 540-3839.

Sincerely,



Barbara J. Cook, P.E., Chief  
Northern California - Coastal Cleanup  
Operations Branch

Enclosures

cc: See next page

Mr. Raymond Pang  
May 19, 1999  
Page 3

cc: Mr. Peter Altherr  
Caltrans - Environmental Engineering  
P.O. Box 23660  
Oakland, California 94623-0660

Mr. Derek Lee  
RWQCB - SF Bay Region  
1515 Clay Street, Suite 1400  
Oakland, California 94612

Ms. Susan Hugo  
Alameda County Health Agency  
Department of Environmental Health  
1131 Harbor Bay Parkway, 2nd Floor  
Alameda, California 94502



## INFORMACION SOBRE LAS ACTIVIDADES EN EL PRESENTE

### PARQUE SOUTH PRESCOTT MANDELA PARKWAY Y CALLE PERALTA & EL LOTE VACIO 1509-13 Calle Tercera Oakland, CA

Mayo 1999

#### QUE ESTAMOS HACIENDO?

La Agencia para la Protección de Medio Ambiente de California, Departamento de Control de Sustancias Tóxicas (DTSC) prepara éste folleto para tenerlo informado sobre las actividades de limpieza para quitar tierra contaminada con plomo y otras sustancias químicas de los sitios "Futuro Parque South Prescott" (el Parque) y el "Lote Vacío." El DTSC se está preparando para comenzar el trabajo en estos sitios de acuerdo con los planes que fueron aprobados en Marzo 1998.

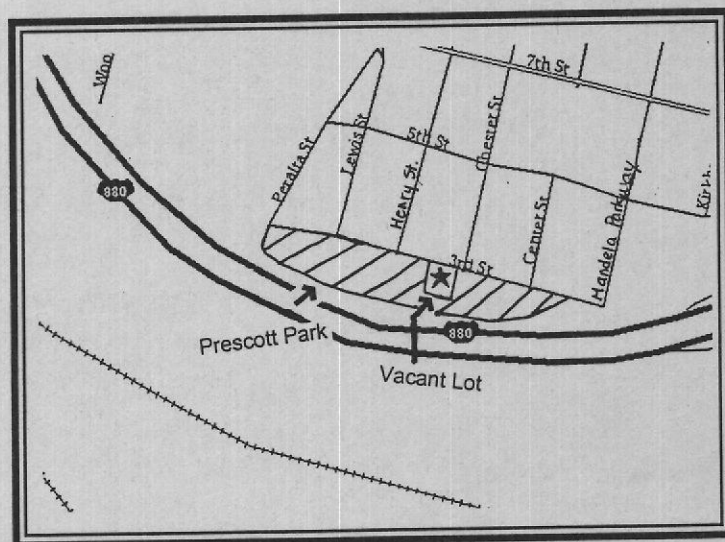
El Departamento de Transportación de California (Caltrans) tendrá una junta informativa para la comunidad sobre las actividades de construcción. Caltrans mandará una notificación que anunciará la fecha, hora, y lugar de ésta junta.

#### QUIEN CONDUCE LA LIMPIEZA DE TIERRAS CONTAMINADAS EN EL LOTE VACIO Y EL PARQUE?

DTSC supervisará el trabajo que Caltrans y Union Pacific Railroad harán para limpiar el Parque South Prescott y el Lote Vacío. Caltrans ha seleccionado a "Performance Contractors" como su contratista para el Parque, mientras Union Pacific utilizará a "Environmental Resources Management" (ERM) para el Lote Vacío.

Antes de comenzar el trabajo, DTSC revisará los Planos de Salud y Seguridad para los dos sitios y el Plan de Diseño Final para el Parque. Cuando sean finalizados, los planos serán disponibles para ser examinados en los lugares indicados en la página de atrás. El trabajo en estos sitios no comenzará hasta que éstos documentos sean aprobados por DTSC.

DTSC enviará una notificación a la comunidad local y grupos de la comunidad para informales cuándo el trabajo de excavación comenzará.



Site Location Map



## QUAL ES LA META DE LIMPIEZA?

### El Parque

La meta de limpieza establecida por el Plan de Acción Correctivo, que fué aprobado en Marzo 1998, estableció números de limpieza para la tierra del Parque con la intención de remediar para el futuro uso como un parque (840 particulas por millon de plomo). Después de la limpieza, el lugar será seguro para que los niños y la comunidad puedan usarlo. Se anticipa que el resultado final será de limpiar a un nivel residencial, pero ésto dependerá de qué tan bajo esté el agua subterranea en la temporada de verano. Por ejemplo, el sitio que está al lado del Parque se logró limpiar a un nivel residencial. El nivel más alto de 840 particulas por millon de plomo también fué usado en éste sitio y se logró en tener una limpieza de un promedio 410 particulas por millon de plomo.

### El Lote Vacio

El sitio del Lote Vacio será limpiado a su determinado futuro uso (un promedio 400 particulas por millon de plomo).

**NOTA:** Las metas de limpieza en el sitio del Parque serán usadas como los niveles que indican las leyes del Estado. La sustancia primaria de interés para el Parque es el plomo. Una concentración promedio de plomo en la tierra es de 400 particulas por millon que es igual a los niveles residenciales, mientras que las 840 particulas por millon es igual a los niveles del uso recreativo. Los numeros de limpieza de las otras sustancias químicas que se encuentran en estos sitios son descritas en el Plan de Acción Correctivo (El Parque) y en el Plan de Acción Para Remover la Tierra Contaminada (el Lote Vacio). Estos planes pueden ser examinados en los lugares indicados en la pagina de atras.

## QUE SE ESTA HACIENDO PARA LIMPIAR LOS SITIOS?

Los planes de limpieza de los dos sitios, los cuales fueron aprobados, requieren la excavación y el traslado de la tierra a una planta autorizada a recibir este material.

### El Parque

Después de que la tierra contaminada sea trasladada, el sitio sera rellenado con ella. Si muestras tomadas del sitio indican que satisfacen la meta de limpieza, el sitio entero sera cubierto de tierra en tal forma que la lluvia no pueda controlar la tierra, y una capa de tres pies de tierra limpia sera puesta sobre todo el Parque. El Parque entonces sera arreglado.

**El Lote Vacio** Las areas excavadas de este sitio serán rellenas por lo menos con un pie de tierra limpia.

La tierra limpia es tierra que satisface los niveles residenciales y será aprobada por la Ciudad de Oakland y DTSC.

## QUANDO SERA LA TIERRA CONTAMINADA EXCAVADA, TRASLADADA, Y REEMPLAZADA CON TIERRA LIMPIA?

Para poder completar la limpieza del Parque este año, se anticipa que el trabajo comensará en Julio 1999, cuando el agua subterranea este mas baja. La excavación del Lote Vacio debe comensar a mediados de Junio 1999.

## PARA MAS INFORMACION

Si Usted tiene interés en revisar los documentos relacionados con estos sitios, los documentos están colocados en los siguientes lugares:

### Caltrans Public Affairs

Stephen Williams  
111 Grand Ave.  
Oakland, Ca 94612  
(510) 286-7399

### City of Oakland Public Library

West Oakland Branch  
1801 Adeline Street  
Oakland, CA 94607  
(510) 238-7352

### DTSC

Berkeley Office  
700 Heinz Ave., Ste 200  
Berkeley, CA 94710  
(510) 540-3800

Todos los documentos administrativos sobre estos sitios se encuentran en la oficina de DTSC localizada en Berkeley.

**INFORMACION EN ESPANOL Si necesita informacion en Espanol por favor pon gase en contacto con Jacinto Soto (510) 540-3842.**



## CUPON DE ENVIO

Si Usted no recibió este folleto por correo y desea recibir algunos en el futuro sobre el Parque South Prescott y el Lote Vacio, por favor complete y envíe esta forma a:

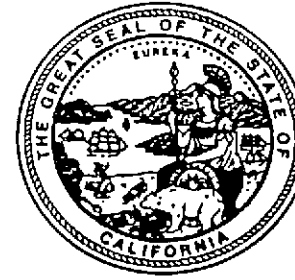
Rachelle Maricq  
California Environmental Protection Agency  
Department of Toxic Substances Control  
700 Heinz Avenue, Suite 200  
Berkeley, CA 94710

Nombre: \_\_\_\_\_

Domicilio: \_\_\_\_\_

Cuidad: \_\_\_\_\_ Estado: \_\_\_\_\_

Código Postal: \_\_\_\_\_



**UPDATE**  
REGARDING ACTIVITIES AT  
**SOUTH PRESCOTT PARK**  
Mandela Parkway and Peralta Street  
**& THE VACANT LOT**  
1509-13 Third Street  
Oakland, CA

May 1999

**WHAT ARE WE DOING?**

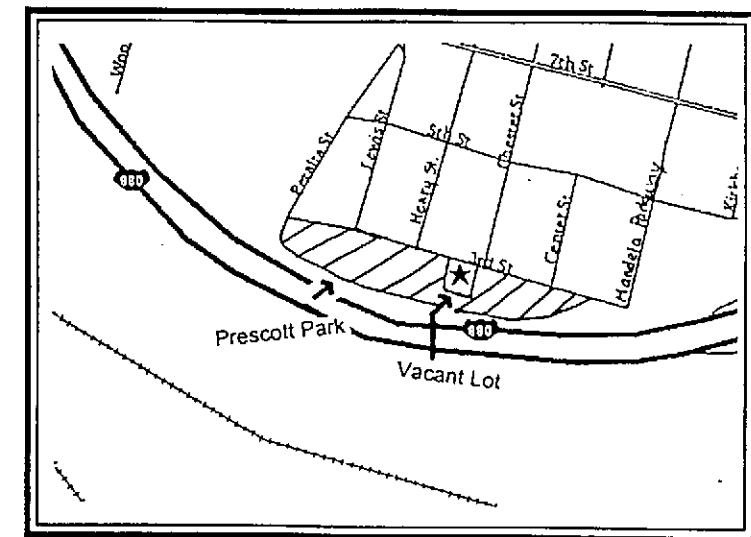
The California Environmental Protection Agency, Department of Toxic Substances Control (DTSC) is preparing this Informational Flyer to keep you informed about the cleanup activities to remove soil contaminated with lead and other compounds from the 'Future South Prescott Park' (the Park) and the 'Vacant Lot' Sites. DTSC is preparing to begin work at these sites in accord with the plans which were both approved in March 1998.

Caltrans is planning to hold a meeting regarding construction activities to keep the community informed and will send out a notification to announce the date, time and location.

**WHO WILL CONDUCT THE  
CLEAN UP OF CONTAMINATED  
SOILS AT THE VACANT LOT  
AND THE PARK?**

DTSC will oversee the work that Caltrans and Union Pacific Railroad will be doing to cleanup the South Prescott Park and Vacant Lot Sites. Caltrans has selected Performance Excavators as their contractor for the Park, while Union Pacific will be using Environmental Resources Management (ERM) for the Vacant Lot.

Before work begins DTSC will review Health and Safety Plans for both Sites and the Final Design Plan for the Park. Once these plans are finalized they will be available for review at the information repositories (see back page). Work at these Sites will not begin until these documents are approved by DTSC.



Site Location Map

Susan Hugo  
Alameda County Env. Health  
1131 Harbor Bay Parkway, #250  
Alameda, CA 94502-6577

DTSC  
Berkeley Office  
700 Heinz Ave., Ste 300  
Berkeley, CA 94710  
ATTN: Rachelle Maricq



**INFORMACION EN ESPANOL**  
Si necesita informacion en Espanol  
por favor pon gase en contacto con  
Jacinto Soto (510) 540-3842.

**UPDATE INSIDE: SOUTH PRESCOTT  
PARK AND THE VACANT LOT SITES**

**Notice to Hearing  
Impaired Individuals**

TDD users can obtain additional  
information by using the California  
Relay Service (1-888-877-5378) to  
reach DTSC Public Participation  
Specialist Rachelle Maricq at  
(510) 540-3910.

DTSC will be sending out a notification to the local community residents and community groups to let them know when actual excavation work will begin.

WHAT IS THE CLEANUP GOAL ?

- The Park

The cleanup goal established by the Remedial Action Plan, approved in March 1998, established cleanup numbers for the soil at the Site with the intention of remediating the park to its intended future use as a park (840 parts per million lead). After cleanup the property will be safe for children and community members to play in it. It is anticipated that the final result will be a clean up to a residential standard, but this will depend on the depth of the groundwater which is lowest in the summer time. For example Sound wallundwall Site located next to the Park Site was successfully cleaned up to a residential standard. A ceiling level of 840 parts per million was also used fSound wallundwall and resulted in an average cleanup of 410 parts per million average lead concentration level).
- The Vacant Lot

The Vacant Lot Site will be cleaned up to its intended future use (400 parts per million average lead concentration).

NOTE: The clean-up goals at the Park Site will be used as ceiling levels or not to exceed numbers. The primary chemical of concern is lead for the park. An average soil lead concentration of 400 parts per million meets residential standards, while 840 parts per million meets the recreational use standard. The cleanup numbers for the other chemicals identified at these Sites are discussed in the Remedial Action Plan (the Park) and the Removal Action Workplan (the Vacant Lot) available for review in the repositories.

WHAT IS BEING DONE TO CLEANUP THE SITES?

The approved clean up plans for both Sites require soil excavation and removal to an approved disposal facility.

- The Park

After the contaminated soil is removed, backfilled and the Site is resampled to determine that the cleanup goal has been met, the entire site will be regraded and a 3 foot layer of **clean fill material** will be placed over the entire Park Site area. The entire Park will then be landscaped.
- The Vacant Lot

The excavated areas at the Site will be backfilled with a minimum of 1 foot of **clean fill material** over the entire Site.

The **clean fill material** is soil that meets residential standards and will be approved by the City of Oakland and DTSC.

WHEN WILL THE SOIL BE EXCAVATED REMOVED AND REPLACED WITH CLEAN FILL?

In order to complete the Park this year, work is anticipated to begin in July 1999 when the groundwater level will be low. Excavation at the Vacant Lot is anticipated to begin in Mid-June 1999.

For More INFORMATION

DTSC plans to keep you informed with a work notification which will be distributed one week before work begins. If you need additional information or have other questions please call Rachelle Maricq, the Public Participation Coordinator at (510)540-3910 or Janet Naito, the Project Manager at (510)540-3833.

If you are interested in reviewing documents related to these Sites the information repositories are located at:

Caltrans Public Affairs	City of Oakland Public Library	DTSC
Stephen Williams	West Oakland Branch	Berkeley Office
111 Grand Ave.	1801 Adeline Street	700 Heinz Ave., Ste 200
Oakland, Ca 94612	Oakland, CA 94607	Berkeley, CA 94710
(510) 286-7399	(510) 238-7352	(510) 540-3800

The full administrative record is available at the DTSC, Berkeley Office. Please call to make an appointment.

INFORMACION EN ESPANOL Si necesita informacion en Espanol por favor pon gase en contacto con Jacinto Soto (510) 540-3842.

Mailing Coupon

If you didn't receive this fact sheet directly in the mail and want to receive future facts sheets on the South Prescott Park and Vacant Lot, please complete and mail this form to:

Rachelle Maricq  
California Environmental Protection Agency  
Department of Toxic Substances Control  
700 Heinz Street, Suite 200  
Berkeley, CA 94710.

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_

Zip Code: \_\_\_\_\_

March 5, 1999

RECEIVED  
PROTECTION  
99 MAR -9 PM 12:26

3042.95-009

Mr. Mark Johnson  
California Regional Water Quality Control Board  
1515 Clay Street, Suite 1400  
Oakland, California 94612

**Subject:** Completion Report, Excavation and Disposal of Arsenic-Affected Soils in the Vicinity  
of the Sherwin-Williams Facility, Emeryville, California

Dear Mark:

Enclosed is the subject report (one CD-ROM and one hard copy), which documents the completion of the soil remedial work (also referred to as the Horton Street investigation and remediation project) undertaken in the vicinity of the Sherwin-Williams Facility, Emeryville, California. The work was performed in accordance with the work plans submitted in March, April, and May 1997. These work plans were approved by the Regional Water Quality Control Board based on input and agreement with other regulatory agencies, the City of Emeryville, local residents, and businesses, and other interested parties.

If you have any comments or questions, please call Larry Mencin at (216) 566-1768 or the undersigned at (510) 652-4500.

Sincerely,



Mark D. Knox, P.E.  
Principal Engineer

Enclosure

cc: Distribution List

**DISTRIBUTION LIST (CD-ROM ONLY):**

Susan Hugo  
Alameda County Department of  
Environmental Health  
Hazardous Materials Division  
1131 Harbor Bay Parkway, 2<sup>nd</sup> floor  
Alameda, California 94502-6577

Robert Cave  
Air Quality Engineer  
BAAQMD  
939 Ellis Street  
San Francisco, California 94109

Jody Sparks  
California Environmental Research Group  
PO Box 74980  
Davis, California 95617-4980

Jay Grover  
Chiron Corporation  
4560 Horton Street  
Emeryville, California 94608-2916

Ignacio Dayrit  
Projects Coordinator  
Development Services Department  
Project Development Division  
City of Emeryville, Redevelopment Agency  
2200 Powell Street, 12th Floor  
Emeryville, California 94608

Sandra Mayfield  
ENTRIX, Inc.  
590 Ygnacio Valley Rd., Suite 200  
Walnut Creek, California 94596

Vera Nelson  
Erler & Kalinowski, Inc.  
1730 So. Amphlett Blvd., Suite 320  
San Mateo, California 94402

Peggy Peischl  
Treadwell and Rollo  
2 Theater Square, #216  
Orinda, California 94563

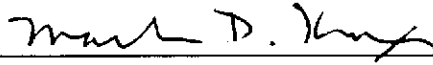
Jane Riggan, M.S.W.  
Environmental Investigations Branch  
California Department of Health Services  
5900 Hollis Street, Suite E  
Emeryville, California 94608

Barbara Cook  
California Environmental Protection Agency  
Department of Toxic Substances Control,  
Region 2  
700 Heinz Avenue, Suite 200  
Berkeley, California 94710

George Stavnes  
The Sherwin-Williams Company  
1450 Sherwin Avenue  
Emeryville, California 94608

## CERTIFICATION

All information, conclusions, and recommendations in this document have been prepared under the supervision of and reviewed by an LFR Levine-Fricke California Registered Civil Engineer.



3/5/99  
Date

Mark D. Knox  
Principal Engineer  
California Professional Engineer (33194)

# ENTRIX

## MEMO

CONFIDENTIAL  
PROTECTION  
ENTRIX, Inc.  
590 Ygnacio Valley Rd., Suite 200  
Walnut Creek, CA 94596  
(925) 935-9920

---

**To:** Recipients of the Sherwin Williams Workplan Addendum CD-ROM  
**From:** Kent Anderson & Linda DeMartino  
**Date:** February 8, 1999  
**Re:** Sherwin Williams Site Investigation Electronic Disk Deliverable.

---

An oversight in the start-up program has been discovered in the CD deliverable which accompanies the Sherwin Williams, Emeryville Site Workplan Addendum. The "Launch.exe" program which automatically launches the CD when it is initially inserted in your CD-ROM drive may not currently function. An expiration date for this program was inadvertently implemented during development which produces an error message stating: "This Entrix demo has expired" after January 31, 1999.

The data on the CD-ROM is still accessible through the following steps:

1. Open Windows Explorer (or My Computer)
2. Click on your CD-ROM drive
3. Double-click the "Index.htm" file

This will start the CD program at the same place the Launch.exe program would have started.

A replacement CD which has been corrected will be issued later this week. We apologize for any inconvenience this may have caused.





# SHERWIN-WILLIAMS SITE UPDATE

February 8, 1999

## TEMPORARY CLOSURE AND RELOCATION OF THE GOLDEN GATE INFORMATION REPOSITORY

The Golden Gate Branch of the Oakland Library, which houses an Information Repository for this project, will be temporarily closed from February 13-March 15, 1999. The building will be undergoing seismic retrofitting for at least the next year and the library will be closed for a month while its collection is being moved and its new quarters are being readied. The library will be relocating to portable buildings at 55<sup>th</sup> and San Pablo. If you would like to view a document while the Golden Gate Information Repository is closed, please contact Mark Johnson to make an appointment to view the document(s) at the Regional Board's office in downtown Oakland.

## FOR FURTHER INFORMATION

For additional information about this project or if you have questions about site activities, please contact Mark Johnson of the Regional Water Quality Control Board at (510) 622-2493. Larry Mencin of Sherwin-Williams can be reached at (216) 566-1768. If you have questions about field work in progress, you can also page Mike Marsden of Levine-Fricke-Recon at (510) 539-9045.

Written comments about the Workplan Addendum should be sent by February 19<sup>th</sup> to:

Mark Johnson  
Regional Water Quality Control Board  
1515 Clay Street, Suite 1400  
Oakland, CA 94612



## STATUS REPORT ON SITE ACTIVITIES

### WORKPLAN ADDENDUM COMPLETED

The Remedial Investigation Workplan Addendum (WA) was submitted to the Regional Board in January and is expected to be approved in March. The WA finalizes the scope of work for the Remedial Investigation and also supplements the Current Conditions Report by providing additional information about site history and current site conditions. The WA can be viewed at the Information Repository in the Artists' Co-op office or, until February 12, 1999, at the Golden Gate Branch of the Oakland Library. (See information to the left about temporary closure/relocation of the library). If you would like to comment on the Workplan Addendum, please submit written comments by February 19, 1999 to Mark Johnson, at the address shown to the left.

### TESTING OF THE EXPANDED EXTRACTION/TREATMENT SYSTEM IN PROGRESS

Installation of the extraction wells, piping, process tanks and other equipment required for the expanded groundwater extraction and treatment system has been completed. The new treatment system is currently being tested and is expected to be fully operational within approximately a month.

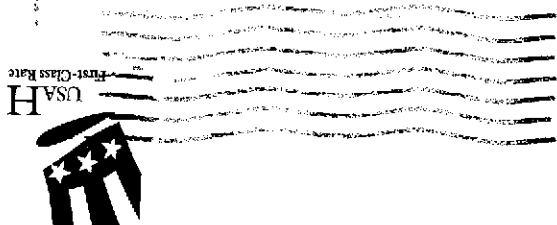
### FORMER WATER SUPPLY WELL BEING INVESTIGATED

The location of a former water supply well on the Sherwin-Williams property has been determined and the well has been surveyed by camera. Workplans for sampling water in the well and for permanently sealing it are currently being developed by Sherwin-Williams' technical consultants. Work on the well will proceed once the workplans have been approved by the Regional Board.

### REMEDIATION INVESTIGATION TO BEGIN THIS SPRING

Once the Workplan Addendum is approved, the remaining tasks associated with the Remedial Investigation will be completed. The Remedial Investigation Report, which summarizes the investigation findings, is scheduled for completion in late 1999.

Susan Hago  
Alameda County Environmental Health  
1131 Harbor Bay Parkway, 2nd floor  
Alameda, CA 94502



MARK JOHNSON  
REGIONAL WATER QUALITY CONTROL BOARD  
1515 CLAY STREET, SUITE 1400  
OAKLAND, CA 94612  
99 FEB 10 PM 3:22  
ENVIRONMENTAL PROTECTION



**MARA FEENEY & ASSOCIATES**  
Community Relations and Socioeconomic Analysis  
19 Beaver Street, San Francisco CA 94114  
Tel. (415) 863-8760 FAX (415) 863-5671  
e-mail: marafeeney@aol.com

FAX TO:

Mark Johnson	(510) 622-2464
Larry Mencin	(216) 588-2730
Mike Marsden	(510) 652-2246
Mara Feeney	(415) 863-5671
Ignacio Dayrit	(510) 658-8095
Barbara Cook	(510) 540-3819
Jane Riggan	(510) 622-4505
Susan Hugo	(510) 337-9335
Jody Sparks	(916) 341-7795
Paul Germain	(510) 655-2807
Jay Grover	(510) 923-7476
Vera Nelson	(650) 578-9131
Peggy Peischl	(925) 253-4985
Sandra Maxfield	(925) 935-5368
Robert Cave	(415) 749-5030

FROM: Melissa Mednick *MM*

DATE: February 5, 1999

PAGES: 2 (including cover sheet)

RE: Sherwin-Williams Site Update

The attached notice will be distributed/mailed to community members and officials on Monday, February 8, 1999. Please feel free to contact me if you have questions. I can be reached at (510) 653-7848.



# SHERWIN-WILLIAMS SITE UPDATE

February 5, 1999

## TEMPORARY CLOSURE AND RELOCATION OF THE GOLDEN GATE INFORMATION REPOSITORY

The Golden Gate Branch of the Oakland Library, which houses an Information Repository for this project, will be temporarily closed from February 13-March 15, 1999. The building will be undergoing seismic retrofitting for at least the next year and the library will be closed for a month while its collection is being moved and its new quarters are being readied. The library will be relocating to portable buildings at 55<sup>th</sup> and San Pablo. If you would like to view a document while the Golden Gate Information Repository is closed, please contact Mark Johnson to make an appointment to view the document(s) at the Regional Board's office in downtown Oakland.

## FOR FURTHER INFORMATION

For additional information about this project or if you have questions about site activities, please contact Mark Johnson of the Regional Water Quality Control Board at (510) 622-2493. Larry Mendin of Sherwin-Williams can be reached at (216) 566-1768. If you have questions about field work in progress, you can also page Mike Marsden of Levine-Fricke-Recon at (510) 539-9045.

Written comments about the Workplan Addendum should be sent by February 19<sup>th</sup> to:

Mark Johnson  
Regional Water Quality Control Board  
1515 Clay Street, Suite 1400  
Oakland, CA 94612



## STATUS REPORT ON SITE ACTIVITIES

### WORKPLAN ADDENDUM COMPLETED

The Remedial Investigation Workplan Addendum was submitted to the Regional Board in January and is expected to be approved in March. The WA finalizes the scope of work for the Remedial Investigation and also supplements the Current Conditions Report by providing additional information about site history and current site conditions. The WA can be viewed at the Information Repository in the Artists' Co-op office or, until February 12, 1999, at the Golden Gate Branch of the Oakland Library. (See information to the left about temporary closure/relocation of the library). If you would like to comment on the Workplan Addendum, please submit written comments by February 19, 1999 to Mark Johnson, at the address shown to the left.

### TESTING OF THE EXPANDED EXTRACTION/TREATMENT SYSTEM IN PROGRESS

Installation of the extraction wells, piping, process tanks and other equipment required for the expanded groundwater extraction and treatment system has been completed. The new treatment system is currently being tested and is expected to be fully operational within approximately a month.

### FORMER WATER SUPPLY WELL BEING INVESTIGATED

The location of a former water supply well on the Sherwin-Williams property has been determined and the well has been surveyed by camera. Workplans for sampling water in the well and for permanently sealing it are currently being developed by Sherwin-Williams' technical consultants. Permanent closure of the well will probably occur sometime in late Spring or early Summer.

### REMEDIAL INVESTIGATION TO BEGIN THIS SPRING

Once the Workplan Addendum is approved, the remaining tasks associated with the Remedial Investigation will be completed. The Remedial Investigation Report, which summarizes the investigation findings, is scheduled for completion in late 1999.

4 December 1998  
Project No. 2323.01

F. Reber Brown, Ph.D.  
Environmental Health Investigations Branch  
Department of Health Services  
5900 Hollis Street, Suite E  
Emeryville, CA 94608

**Subject: Draft Public Health Assessment  
Evaluation of Lead and Arsenic Levels In and Near the 45th Street Artists'  
Cooperative and the Horton Street Lofts, Emeryville, California**

Dear Dr. Brown:

Treadwell & Rollo, Inc. (T&R) has prepared the following comments on the above-referenced draft report dated October 1998. The following comments were prepared on behalf of Shell Oil Company:

1. Page 2, Paragraph 3: Shell Oil Company owned the property currently occupied by the 45th Street Artists' Cooperative (the Coop) until about 1969. We request that Paragraph 3 be modified so that a direct conversion in 1974 from Shell's operations to live/work studios is not implied in this report. Suggested language for your consideration (changes in italics): "The Coop facility was converted from a *former industrial facility* to live/work artist studios in 1974. *For a period of time until about 1969, the Coop building was part of a petrochemical research and development facility.*"
2. Page 11, Paragraph 2: Since, as the report states, that the "source(s) of contamination . . . is not clearly understood" and the property in question has been owned and occupied by others in the past, we request that Paragraph 2 be modified to remove the reference to "Shell" by deleting the entire fourth sentence (starting with "It is not known . . ."). Alternatively, we suggest the following language for your consideration (changes in italics): "It is not known what effect, if any, that *previous activities at the 45th Street Building when it was owned and/or operated by others in the past* might have on contamination . . ."

F. Reber Brown, Ph.D.  
Department of Health Services  
4 December 1998  
Page 2

If you have any question, please call me at (925) 253-4980, Ext. 420.

Sincerely,  
TREADWELL & ROLLO, INC.



Margaret K. (Peggy) Peischl, P.E.  
Senior Project Engineer

C:\Network\Peggy\Sbgr\12-4RB.DOC

cc: Kent Rogers (Shell Oil Company)  
William Lowrey (Shell Oil Company)  
Chuck Paine (Shell Oil Company)  
Paul Caleo, Esq. (Larson & Burnham)  
Michael Marsden (Levine-Fricke-Recon)  
Ric Notini (Chiron Corporation)  
Vera Nelson (Erler & Kalinowski, Inc.)  
Larry Mencin (The Sherwin-Williams Company)  
Barbara Cook (DTSC)  
Susan Hugo (Alameda County Health Care Agency)  
Ignacio Dayrit (City of Emeryville)  
Robert Scofield (ENVIRON)  
Sandra Maxfield (Entrix)  
Randi Parker-Germaine (Artist's Cooperative)  
Jody Sparks (Toxic Assessment Group)  
Mara Feeney (Mara Feeney & Associates)  
Robert Cave (BAAQMD)



CALIFORNIA REGIONAL WATER

JUN 18 1998

QUALITY CONTROL BOARD

Pete Wilson  
Governor

June 15, 1998

Peter M. Rooney  
Secretary for  
Environmental  
Protection

Cal/EPA

Department of  
Toxic Substances  
Control

700 Heinz Avenue  
Suite 200  
Berkeley, California  
94710-2737

Mr. Mark Johnson  
California Regional Water Quality Control Board  
San Francisco Bay Region  
2101 Webster Street, Suite 500  
Oakland, California 94612

Dear Mr. Johnson:

The Department of Toxic Substances Control (DTSC) has completed its review of the "Draft Final Existing Interim Remedial Measures and Work plan for Implementation of Future Interim Remedial Measures" dated May 20, 1998 for the Sherwin Williams Facility located on Horton Street. In general, we do not believe it is appropriate to evaluate each of the components of the previous interim remedial measures as separate and discrete parts. For a slurry wall to operate effectively, an inward hydraulic gradient must be established and maintained. The report show there is groundwater mounding occurring on the site. This has resulted in an outward gradient against the slurry wall. The problem probably has been caused by a number of reasons including an incomplete cap which has allowed significant water infiltration and ineffective groundwater extraction and treatment system that has only operated 64% of the time since startup in October 1995. This report proposed a number of upgrades and further investigation that need to be done. Until those solutions are implemented, it is premature to determine whether these interim measures are effectively inhibiting the further off-site mitigation of contamination.

Outlined below are specific comments on the document.

1. Page iii. The report must be signed and stamped by a registered engineer in the State of California.
2. Section 1.1.2. Please include a brief description of the contamination found both in soil and groundwater and the range of concentrations found.



3. Section 1.1.4. Please give a general description of what the three IRMs are. Including, but not limited, the depth the slurry wall, what it was keyed into, the construction material (concrete vs. soil bentonite), the number of extraction wells installed, and cap and storm water collection construction details.
4. Section 2.1.1. Please describe the construction objectives for the slurry wall and also provide the actual results from the permeability testing.

The technical support for the overall effectiveness of the slurry wall is based solely on groundwater elevation data. No chemical data was submitted to support this evaluation. We feel it is important to include an analysis of how contaminant migration has been inhibited. Our own evaluation of chemical data for monitoring wells just outside of the wall has shown an increase of arsenic concentrations over time. This may be due to either arsenic contamination that exists outside the slurry wall or due to significant migration of contaminants through the wall. Data must be provided. If Sherwin Williams feels that it is due to contamination outside the wall, please provide a table/map of the soil concentrations outside of the slurry wall as part of that justification.

5. Sections 2.1.2 and 3.1. DTSC does not believe that the statements in these sections are supported by the information that has been submitted. The overall effectiveness of the slurry wall cannot be determined until an inward gradient has been achieved. If, and when, an inward gradient can be established and maintained, then we would recommend reevaluating the effectiveness of the actual slurry wall.
6. Section 2.2.1 and 2.2.2. DTSC agrees that additional steps need to be taken to upgrade the cap to eliminate infiltration. In addition, having an effective groundwater extraction system should eliminate the release through the storm water collection system. Currently, groundwater mounding exists within the slurry wall. Eliminating the water sources into the Site must be a high priority for the overall effectiveness of the system. Please provide a copy of the engineering analysis to DTSC as proposed in Section 3.1 when it is available.
7. Section 2.3.1. DTSC agrees with EKI assessment that a thorough water balance analysis should be conducted.
8. Section 2.3.2 DTSC agrees that the groundwater extraction and treatment system must be upgraded.

Mark Johnson  
June 15, 1998  
Page Three

9. Section 2.4.2 Please include the design capacity of the current treatment system.

We note that flexible pneumatic air supply hoses and flexible hoses will be used. These along with associated coupling can result in high head losses and introduce potential leaks. Sherwin Williams may want to explore solid piping, double wall pipes and electric submersible pumps to address those potential problems and to increase the flexibility in the amount of drawdown in selected areas at the Site.

If you have any questions, please contact me at (510) 540-3843.

Sincerely,



Barbara J. Cook, P.E., Chief  
Northern California - Coastal Cleanup  
Operations

cc: Mark D. Knox  
Levine-Fricke-Recon  
1900 Powell Street, 12th Floor  
Emeryville, California 94608-1827



# MEMORANDUM



Cal/EPA


Department of  
Toxic Substances  
Control

Pete Wilson  
Governor  
Peter M. Rooney

James M. Strock  
Secretary for  
Environmental  
Protection

HAZARDOUS MATERIALS LABORATORY-  
2151 Berkeley Way  
Berkeley, CA 94704

TO: Ted Park  
DTSC-Berkeley Office

FROM:  Bart Simmons, Ph.D., Chief  
Hazardous Materials Laboratory  
Department of Toxic Substances Control  
2151 Berkeley Way, Room 515  
Berkeley, CA 94704

DATE: May 21, 1998

SUBJECT: Review of Quality assurance Project Plan for the Site Investigation of the  
Sherwin-Williams Facility, Emeryville, California, April 30, 1998

---

Per your request, we have reviewed the referenced Quality Assurance Project Plan (QAPP). Our review is limited to items related to the analytical methods and quality assurance/control activities. We have the following comments:

1. Section 2.4, Data Quality Objectives (DQOs) and Criteria for Measurement Data

Page 2-8 et seq., definitions are given for terms like precision and accuracy. No quantitative measures were provided even though the DQOs process was carried out as given in Appendix A. Quantitative measures should be provided for applicable items like precision and accuracy.

Page 2-8 (see also pages 3-25 and 3-26 regarding duplicate), it stated that "soil or sediment samples will not be collected in duplicate because the inherent variability of these samples precludes obtaining a true duplicate." Co-located samples should be collected. They can be defined as independent samples collected in such a manner that they are equally representative of the variable(s) of interest at a given point in space and time. Examples of co-located samples included samples from



two parallel samplers at the same location. Results of co-located samples indicate the reproducibility (precision) of the sampling and analytical technique.

Appendix A discussed the 7-step DQO process. Its step 6 on decision error limits was confusing. No limits on decision errors were provided because it was considered to be premature to do so. We believe that, as a minimum, some decision error limits should be proposed.

2. Section 2.6.3, Laboratory Records

Laboratory records should include any and all raw data that are necessary and essential to substantiate the results of the final reports. The raw data should be made available for review upon request.

3. Section 3.4.1, Analytical Methods

The analytical methods to be used are summarized in Tables 3-2 and 3-3. Some of the listed methods have been updated and some of the methods have been deleted (SW-846 Updated III, 1996) as shown below.

Listed Methods	Updates	Deletions and Replacements
3005	3005A	
3510	3510A,B,C	
5030	5030A,B	
9252A		deleted and replaced by 9253
8080		deleted and replaced by 8081A (pesticides) and 8082 (PCBs)
8260	8260A,B	
8270	8270A,B,C	
6010	6010A,B	

The methods in the QAPP (such as those mentioned on pages 3-20 to 3-23 and portions of Appendix B) should be reviewed in order to make proper revisions. In general, methods may be adequate if they can provide the information to meet the data quality objectives of the project. However, deleted methods should not be used.

4. Section 3.4.2, Reporting Limits

Laboratory-specific method detection limits (MDLs) and reporting limits (RLs) are discussed. They would be used to "compare" with 'benchmark' values. It appeared that RLs were quantitation limits and MDLs were not quantitation limits. If so, results should be qualified as below the quantitation limits whenever MDLs would be used.

Page 3-23, even though the method 8270 MDLs and RLs are above benchmark criteria, method 8270 was proposed to be used for the analysis of polycyclic aromatic hydrocarbons (PAHs) because the site groundwater is not used as a source of drinking water. A toxicologist should be consulted to determine whether or not lower quantitation limits for PAHs are needed. If it becomes necessary to obtain lower quantitation limits for PAHs, possible analytical methods are selective ion gas chromatography/mass spectrometry or high performance liquid chromatography.

5. Section 3.10.3, Data Validation

Page 3-34, other items to be included in the data validation process are: calibrations, quantitation limits, appropriate qualitative identifications and quantitative determinations of individual analytes, sample preparations including dilutions or concentrations, and holding times.

6. Section 3.10.8, Data Storage and Retrieval

Page 3-36, the duration of data storage should be specified. The storage facilities should be secured and should provide protection to preserve the integrity of the records being stored.

7. Section 4.1.2, Assessment of Laboratory Operations

The Project Management should audit the laboratory at an appropriate frequency (at least annually). The audit(s) should be performed by qualified and trained personnel. The scope of such audit should include the quality system and all stages of the works performed by the laboratory for the project. Additionally, suitable double blind performance evaluation samples should be sent to the laboratory to monitor its performances.

If you have any question. Please feel free to contact Fred Seto or me at (510)540-3003.

cc: Fred Seto, Ph.D., Cindy Dingman, Lorna Garcia, and James Cheng

**San Francisco Bay Regional Water Quality Control Board**

2101 Webster Street, Suite 500, Oakland, CA 94612 (510) 286-1255 Fax: 286-1380

## M E M O R A N D U M

**TO:** Consultative Working Group Members for the  
Sherwin-Williams Site, 1450 Sherwin Avenue, Emeryville

**FROM:** Mark Johnson

**DATE:** June 30, 1998

**SUBJECT:** July 9 Meeting for the CWG

98 JUL -1 PM 3:19  
ENVIRONMENTAL  
PROTECTION

The Current Conditions Report (CCR) has been recently provided by Sherwin-Williams consultant Levine-Fricke Recon for your review and comment. This document presents data in response to the Site Cleanup Requirements Order 98-009 (SCR Order), with particular attention to the nature and extent of contaminants and the required study of conduits. This report is quite large and has many data tables and maps regarding the location of different contaminants in both soil and ground water, which makes review of the document difficult and potentially confusing. Since no conclusions have been presented in this version of the report, this situation provides an opportunity to implement a new approach to Consultative Working Group (CWG) input to documents and findings for the site evaluation.

In our last meeting on June 10, 1998, you expressed concerns regarding your opportunities to have input to the process of evaluating the site and reaching conclusions regarding the results. In response to your concerns, I have agreed with Sherwin-Williams' request to change the agenda for our next meeting on July 9. Rather than have a review of the data presented in the CCR, it has been proposed that this meeting be used to establish a better process for the CWG to provide input, and for the group to identify objectives for the CWG to carry us through the rest of the project. The new process will focus on providing opportunities for interactive discussions with the CWG early during document preparation so that CWG's issues can be better addressed before documents are completed and submitted for review.

The proposed agenda topics for July 9 will be as follows:

1. **Develop Group Objectives for this Project** - As a group, develop project objectives for the CWG which move the project forward. The purpose of this item is to provide a focus for the discussions and agenda items in this and subsequent meetings.
2. **Brief Description of the CCR** - A brief description of the CCR will be provided which orients the group members to the contents of the sections of the CCR, where different types of information are located, and how the information is organized. The purpose of this item is to assist group members with their review of the large CCR document.

3. **Identify Interactive Process** - The group will identify an interactive process for the CWG to provide early input to documents. The purpose of this item is to review the components of the evaluation process and provide opportunities for early CWG discussion of issues before documents are submitted to the group for review.

In order to keep moving on the project, I am proposing an additional meeting for July with a tentative date of the 23<sup>rd</sup>. Please bring your calendars to the meeting on the 9<sup>th</sup> so that a final date can be identified for the next meeting. The primary activity for this second meeting is to have a more detailed review and discussion of the data presented in the CCR. If you have already developed comments or questions regarding the CCR, please provide a copy to myself and Larry Mencin of Sherwin-Williams for review and incorporation into the discussions on the 9<sup>th</sup>.

If you have any questions regarding this memo, please call me at (510) 286-0305.



**CONSULTATIVE WORKGROUP  
MAILING LIST  
SHERWIN-WILLAMS SITE  
EMERYVILLE**

Barbara Cook, Chief  
Site Mitigation Unit  
DTSC  
700 Heinz Ave., Suite 200  
Berkeley, CA 94707

Susan Hugo  
Alameda County Health Agency  
Div. of Env. Protection  
Dept. of Env. Health  
1131 Harbor Bay Parkway  
Alameda, CA 94502

Randi Parker-Germaine/Paul Germaine  
45th St. Artists' Cooperative  
1420 45th St.  
Emeryville, CA 94608

Ric Notini, Manager  
Env. Health and Safety  
Chiron Corporation  
4560 Horton St.  
Emeryville, CA 94608

Jody Sparks  
Toxics Assessment Group  
P.O. Box 73620  
Davis, CA 95617-3620

Ignacio Dayrit  
Redevelopment Agency  
City of Emeryville  
2200 Powell Street  
Emeryville, CA 94608-1806

Mara Feeney, Principal  
Mara Feeney & Assoc.  
19 Beaver Street  
San Francisco, CA 94114

Jane Riggan/Marilyn Underwood  
California DHS  
Env. Investigations Branch  
5900 Hollis Street, Suite E  
Emeryville, CA 94608

Larry Mencin, Env. Specialist  
Corporate Env. Health and Regulatory Services  
The Sherwin-Williams Company  
101 Prospect Ave., N.W.  
Cleveland, OH 44115

Paul Caleo, Esq.  
Lawson and Burnham  
P.O. Box 119  
Oakland, CA 94604-0119

Robert Cave  
Bay Area Air Quality Management District  
939 Ellis St.  
San Francisco, CA 94109

Vera Nelson  
Erler and Kalinowski  
1730 S. Amphlett Blvd., Suite 320  
San Mateo, CA 94402

Peggy Peischl  
Treadwell & Rollo, Inc.  
2 theatre Square, Suite 216  
Orinda, CA 94563

Mark Knox  
Levine-Fricke-Recon  
1900 Powell Street, 12th Floor  
Emeryville, CA 94608-1827



The Sherwin-Williams Company  
101 Prospect Avenue, N.W.  
Cleveland, Ohio 44115-1075

April 03, 1998

VIA FAX AND FEDERAL EXPRESS

Mr. Mark Johnson  
Project Officer  
Regional Water Quality Control Board  
2101 Webster Street, Suite 500  
Oakland, CA 94612

RE: SCR Order 98-009 - Request for extension for the submission of Task B.2 (Public Participation Plan)

Dear Mark:

The Sherwin-Williams Company is requesting an extension of 15 days for the submission of the Technical Report required under Task B.2 of the SCR Order, Public Participation Plan, (PPP) currently designated for submission by April 06, 1998. Preparation and review of the plan required a significantly greater period of time due to the increased number of interviews that were conducted and to the interest the respondents have shown toward the Site.

The PPP will be submitted to the Agency by Monday April 20, 1998. The additional time is requested to account for the Easter weekend as well internal schedules.

If you have any questions or require any additional information from Sherwin-Williams, please feel free to contact me at (216) 566-1768.

Sincerely,



Larry R. Mencin  
Environmental Project Manager

cc: J. Gerulis  
N. Maoloni  
✓ M. Feeney

863-5671



1900 Powell Street, 12th Floor  
Emeryville, California 94608-1827  
(510) 652-4500, FAX (510) 652-2246

FAX TRANSMISSION: This cover page plus (1) page(s).

Date	April 6, 1998
From	Mark D. Knox, P.E.
Project No.	3042.95-001

Deliver To	Name Of Firm	FAX Number
Mark Johnson	RWQCB	510 286-1380
Barbara Cook, P.E.	DTSC	510 540-3819
Susan Hugo	ACHD	510 337-9335
Ric Notini	Chiron Corp.	510 923-7476
Ignacio Dayrit	City of Emeryville	510 596-3724
Larry Mencin	The Sherwin-Williams Company	216 566-2730
John Gerulis	The Sherwin-Williams Company	216 566-2730
Dave Gustafson	The Sherwin-Williams Company	216 566-1792
Frank McHugh	The Sherwin-Williams Company	510 654-7997
Paul Germain	45th Street Artists Co-op	510 655-2807
Tom Kalinowski, Sc.D.	EKI	650 578-9131
Mara Feeney	Mara Feeney & Associates	415 863-5671
Jody Sparks	TAG	916 753-5318
Peggy Peischl	Treadwell and Rollo	415 955-9041
Jane Riggan, M.S.W.	CDHS	510 450-3773
Robert Cave	BAAQMD	415 749-5030

THE INFORMATION CONTAINED IN THIS FACSIMILE IS CONFIDENTIAL AND IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED. IF YOU ARE NOT THE INTENDED RECIPIENT, OR THE PERSON RESPONSIBLE FOR DELIVERING IT TO THE INTENDED RECIPIENT, DO NOT USE OR DISCLOSE THIS FACSIMILE. IF YOU HAVE RECEIVED THIS FACSIMILE IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL TO LEVINE-FRICKE-RECON VIA THE U.S. POSTAL SERVICE. THANK YOU.

**Comments:** Attached is a letter from The Sherwin-Williams Company to the Regional Water Quality Control Board requesting an extension for submittal of the Public Participation Plan. Mark Johnson of the Regional Water Quality Control Board has concurred with this request for extension.

**Please address questions or comments to any of the undersigned:**

Larry Mencin, The Sherwin-Williams Company  
Mark Knox or Mike Marsden, Levine-Fricke-Recon Inc.  
Mara Feeney, Mara Feeney & Associates

216 566-1768  
510 652-4500  
415 863-8760

# Treadwell&Rollo

31 March 1998

Ms. Susan Hugo  
Alameda County Health Agency  
Div. of Env. Protection  
Dept. of Env. Health  
1131 Harbor Bay Parkway  
Alameda, CA 94502

58 APR -2 PM 3:11  
RECEIVED

Subject: Consultative Work Group  
Sherwin - Williams Site, Emeryville, CA

Dear Susan:

I am pleased to inform you that I have moved my consulting practice to Treadwell & Rollo, Inc. I will continue to represent Shell Oil Company on issues related to the Shell Research Facility, formerly located at the South BGR site, Emeryville, California. I can be contacted at:

Treadwell & Rollo, Inc.  
2 Theatre Square, Suite 216  
Orinda, CA 94563  
Voice: (510) 253-2980, Ext. 420  
Fax: (510) 253-4985

Please call me if you have any questions.

Sincerely,



Margaret K. (Peggy) Peischl, P.E.  
Senior Project Engineer

Enclosure

e:\peggy\sbgr\addchg.doc

**COUNTY OF ALAMEDA  
ENVIRONMENTAL HEALTH SERVICES**

**DATE:** March 5, 1998  
**TO:** Tom Peacock  
**FROM:** Susan L. Hugo *SLH*  
**SUBJECT:** Public Participation Plan for Sherwin Williams' Cleanup and Abatement Order  
Issued by San Francisco Bay Regional Water Quality Control Board

---

---

The San Francisco Bay Regional Water Quality Control Board has recently adopted the Site Cleanup Requirements and Rescission of Cleanup and Abatement Order for the Sherwin Williams facility located at 1450 Sherwin Avenue in Emeryville (STID # 800). To address the concern of the public and other agencies, the RWQCB staff has formed a Consultative Workgroup for the site which included representatives from regulatory agencies ( DTSC, RWQCB, ACDEH), City of Emeryville, businesses located close to the site and community / environmental groups. As the case worker for this site, I'm a member of this consultative group representing our department.

One of the components of the cleanup and abatement order issued by the Board is public participation to allow adjacent property owners, tenants and concerned parties to remain informed and participate in the site investigation and remediation process. I will be interviewed by Mara Feeney & Associates regarding this site on March 9, 1998. Enclosed is a copy of the proposed public participation plan.

c: Mee Ling Tung  
Dick Pantages  
Ariu Levi

# Toxics Assessment Group

## RESEARCH AND CONSULTING SERVICES

PO BOX 73620  
DAVIS CA 95617-3620

tag@dcn.davis.ca.us

TELEPHONE (916) 753-0277  
FAX (916) 753-5318

### FAX MEMORANDUM

TO: Mark Johnson, RWQCB - 510/286-1380

Paul Germain, 45th Street Artists' Cooperative - 510/655-2807  
Barbara Cook, DTSC/Region 1 - 510/540-3919  
Jane Riggan, DHS - 510/450-3773  
Ignacio Dayrit, City of Emeryville - 510/658-8095  
Susan Hugo, Alameda County Health Agency - 510/337-9335  
Mark Knox/Larry Mencin/Mara Feeney, Sherwin-Williams - 510/652-2246  
Ric Notini/Vera Nelson, Chiron - 510/923-7476  
Peggy Peischl, Environ for Shell - 510/655-9517

FROM: Jody Sparks, TAG

DATE: 2/10/98

RE: Sherwin-Williams Site; Comments on Revised Tentative Order

Thank you for e-mailing the revised Tentative Order. TAG has the following comments regarding the revised Order:

- page 8: Quality Assurance Project Plan (QAPP)

This task should include reference to the USEPA Guidance documents that should be utilized in the preparation of such a document. The guidance documents provide a standard, which would otherwise be lacking, to use in reviewing the QAPP for adequacy.

- page 10: Treatability Studies

This task should include reference to any USEPA Guidance documents that should be utilized in the preparation of such a document. The guidance documents provide a standard, which would otherwise be lacking, to use in reviewing the Treatability Studies for adequacy.

Please contact me if you have any questions or concerns regarding these comments.

DEPARTMENT OF ENVIRONMENTAL HEALTH  
Environmental Protection Division  
1131 Harbor Bay Parkway, #250  
Alameda, CA 94502-6577  
(510) 597-6700

RAFAT A. SHAHID, Director



DAVID J. KEARS, Agency Director

ALAMEDA COUNTY  
HEALTH CARE SERVICES  
AGENCY






**CITY OF EMERYVILLE  
REDEVELOPMENT AGENCY**

2200 POWELL STREET, SUITE 1200

EMERYVILLE, CALIFORNIA 94608

(510) 596-4350

January 20, 1998

Steve Morse   
Regional Water Quality Control Board  
2101 Webster Street, Suite 500  
Oakland, CA 94612

Dear Steve:

re: Sherwin Williams: Comments to Tentative Order and Public Participation Plan

Please find below our comments on the Tentative Order (TO) and Public Participation Plan (PPP) for the Sherwin Williams Company site.

1. Section 7. "Interim Remedial Measures" should acknowledge the activities associated with this winter's storms. In addition, in looking at long range solutions, Mark Knox had alluded to this measure (maintaining groundwater below the elevation of storm drains) being a long term solution. Please see our concerns on this issue under item 4.
2. Under Section B.1., we request that Sherwin Williams submit the information on electronic format; tabular data on Excel/Lotus format, and spatial information on AutoCAD v.13.
3. Under Section B.2. and the attached Work plan for the "Public Participation Plan"(PPP):
  - a. Remove Martha Marquand (moved);
  - b. Add (under businesses) Madison Marquette, Paul Heiss (513)579-7800, Emeryville Warehouse, Rick Holliday, (415)896-6100;
  - c. Under elected officials, Ken Bukowski is Mayor, and Nora Davis is Vice Mayor;
  - d. Under City representatives, add Claudia Cappio, Michael Biddle, Hank Van Dyke and George Warren (Fire Department); and
  - e. Consider adding East Bay Municipal Utilities District, particularly since the discharges from the site may be a concern to them.

page 2  
Mr Steve Morse  
January 20, 1998

The PPP should include adequate measures for noticing residents, businesses and City government of meetings, site activities and Board actions. In addition, please see our comments under item 5.

4. Under Sections B.4. and B.6., we are concerned over the proposed continuous groundwater pumping to maintain elevations below storm lines. First, adequate backup equipment and procedures must be in place. Secondly, the City relies upon sewer capacity for further redevelopment and has to scrutinize any proposals to discharge treated groundwater into the system. We encourage Sherwin Williams to seek alternatives to this measure.
5. Under Section C.3., Sherwin Williams should also recover the costs of other members of the Oversight Committee, including, but not limited to, the Artists' Coop, the County and the City. Since neither the Coop Board nor City staff have the technical knowledge to analyze and relay information to their respective constituents, it is imperative that they be given the resources to do so. The City understands that the RWQCB will uphold the regulations pertaining to this release. However, solutions that may be acceptable to the RWQCB may compromise the programs of the City and the activities of the residential and business community.

Thank you for the opportunity to comment on the Tentative Order.

Sincerely,



Ignacio Dayrit  
Project Manager

cc. Michael Biddle



**San Francisco Bay Regional Water Quality Control Board**

2101 Webster Street, Suite 500, Oakland, CA 94612 (510) 286-1255 Fax: 286-1380

December 23, 1997

File No. 2199.9309 (MEJ)

97 DEC 29 AM 4:00  
ENVIRONMENTAL  
PROTECTION

Susan Hugo  
Alameda County Health Agency  
Div. of Env. Protection  
Dept. of Env. Health  
1131 Harbor Bay Parkway  
Alameda, CA 94502

Subject: Organizing Consultative Workgroup with Appropriate Agencies and Interested Parties, Sherwin-Williams Site, 1450 Sherwin Avenue, Emeryville, Alameda County

Dear Susan:

The Regional Board has been designated as the Administering Agency for site investigation and remediation necessary to respond to hazardous materials releases at the Sherwin-Williams Site referenced above. The Administering Agency designation is pursuant to the provisions of Health and Safety Code, Division 20, Chapter 6.65 "Unified Agency Review of Hazardous Materials Release Sites" (added by Assembly Bill 2061 of 1993).

Pursuant to the Cal/EPA Resolution designating the Regional Board as the Administering Agency, we are organizing a Consultative Workgroup and have scheduled a meeting with support agencies and interested parties to discuss the development of such a group to address any areas of concern, technical issues or problems, and coordination of planned site investigation and cleanup activities. Additionally, you have or will shortly be receiving a copy of a tentative Site Cleanup Requirement Order for this Site. Board staff intend to bring this tentative Order before our Board at the January 21, 1998 meeting for consideration and adoption. We would also like to discuss the tentative Order at this meeting. We have scheduled this initial meeting to be held at the Regional Board offices in Oakland on Thursday January 8, 1998, at 10:00 a.m. Please let our staff person referenced below know if whether you are able or interested in attending this meeting. If you are not the contact person for this Site, please let us know the name and phone number of your representative.

Should you have any questions regarding the TO, please contact Mark Johnson of my staff at (510) 286-0305.

Sincerely,

Steve Morse, Chief  
Toxics Cleanup Division

cc: attached list

Barbara Cook, Chief  
Site Mitigation Unit  
DTSC  
700 Heinz Ave., Suite 200  
Berkeley, CA 94707

Tom Dunkelman  
USEPA  
75 Hawthorne St.  
San Francisco, CA 94105

Susan Hugo  
Alameda County Health Agency  
Div. of Env. Protection  
Dept. of Env. Health  
1131 Harbor Bay Parkway  
Alameda, CA 94502

Randi Parker-Germaine/Paul Germaine  
45th St. Artists' Cooperative  
1420 45th St.  
Emeryville, CA 94608

Ric Notini, Manager  
Env. Health and Safety  
Chiron Corporation  
4560 Horton St.  
Emeryville, CA 94608

Jody Sparks  
Toxics Assessment Group  
P.O. Box 73620  
Davis, CA 95617-3620

Ignacio Dayrit  
Redevelopment Agency  
City of Emeryville  
2200 Powell Street  
Emeryville, CA 94608-1806

Mara Feeney, Principal  
Mara Feeney & Assoc.  
19 Beaver Street  
San Francisco, CA 94114

Jane Riggan/Marilyn Underwood  
California DHS  
Env. Investigations Branch  
5900 Hollis Street, Suite E  
Emeryville, CA 94608

Larry Mencin, Env. Specialist  
Corporate Env. Health and Regulatory Services  
The Sherwin-Williams Company  
101 Prospect Ave., N.W.  
Cleveland, OH 44115

Paul Caleo, Esq.  
Lawson and Burnham  
P.O. Box 119  
Oakland, CA 94604-0119

Gary Kendall  
Bay Area Air Quality Management District  
939 Ellis St.  
San Francisco, CA 94109



June 20, 1997

3042.95-009

97 JUN 24 PM 2:24

Ignacio Dayrit  
City of Emeryville  
2200 Powell Street, 12th Floor  
Emeryville, California 94608

Subject: Air Monitoring Results, Sherwin-Williams Excavation, Emeryville, California

Dear Ignacio:

On behalf of the Sherwin-Williams Company (Sherwin-Williams), Levine·Fricke·Recon Inc. (LFR) submits the enclosed table summarizing the air monitoring data. The June 2 through 6, 1997, analytical results indicate that arsenic, lead, and total suspended particulate concentrations were well below target and action levels for the community. The highest concentration of arsenic detected in a high-volume air sampler filter was 0.000005 mg/m<sup>3</sup>, which is well below the target level of 0.00016 mg/m<sup>3</sup>. The highest concentration of lead detected in a high-volume sampler filter was 0.0000348 mg/m<sup>3</sup>, which is well below the target level of 0.0011 mg/m<sup>3</sup>. The highest concentration of total suspended particulate detected in a high-volume sampler filter was 0.1141 mg/m<sup>3</sup>, which is well below the action level of 80 mg/m<sup>3</sup> for medium depth soils.

A high-volume air sampler is located at the Artists' Cooperative garden (NE-Coop Garden), the Artists' Cooperative roof (E-Coop Roof), the northeast corner of Horton Street and 45th Street (SE-Horton Street), and the Sherwin-Williams property near the Rifkin parking lot (W-Upwind). Quanterra Environmental Services of Sacramento, California analyzed the high-volume filter samples for arsenic and lead using EPA Methods 7060 and 7421, respectively, and total suspended particulate using the standard method as specified in 40 CFR Part 50 Appendix B.

LFR will update and submit the high-volume sampler data table to the interested parties every three days or as the data becomes available. If you have any comments or questions, please call Larry Mencin of Sherwin-Williams at (216) 566-1768 or the undersigned.

Sincerely,



Mark D. Knox  
Principal Engineer

cc: Distribution List

**DISTRIBUTION LIST**

Mark Johnson  
California Regional Water Quality  
Control Board  
San Francisco Bay Region  
2101 Webster Street, Suite 500  
Oakland, California 94612

Mr. Larry Mencin  
The Sherwin-Williams Company  
101 Prospect Avenue, N.W.  
Cleveland, Ohio 44115-1075

Mr. Dave Gustafson  
The Sherwin-Williams Company  
101 Prospect Avenue, N.W.  
Cleveland, Ohio 44115-1075

John Gerulis  
The Sherwin-Williams Company  
101 Prospect Avenue, N.W.  
Cleveland, Ohio 44115-1075

Sue Free  
The Sherwin-Williams Company  
101 Prospect Avenue, N.W.  
Cleveland, Ohio 44115-1075

Ed Sangster  
McKenna and Cuneo  
Steuart Street Tower  
One Market  
San Francisco, California 94105

Ric Notini  
Chiron Corporation  
4560 Horton Street  
Emeryville, California 94608-2916

Tom Kalinowski  
Erler & Kalinowski, Inc.  
1730 South Amphlett Boulevard, Suite 320  
San Mateo, California 94402-2714

James Ritchie  
SECOR  
90 New Montgomery Street, Suite 620  
San Francisco, California 94105

Mark Stelljes  
SECOR  
90 New Montgomery Street, Suite 620  
San Francisco, California 94105

Susan Hugo  
Alameda County Health Care Agency  
1131 Harbor Bay Parkway, Second Floor  
Alameda, California 94502

Barbara Cook  
Department of Toxic Substances Control  
700 Heinz Street, Suite 200  
Berkeley, California 94710

Tom Dunkelman  
Emergency Response Section H-8-3  
U.S. EPA Region IX  
75 Hawthorne Street  
San Francisco, California 94105

Michael Biddle  
City of Emeryville  
2200 Powell Street, 12th Floor  
Emeryville, California 94608

Mara Feeney  
Mara Feeney and Associates  
19 Beaver Street  
San Francisco, California 94114

Gary Kendall  
Bay Area Air Quality Management District  
939 Ellis Street  
San Francisco, California 94109

Randy Parker-Germain  
45th Street Artists' Cooperative, Inc.  
1420 - 45th Street  
Emeryville, California 94608

Horton Street Lofts  
c/o Amy Barnes  
4300 Horton Street  
Emeryville, California 94608



Table 1  
Summary of High-Volume Sampler Data  
Horton Street Excavation

Sample ID	Date	Total Air Flow (1) (m³)	Wet Weight of Arsenic (2) (µg)	Volumetric Arsenic Concentration (3) (µg/m³)	Wet Weight of Lead (2) (µg)	Volumetric Lead Concentration (3) (µg/m³)	Total Suspended Particulates (2) (mg)	Total Suspended Particulates Concentration (3) (mg/m³)	Sample Location
LF43097-006	2-Jun-97	608	<1.8	<0.0030	10.6	0.0174	62.0	0.1020	E-Coop Roof
LF43097-008	2-Jun-97	581	<1.8	<0.0031	12.8	0.0220	58.4	0.1005	NE-Coop Garden
LF43097-009	2-Jun-97	605	<1.8	<0.0030	6.4	0.0106	36.8	0.0608	SE-Horton Street
LF43097-010	2-Jun-97	527	<1.8	<0.0034	12.4	0.0235	58.9	0.1118	W-Upwind
LF43097-011	3-Jun-97	532	<1.8	<0.0034	5.5	0.0103	21.1	0.0397	W-Upwind
LF43097-012	3-Jun-97	528	<1.8	<0.0034	3.6	0.0068	20.6	0.0390	NE-Coop Garden
LF43097-013	3-Jun-97	531	<1.8	<0.0034	5.1	0.0096	27.0	0.0508	E-Coop Roof
LF43097-014	3-Jun-97	479	<1.8	<0.0038	6.6	0.0138	37.1	0.0775	SE-Horton Street
LF43097-015	3-Jun-97	0	<1.8	—	<1.8	—	1.0	—	Blank
LF43097-016	4-Jun-97	648	<1.8	<0.0028	5.9	0.0091	48.1	0.0742	W-Upwind
LF43097-017	4-Jun-97	660	<1.8	<0.0027	7.1	0.0108	45.9	0.0695	NE-Coop Garden
LF43097-018	4-Jun-97	667	<1.8	<0.0027	6.1	0.0091	44.5	0.0667	E-Coop Roof
LF43097-019	4-Jun-97	617	<1.8	<0.0029	9.2	0.0149	48.7	0.0789	SE-Horton Street
LF43097-020	5-Jun-97	628	<1.8	<0.0029	5.7	0.0091	41.4	0.0659	W-Upwind
LF43097-021	5-Jun-97	647	<1.8	<0.0028	4.4	0.0068	71.0	0.1097	NE-Coop Garden
LF43097-022	5-Jun-97	644	<1.8	<0.0028	4.0	0.0062	28.1	0.0436	E-Coop Roof
LF43097-023	5-Jun-97	590	<1.8	<0.0031	13.3	0.0225	67.3	0.1141	SE-Horton Street
LF6497-001	6-Jun-97	600	<1.8	<0.0030	10.1	0.0168	NA	NA	W-Upwind
LF6497-002	6-Jun-97	697	3.5	0.0050	21.7	0.0311	NA	NA	NE-Coop Garden
LF6497-003	6-Jun-97	709	2.4	0.0034	19.1	0.0269	NA	NA	E-Coop Roof
LF6497-004	6-Jun-97	660	2.6	0.0039	23.0	0.0348	NA	NA	SE-Horton Street
LF6497-005	6-Jun-97	0	<1.8	—	<1.8	—	NA	—	Blank

Notes:

- (1) Total air flow calculated using high-volume air sampler field data
  - (2) Based on results of laboratory analyses performed by Quanterra Environmental Services, Sacramento, California. Arsenic analyzed by EPA Method 7060. Lead analyzed by EPA Method 7421.
  - (3) Volumetric concentration calculated by dividing the wet weight of lead or arsenic or total suspended particulates by the total air flow. For comparison with action levels, background (West-Upwind) volumetric concentration should be subtracted from the raw data.
- NA = Not Available (June 6 total suspended particulate data were not available as of June 17.)  
Target Levels: arsenic = 0.16 µg/m³, lead = 1.1 µg/m³, total suspended particulate = 640 µg/m³



1900 Powell Street, 12th Floor  
Emeryville, California 94608-1827  
(510) 652-4500, FAX (510) 652-2246

FAX TRANSMISSION: This cover page plus 1 pages.

Date	May 23, 1997
Time	12:35 PM
From	Mark Knox, P.E.
Project No.	3042.95.008

Deliver To	Name Of Firm	FAX Number
Ravi Arulanantham	RWQCB	510-286-1380
Mark Johnson	RWQCB	510-286-1380
Tom Dunkelman	EPA	415-744-1916
Barbara Cook	DTSC	510-540-3819
Susan Hugo	ACHD	510-337-9335
Ric Notini	Chiron Corp.	510-923-7476
Michael Biddle	City of Emeryville	510-596-3724
Ignacio Dayrit	City of Emeryville	510-596-3724
Larry Mencin	Sherwin Williams	216-566-2730
John Gerulis	Sherwin Williams	216-566-2730
Dave Gustafson	Sherwin Williams	216-566-1792
Allen Danzig	Sherwin Williams	216-566-1708
Sue Free	Sherwin-Williams	510-654-7997
Ed Sangster	McKenna and Cuneo	415-267-4198
Randi Parker-Germain	45th Street Artists Coop	510-655-2807
Tom Kalinowski	EKI	415-578-9131
James Ritchie	Secor	415-882-4406
Mara Feeney	Mara Feeney and Associates	415-863-5671
Greg Cabral	Plant Reclamation	510-237-6739

THE INFORMATION CONTAINED IN THIS FACSIMILE IS CONFIDENTIAL AND IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED. IF YOU ARE NOT THE INTENDED RECIPIENT, OR THE PERSON RESPONSIBLE FOR DELIVERING IT TO THE INTENDED RECIPIENT, DO NOT USE OR DISCLOSE THIS FACSIMILE. IF YOU HAVE RECEIVED THIS FACSIMILE IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL TO LEVINE-FRICKE-RECON VIA THE U.S. POSTAL SERVICE. THANK YOU.

Comments:

NOTE: SCHEDULE FOR HORTON STREET SOIL CLEANUP IS ATTACHED!

**Levine-Fricke-Recon**  
ENGINEERS, HYDROGEOLOGISTS & APPLIED SCIENTISTS

## **NOTICE CONCERNING THE CLEAN-UP OF HORTON STREET SOILS ADJACENT TO SHERWIN-WILLIAMS IN EMERYVILLE**

The Regional Water Quality Control Board and the City of Emeryville have concurred with the proposed clean-up of Horton Street soils to be implemented by Sherwin-Williams in Emeryville. This notice summarizes the anticipated schedule of work.

**May 22, 1997** - No Parking signs were posted in the vicinity of Horton Street providing notification of street closure in the section of Horton Street from 45th Street to approximately 550 feet north.

**May 27, 1997** - The section of Horton Street described above will be closed to parking and through traffic.

**May 27 - May 30, 1997** - Mobilization of construction equipment and construction of the working area enclosure will occur during this week. No excavation work is anticipated to occur this week.

**June 2 - June 27, 1997** - It is anticipated that the excavation of arsenic-affected soils and backfill of clean soils will begin on June 2 and will take 3 to 4 weeks to complete. We have conservatively assumed excavation and backfill will take 4 weeks to complete. During this time period concrete sidewalks will be removed, soil will be excavated, soil will be loaded in bins for off-site transportation to a landfill and clean backfill will be imported to replace the excavated material. Confirmation soil sampling will occur as the work proceeds and air monitoring will be conducted whenever dust generating activities are being implemented. Presently we do not anticipate any excavation or backfill activities will occur on weekends.

**June 30 - July 18, 1997** - During this time period Horton Street can be reopened. The only work that will remain is the replacement of sidewalks on top of clean soil which will not require the use of an enclosure or air monitoring. It is anticipated that this work will take 2 - 3 weeks. We have conservatively assumed sidewalk replacement will take 3 weeks to complete.

The schedule noted herein may be subject to change depending on availability of equipment, weather and how quickly the work proceeds. During the construction period questions can be addressed to the following persons:

Mark Knox, P.E. - Levine-Fricke-Recon - 510-596-9512

Larry Mencin - Sherwin-Williams - 216-566-1768 (Eastern Standard Time)

Sue Free -Sherwin-Williams - 510-420-7200 x206



# CITY OF EMERYVILLE

INCORPORATED 1866

OFFICE OF THE CITY ATTORNEY  
2200 POWELL STREET, 12TH FLOOR  
EMERYVILLE, CALIFORNIA 94608

TEL: (510) 596-4370 FAX: (510) 596-3724

97 MAY 23 PM 2:55  
ENVIRONMENTAL  
PROTECTION

May 22, 1997

Ravi Arulanantham  
Regional Water Quality Control Board  
San Francisco Bay Region  
2102 Webster Street, Suite 500  
Oakland, CA 94612

Re: Levine-Fricke's May 21, 1997 Response to Reponse to Comments: Sherwin-Williams, Emeryville, California

Dear Ravi;

I would like to clarify one issue raised by Levine-Fricke in the above letter. On page 3, subparagraph 4, Levine-Fricke notes that if elevated soil contamination levels are identified in the sidewalk remediation area, Proposition 65 notices would be required. It is important to note that the City is not subject to Proposition 65. Proposition 65 applies to "persons in the course of doing business" and the definition of that term specifically excludes "any city, county, or district or any department thereof". Health & Safety Code § 25249.11(b).

Any Proposition 65 notice is the responsibility of Sherwin-Williams or any other private party who may cause an exposure as that term is defined in the statute.

Sincerely,

*Michael G. Biddle*  
Michael G. Biddle

cc: Distribution List

Distribution List:

Mark Johnson  
California Regional Water Quality Control  
Board  
San Francisco Bay Region  
2102 Webster Street, Suite 500  
Oakland, California 94612

Larry Mencin  
The Sherwin-Williams Company  
101 Prospect Avenue, N.W.  
Cleveland, OH 44115-1075

Dave Gustafson  
The Sherwin-Williams Company  
101 Prospect Avenue, N.W.  
Cleveland, OH 44115-1075

John Gerulis  
The Sherwin-Williams Company  
101 Prospect Avenue, N.W.  
Cleveland, OH 44115-1075

Sue Free  
The Sherwin-Williams Company  
101 Prospect Avenue, N.W.  
Cleveland, OH 44115-1075

Ed Sangster  
McKenna & Cuneo  
Steuart Street Tower  
One Market  
San Francisco, CA 94105

Ric Notini  
Chiron Corporation  
4560 Horton Street  
Emeryville, CA 94608

Tom Kalinowski  
Erler & Kalinowski, Inc.  
1730 South Amphlett Bl. Suite 320  
San Mateo, CA 94402

James Richie  
SECOR  
90 New Montgomery Street, Suite 620  
San Francisco, CA 94105

Mark Stelljes  
SECOR  
90 New Montgomery Street, Suite 620  
San Francisco, CA 94105

Susan Hugo  
Alameda County Health Care Agency  
1131 Harbor Bay Parkway, 2nd Fl.  
Alameda, CA 94502

Barbara Cook  
DTSC  
700 Heinz St, Suite 200  
Berkeley, CA 94710

Tom Dunkelman  
Emergency Response Section H-8-3  
U.S.E.P.A. Region IX  
75 Hawthorne St.  
San Francisco, 94105

Ignacio Dayrit  
City of Emeryville  
2200 Powell St. 12th  
Emeryville, CA 94608

Mara Feeney  
Mara Feeney and Assoc.  
19 Beaver St.  
San Francisco, CA 94114

Gary Kendall  
Bay Area Air Quality Control District  
939 Ellis Street.  
San Francisco, CA 94109

Sharon Wichar  
Community Liaison  
45th Street Artists' Coop.  
1420 45th Street.  
Emeryville, CA 94608

Horton Street Lofts  
c/o Amy Barnes  
4300 Horton Street  
Emeryville, CA 94608



The Sherwin-Williams Company  
Coatings Division  
101 Prospect Avenue, N.W.  
Cleveland, OH 44115

May 5, 1997

Ravi Arulanantham  
Ca. Regional Water Quality Control Board  
2101 Webster Street, Suite 500  
Oakland, CA 94612

RE: Proposed June Joint Meeting with Water Board  
(See my letter of April 22, 1997 covering  
Key Points of April 15, 1997 Joint Meeting)

Dear Ravi:

With regard to our next meeting, I would like to propose that we have this meeting either the morning or afternoon of Tuesday, June 3.

If this is not possible, our third option would be to meet the morning of June 4th. We will be discussing primarily **Tasks 2 & 3** of the *Order*.

Please advise your first and second preference and my secretary will try to coordinate this with everyone else involved.

Sincerely,

David B. Gustafson  
Director of Engineering  
and Environmental, REM  
PHONE (216) 566-3144  
FAX (216) 566-1792

DBG/mgd  
0505b.dbg

cc: W.Brattin, Weston  
S.Hugo, ACDEH  
M.Knox, L-F-R  
B.Cook, DTSCC  
J.Gerulis, S-W  
L.Mencin, S-W  
F.McHugh, S-W  
S.Arigala, CaRWQCB  
M.Johnson, CaRWQCB  
S.Morse, CaRWQCB

**San Francisco Bay Regional Water Quality Control Board**

2101 Webster Street, Suite 500, Oakland, CA 94612 (510) 286-1255 Fax: 286-1380

January 30, 1997

File No. 2199.9309 (MEJ)

Susan Hugo  
Alameda County Health Agency  
Div. of Env. Protection  
Dept. of Env. Health  
1131 Harbor Bay Parkway  
Alameda, CA 94502

Subject: Draft Revised Tentative Site Cleanup Requirements Order, Sherwin-Williams Site, 1450 Sherwin Avenue, Emeryville, Alameda County

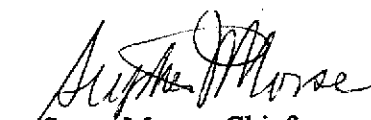
Dear Susan:

Please find enclosed for your review a redline and strike-out version copy of the above referenced revised Tentative Order (RTO). As agreed at the last meeting of the Consultative Workgroup, we have tried to incorporate comments received and forward a revised version of the Tentative Order for your review prior to our next meeting. Please note that a copy of the comments received are also enclosed. Many of the comments received were in the form of questions and would not affect the content or language within the RTO. Board staff believe some of these questions will be answered within the submittals required by the RTO, while others may be addressed independently from the RTO.

Board staff look forward to our next scheduled meeting of the Consultative Workgroup on February 4 at 2:00 p.m., where the RTO will be discussed and may be further modified as appropriate. Board staff intend to bring the RTO to the Board for consideration at the February 18, 1998 Board meeting.

Should you have any questions regarding the RTO, please contact Mark Johnson of my staff at (510) 286-0305.

Sincerely,

  
Steve Morse, Chief  
Toxics Cleanup Division

cc: attached list

00:06:00 8-000000

00:06:00 8-000000



**Consultative Workgroup Mailing List**

Barbara Cook, Chief  
Site Mitigation Unit  
DTSC  
700 Heinz Ave., Suite 200  
Berkeley, CA 94707

Susan Hugo  
Alameda County Health Agency  
Div. of Env. Protection  
Dept. of Env. Health  
1131 Harbor Bay Parkway  
Alameda, CA 94502

Randi Parker-Germaine/Paul Germaine  
45th St. Artists' Cooperative  
1420 45th St.  
Emeryville, CA 94608

Ric Notini, Manager  
Env. Health and Safety  
Chiron Corporation  
4560 Horton St.  
Emeryville, CA 94608

Jody Sparks  
Toxics Assessment Group  
P.O. Box 73620  
Davis, CA 95617-3620

Ignacio Dayrit  
Redevelopment Agency  
City of Emeryville  
2200 Powell Street  
Emeryville, CA 94608-1806

Mara Feeney, Principal  
Mara Feeney & Assoc.  
19 Beaver Street  
San Francisco, CA 94114

Jane Riggan/Marilyn Underwood  
Califonia DHS  
Env. Investigations Branch  
5900 Hollis Street, Suite E  
Emeryville, CA 94608

Larry Mencin, Env. Specialist  
Corporate Env. Health and Regulatory Services  
The Sherwin-Williams Company  
101 Prospect Ave., N.W.  
Cleveland, OH 44115

Paul Caleo, Esq.  
Lawson and Burnham  
P.O. Box 119  
Oakland, CA 94604-0119

Robert Cave  
Bay Area Air Quality Management District  
939 Ellis St.  
San Francisco, CA 94109

# CHIRON

ENVIRONMENTAL  
PROTECTION  
96 NOV -7 AM 9:50

November 4, 1996

Ms. Susan Hugo  
Alameda County Department of Environmental Health  
1131 Harbor Bay Parkway, 2nd Floor  
Alameda, CA 94502-6577

Re: Completion of Soil Borings on Sherwin-Williams Property

Dear Susan:

As part of an ongoing investigation of releases of hazardous substances from the Sherwin-Williams property, Erler & Kalinowski, Inc., on behalf of Chiron Corporation, has proposed completing ten soil borings on the Sherwin-Williams property for the purpose of collecting additional soil and grab groundwater samples near the southern boundary of the former Rifkin property. Sherwin-Williams has granted us permission to perform this work provided that we obtain the Alameda County Department of Environmental Health's approval of the resulting disturbance and repair of the cap.

Accordingly, we are requesting your approval of the completion of ten soil borings on the capped portion of the Sherwin-Williams property. The soil borings will be completed to depths ranging from 5.5 feet below ground surface ("bgs") to the top of the first aquifer (approximately 15 to 20 feet bgs). Following the collection of soil and grab groundwater samples, the borings will be backfilled in accordance with Zone 7 permit requirements. Cement grout will be used to seal the entire length of the borings to near ground surface and the top of each boring will be sealed with a hot asphalt patch to match the existing cap thickness thereby restoring the integrity of the cap.

We would like to perform this work as soon as possible. Therefore, we would appreciate it if you would provide us with a letter approving of the disturbance and repair of the cap as outlined above, including any additional specifications for the work deemed necessary by your agency.

If you have any questions or comments, please contact me at (510) 923-2484 or Vera Nelson of Erler & Kalinowski, Inc. at (415) 578-1172.

Sincerely,

CHIRON CORPORATION



Ric Notini  
Manager, Environmental  
Health and Safety

cc: Sum Arigala

# CHIRON



November 4, 1996

Mr. Sum Arigala  
Water Resources Control Engineer  
California Regional Water Quality Control Board  
2101 Webster Street, Suite 500  
Oakland, CA 94612

Re: Completion of Soil Borings on Sherwin-Williams Property

Dear Sum:

As part of an ongoing investigation of releases of hazardous substances from the Sherwin-Williams property, Erler & Kalinowski, Inc., on behalf of Chiron Corporation, has proposed completing ten soil borings on the Sherwin-Williams property for the purpose of collecting additional soil and grab groundwater samples near the southern boundary of the former Rifkin property. Sherwin-Williams has granted us permission to perform this work provided that we obtain the Regional Water Quality Control Board's approval of the resulting disturbance and repair of the cap.

Accordingly, we are requesting your approval of the completion of ten soil borings on the capped portion of the Sherwin-Williams property. The soil borings will be completed to depths ranging from 5.5 feet below ground surface ("bgs") to the top of the first aquifer (approximately 15 to 20 feet bgs). Following the collection of soil and grab groundwater samples, the borings will be backfilled in accordance with Zone 7 permit requirements. Cement grout will be used to seal the entire length of the borings to near ground surface and the top of each boring will be sealed with a hot asphalt patch to match the existing cap thickness thereby restoring the integrity of the cap.

We would like to perform this work as soon as possible. Therefore, we would appreciate it if you would provide us with a letter approving of the disturbance and repair of the cap as outlined above, including any additional specifications for the work deemed necessary by the RWQCB.

If you have any questions or comments, please contact me at (510) 923-2484 or Vera Nelson of Erler & Kalinowski, Inc. at (415) 578-1172.

Sincerely,

CHIRON CORPORATION

A handwritten signature in dark ink, appearing to read "Ric Notini".

Ric Notini  
Manager, Environmental  
Health and Safety

cc: Susan Hugo

# HASKELL & PERRIN

## ATTORNEYS AT LAW

SUITE 2600

200 WEST ADAMS STREET

CHICAGO, ILLINOIS 60606-5284

DONALD M. HASKELL  
OF COUNSEL

TEL: (312) 781-9393

FAX: (312) 781-9178

JAMES KIRK PERRIN  
JOHN J. LYNCH  
MARY E. DENEFE  
JEROME J. DUCHOWICZ  
MICHAEL J. SEHR  
MARSHA KAY ROSS  
STEPHEN SONDERBY

KEVIN W. DOHERTY  
EDWARD J. MATUSHEK III  
DANIEL P. CASWELL  
MARY JO GREENE  
TERESA ROONEY WILLIAMS  
FLOYD A. WISNER

MARK T. BANOVETZ  
BLAIR S. BARBOUR  
JONATHAN E. BECK  
PETER G. BORA  
EILEEN K. BOWER  
ROBERT W. BRUNNER  
THOMAS M. CRAWFORD  
PATRICK C. CREMIN, JR.  
STEPHEN J. FLEISCHER  
KATHRYN M. FROST  
MYRNA B. GALANG  
DAWN M. GONZALEZ  
ELIZABETH M. HANDZEL  
ELIZABETH T. JOZEFOWICZ  
TIMOTHY W. KELLY

SARFA KHAN  
REIN F. KRAMMER  
DANIEL M. LATREILLE  
ROBERT J. MARSHALL  
DAVID A. NILLES  
WILLIAM J. PERRY  
NANCY J. ROBINSON  
JOSEPH B. ROYSTER  
MICHELLE B. SAGE  
CHRISTINE A. SCHMIDT  
DOUGLAS M. SINARS  
FRANK B. SLEPICKA  
MICHAEL P. SULLIVAN  
VIRGINIA M. VERMILLION  
ALAN S. ZELKOWITZ

July 11, 1996

Freedom of Information Act Officer  
Alameda County Health Agency  
Division of Hazardous Materials  
Department of Environmental Health  
80 Swan Way, Room 200  
Oakland, California 94621

Re: Sites: 1) Rifkin Property, 4525-4561 Horton Street, Alameda County,  
Emeryville, California  
2) Sherwin-Williams Oakland Plant, 1450 Sherwin Avenue,  
Alameda County, Emeryville, California  
Insured: The Sherwin-Williams Company  
Our File No.: 16867

## FREEDOM OF INFORMATION ACT REQUEST

Dear Sir or Madam:

Pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. 552, we request copies of all documents concerning the above-named company's involvement at the above-referenced sites. Specifically, we request copies of the following:

1. Any and all information request letters relating to this site sent to the above named company;
2. Any and all documents submitted to the Agency by the above-named company in response to the information request letters identified in Item One above;
3. All correspondence from the Agency to the above-named company including, without limitation, notice letters informing the above-named of potential liability.

## HAZARDOUS MATERIALS

\*GENERATOR - HMBP - UST - LOP\*

ALAMEDA COUNTY

Site List as of 01/16/96

page 3

City of Emeryville

ID	Name of Site	Site Address	Zip	STATUS					Last Insp	#Emp
				G	H	U	St	W-D-L		
5473	Custom Woodcraft & P	4514 Hollis St	608	C	-	-	Y	-	06/20/95	4
65	PG&E - Emeryville Re	4525 Hollis St	608	C	C	R	Y	R	04/25/95	82
4706	PG&E	4527 Hollis St	608	Q	-	-	Y	-	02/17/94	0
1666	A&L Trucking Co.	4530 Hollis St	608	-	-	-	-	0-	05/13/91	4
4379	Rainin Instrument Co	5400 Hollis St	608	C	C	-	Y	-	01/24/95	60
1454	Westvaco Co.	5650 Hollis St	608	C	M	-	Y	-	03/02/94	4
309	Bel Aire Displays, I	5710 Hollis St	608	C	-	-	Y	-	03/03/94	19
49	Hydraulic Electro Se	5812 Hollis St	608	C	M	R	Y	-	06/17/93	9
316	Canova Marble	5835 Hollis St	608	C	-	-	Y	-	02/24/94	5
338	Graphic Traffic	5845 Hollis St	608	C	C	-	Y	-	12/21/93	0
5082	Avantos Performance	5900 Hollis St	608	Q	-	-	Y	-	01/27/95	0
3792	Hollis Street Projec	6050 Hollis St	608	-	-	-	-	0-	01/01/01	0
4428	U.S. Postal Service	6121 -B Hollis St	608	-	-	R	-	0-	08/10/93	0
4453	Brown & Caldwell	6121 -A Hollis St	608	-	-	-	-	0-	10/05/93	25
326	Devoe Marine Coating	6251 Hollis St	608	C	C	-	Y	-	12/22/93	7
3998	Emeryville Fire Depa	6303 Hollis St	608	C	M	R	Y	-	02/15/95	1
134	Graphic Coating Co.	6355 Hollis St	608	C	M	-	Y	-	02/25/94	9
376	RIX Industries	6460 Hollis St	608	C	C	R	Y	-	12/01/93	3
794	Grove Valve & Regula	6521 29 Hollis St	608	-	-	-	Y	-	11/06/95	3
5162	Grove Valve & Regula	6529 Hollis St	608	C	C	-	Y	M	07/14/95	100
329	E. E. Richter & Son,	6598 Hollis St	608	-	-	-	Y	-	10/27/94	3
1207	Motorola Service Cen	6613 Hollis St	608	-	-	R	-	0-	03/10/93	7
378	Roller Press, Inc.	6647 Hollis St	608	C	-	-	Y	-	12/22/93	8
739	McGrath Steel Co.	6655 Hollis St	608	C	C	C	Y	-	09/29/95	7
5	Plywood Lumber & Sal	4050 Horton St	608	-	-	R	-	0-	01/01/01	0
5589	Concrete Works	4250 Horton St	608	Q	-	-	Y	-	05/02/95	0
4467	Automotive Magic	4525 Horton St	608	C	M	R	Y	R	04/08/94	3
5474	Dennis Winn & Associ	4543 Horton St	608	C	-	-	-	0-	03/20/95	1
3827	Rifkin Investment Co	4549 Horton St	608	-	-	-	-	0-	01/01/01	0
1243	Gil's Furniture	4555 Horton St	608	-	-	-	-	0-	03/11/93	2
2378	Chiron Corporation	4560 Horton St	608	C	C	-	Y	-	09/13/95	48
317	Creative Spaces	4561 -A Horton St	608	-	-	-	-	0-	01/01/01	5
4000	Chiron Corp. Process	4595 Horton St	608	-	-	R	-	0-	01/13/95	0
259	ODWALLA Fruit Juices	4055 Hubbard St	608	Q	I	R	-	0-	08/01/95	0
397	Whitney Research Too	5679 Landregan St	608	C	C	-	Y	-	01/24/95	54
5470	AMTRAC Train Station	5885 Landregan St	608	-	-	-	Y	-	08/28/95	0
3739	H.F.H., Ltd	1351 Ocean Ave	608	-	-	R	-	0-	01/01/01	0
303	Fantasy Junction	1145 Park Ave	608	-	-	R	-	0-	03/20/91	0
1777	Pepsi-Cola Bottling	1150 Park Ave	608	C	C	R	Y	R	10/30/95	20
5636	New Logic Internatio	1155 Park Ave	608	C	C	-	-	0-	12/01/95	8
5373	Park Avenue Property	1199 Park Ave	608	-	-	-	-	0-	01/01/01	0
1753	Del Monte Corp.	1250 Park Ave	608	-	-	R	-	0-	12/14/95	100
5510	Gerow Properties	1255 Park Ave	608	-	-	R	-	0-	-	0
3638	City of Emeryville	1333 Park Ave	608	-	-	R	-	0-	02/07/92	0
3330	Perfection LTD. Body	1355 Park Ave	608	I	M	-	Y	-	02/15/95	1
50	Steve Miller Imports	1375 Park Ave	608	C	M	-	Y	-	02/22/95	3
319	Thomas Short Co	1400 Park Ave	608	I	I	R	Y	-	10/24/95	15
1682	Electro-Coatings Inc	1421 Park Ave	608	I	I	-	Y	-	12/21/95	7
385	Modine Western	1461 Park Ave	608	-	-	R	-	0-	02/22/94	4

Running Count: 146

STATUS: GEN: C = Current I = Inactive Q = Need Q'naire W = Waste Min. STORM Q Y or N = NPDES inspection done.

UGT: C = Form ABC Submitted E = Exempt F = Awaiting Form ABC R = Removed UST

HMBP: C = Part II Submitted M = Part I Submitted, Need Part II P = Awaiting Part I or II of HMBP

Freedom of Information Act Officer

July 11, 1996

Page 2

4. All documents relating to the type and volume of hazardous substances and/or hazardous wastes involved which are related to the above-named company;
5. All documents relating to any Administrative Order issued or Consent Decrees agreed upon;
6. Any and all indices to any Administrative Records pertaining to this site;
7. All documents reflecting, relating, or referring to negotiations and/or agreements with the above-named company;
8. All documents reflecting, relating, or referring to the estimated or actual cost of any removal and/or remedial action taken or planned;
9. Any and all fact sheets, news releases, and other public relations materials pertaining to the site;
10. Any and all site inspection reports pertaining to the site.

For purposes of this request, the term "document" includes, without limitation, all correspondence, memoranda, inter-and intra-department communications, minutes, reports, notes, schedules, analyses, photographs, contracts, proposals, and all other such documents tangible or retrievable of any kind.

As provided under the FOIA, we expect to receive a reply within ten (10) working days. In the event that determination is made that some or all of the documents requested are exempt from disclosure under the FOIA, please identify those documents withheld and the basis for the Agency's exemption in each instance.

Finally, please provide a copy of all non-exempt material to the extent that it is reasonably segregable from the material claimed by the Agency to be exempt from disclosure.

Freedom of Information Act Officer

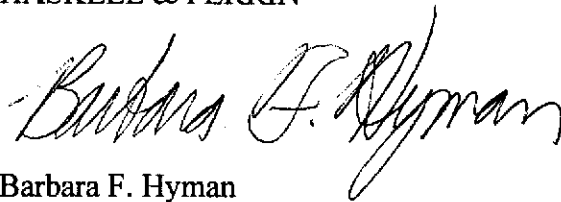
July 11, 1996

Page 3

In order to expedite this request, please bill or notify us as soon as possible regarding the cost of duplicating these documents. Should you need additional information in order to process this request, please do not hesitate to contact the undersigned. PLEASE USE OUR FILE NUMBER ON ALL FUTURE CORRESPONDENCE.

Very truly yours,

HASKELL & PERRIN

A handwritten signature in cursive script, reading "Barbara F. Hyman". The signature is written in dark ink and is positioned above the printed name and title.

Barbara F. Hyman  
Legal Assistant



**INTEROFFICE MEMORANDUM**

Date: February 8, 1996

To: Dave Gustafson - Sherwin-Williams

From: Mark D. Knox, P.E.

Subject: List of key elements for Risk Management Plan - Sherwin-Williams Site in Emeryville, California

---

The following summarizes the key elements for the on-site Sherwin-Williams Risk Management Plan that were discussed at our RWQCB meeting on 2/1/96.

- Evaluation of environmental risks including impacts on the creek for the modified flow direction due to the slurry wall and the potential for vertical migration to the B zone.
- Site groundwater monitoring.
- Future construction procedures for subsurface excavations including health and safety plans.
- Monitoring and maintenance of the site cap.
- Management of the extraction and treatment system including worker training.
- Deed notifications/restrictions.
- Indemnification agreements as sited in the site MOU with the City of Emeryville.
- Contingency plans in the event of contaminant migration beyond the containment system.
- Consideration to participate in a Regional Monitoring Program.

As agreed in the RWQCB meeting, we intend to review the risk management plans for several other sites and submit a Risk Management Plan outline to the RWQCB by mid-March.

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



ARNOLD PERKINS, DIRECTOR  
RAFAT A. SHAHID, DEPUTY DIRECTOR

February 1, 1996  
STID# 5016

Alameda County CC4580  
Environmental Health Services  
1131 Harbor Bay Pkwy., #250  
Alameda CA 94502-6577  
(510)567-6700 FAX(510)337-9335

Mr. Randall Smith  
Southern Pacific Lines  
One Market Plaza  
San Francisco, California 94105

RE: Removal of Six Underground Storage Tanks at the Property  
Boundary of Sherwin - Williams Company ( 1450 Sherwin Avenue,  
Emeryville, CA 94608 ) and Southern Pacific Right-of-Way

Dear Mr. Smith:

The Alameda County Department of Environmental Health,  
Environmental Protection Division has recently reviewed the case  
file concerning the four 6,500 gallons underground storage tanks  
(USTs) removed in 1994 and two 200 gallon USTs removed on August  
11, 1995 at the referenced site.

As you may recall, a correspondence dated 2/28/95 from this agency  
requested a groundwater investigation to evaluate the threat to  
water quality of the release associated with the former four bunker  
C tanks. The groundwater monitoring wells downgradient of the  
former tanks have not been installed to date.

Soil samples collected following the removal of the two underground  
storage tanks removed on August 2, 1995 found up to 1200 ppm TPH as  
motor oil. Limited overexcavation was conducted on August 11, 1995  
and four sidewall samples were collected for confirmation. This  
office has not received the closure report for the removal of the  
two USTs. Please submit the closure report **no later than March 15,**  
1996. The report should include the results of all the soil samples  
collected during the removal activities, manifests for the disposal  
of the two tanks and stockpiled soil, site map, etc.

It is my understanding that Sherwin-Williams are in the process of  
installing the replacement wells both inside and outside the slurry  
wall. Sherwin-Williams and Southern Pacific Lines must coordinate  
the installation and use of these wells, if possible.

The groundwater investigation must be initiated as soon as possible  
**no later than February 29, 1996.** Any changes in the sampling plan  
must be submitted in writing and approved by this agency. In  
addition, please notify this office 72 hours in advance of any  
field activities.

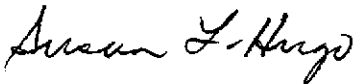
Mr. Randy Smith  
RE: 1450 Sherwin Avenue, Emeryville, CA 94608  
February 1, 1996  
Page 2 of 2

Lastly, all the documents mentioned in the April 28, 1995 letter from Mr. Ronald Derrick of Industrial Compliance in response to the County's letter request of February 28, 1995 were not enclosed. Please submit these documents together with the closure report for the two former USTs.

All reports and proposals must be submitted under seal of a California Registered Geologist or Registered Civil Engineer with a statement of qualifications for each lead professionals involved with the project.

If you have any questions regarding this letter, please contact me at (510) 567- 6780.

Sincerely,



Susan L. Hugo  
Senior Hazardous Materials Specialist

cc: Jun Makishima, Interim Director, Environmental Health  
M.C. Gordon Coleman, Acting Chief, Environmental Protection / file  
Sum Arigala, San Francisco Bay RWQCB  
Larry Mencin, Sherwin-Williams Company, 101 Prospect Avenue  
Cleveland, Ohio 44115

# United States District Court

NORTHERN

CALIFORNIA

DISTRICT OF

FRANK SATTERWHITE, RECEIVER  
FOR THE RIFKIN PROPERTY

V.

## SUBPOENA IN A CIVIL CASE

THE SHERWIN-WILLIAMS COMPANY  
AND DOES 1-100

CASE NUMBER: C 94-01796 WHO

TO: Susan Hugo  
Alameda County Health Care Services Agency, Dept. of Environmental Health  
State Water Resources Control Board Division of Clean Water Programs-List  
Local Oversight Program, Hazardous Materials Division  
80 Swan Way, Room 200, Oakland, CA 94612 (510) 271-4530

☐ YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY

COURTROOM

DATE AND TIME

☐ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION

DATE AND TIME

☒ YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

See Exhibit A, Attached

PLACE

Bronson, Bronson & McKinnon  
505 Montgomery Street  
San Francisco, CA 94111

DATE AND TIME

January 9, 1996  
9:00 a.m.

☐ YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES

DATE AND TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)

*Natasha R. Moiseyev*  
Natasha R. Moiseyev, Attorney for Defendant

DATE

*January 2, 1996*

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

McKenna & Cuneo, 2700 Steuart Street Tower, One Market Plaza  
San Francisco, CA 94105 (415) 267-4000

PROOF OF SERVICE	
DATE	PLACE
SERVED	
SERVED ON (PRINT NAME)	SERVED BY (PRINT NAME)
DECLARATION OF SERVER	
I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.	
Executed on _____	
DATE	

Rule 45, Federal Rules of Civil Procedure, Parts C & D:  
(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

- (1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose sanctions if necessary.
- (2) (A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.
- (B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying shall, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order or an officer of a party from significant expense resulting from the inspection and copying commanded.
- (3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it
- (i) fails to allow reasonable time for compliance;
- (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly conducts business in person;
- (iii) fails to allow reasonable time for compliance;
- (iv) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly conducts business in person;
- (v) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly conducts business in person;

- (d) DUTIES IN RESPONDING TO SUBPOENA.
- (1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.
- (2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claimant shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.
- (3) If a subpoena
- (i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or
- (ii) requires disclosure of an unsworn opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or
- (iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.
- (4) A subpoena
- (i) requires disclosure of privileged or other protected matter, and no exception or waiver applies, or
- (ii) requires disclosure of privileged or other protected matter, and no exception or waiver applies, or
- (iii) requires a person to undergo a physical or mental examination, or
- (iv) requires a person to undergo a physical or mental examination, or
- (v) requires a person to undergo a physical or mental examination, or

## Exhibit A

### DEFINITIONS

1. YOU or YOUR shall mean the person, company or entity to whom this subpoena is directed and its agents.
2. The "SITE" shall refer to the property owned by Sherwin-Williams and located generally at 1450 Sherwin Avenue in Emeryville, California.
3. "DOCUMENTS" shall mean letters, words, numbers, or their equivalent, set down by handwriting, typewriting, printing, photostating, photographing, magnetic impulse, mechanical or electronic recording, or other form of data compilation.
4. "PHOTOGRAPHS" shall mean still photographs, X-ray films, video tapes, and motion pictures.
5. "TMC" shall mean TMC Environmental, Inc., its agents and employees, including attorneys.
6. "SATTERWHITE" shall mean Frank Satterwhite, the court-appointed receiver of the property formerly owned by Harvey Rifkin and located at 4525-4563 Horton Street in Emeryville, California.

### DOCUMENTS TO BE PRODUCED

1. All correspondence between YOU and SATTERWHITE regarding the SITE.
2. All correspondence between YOU and TMC regarding the SITE.
3. All DOCUMENTS reflecting any communication between YOU and SATTERWHITE regarding the SITE.
4. All DOCUMENTS reflecting any communication between YOU and TMC regarding the SITE.
5. All memoranda or notes of conversations in person between YOU and SATTERWHITE regarding the SITE.
6. All memoranda or notes of conversations in person between YOU and TMC regarding the SITE.
7. All memoranda or notes of meetings between YOU and SATTERWHITE regarding the SITE.
7. All memoranda or notes of meetings between YOU and TMC regarding the SITE.
8. All memoranda or notes of telephone conversations between YOU and SATTERWHITE regarding the SITE.
8. All memoranda or notes of telephone conversations between YOU and TMC regarding the SITE.
9. All PHOTOGRAPHS, drawings or diagrams of the SITE provided to YOU by SATTERWHITE.
10. All PHOTOGRAPHS, drawings or diagrams of the SITE provided to YOU by TMC.
11. All PHOTOGRAPHS, drawings or diagrams of the SITE provided to SATTERWHITE by YOU.
12. All PHOTOGRAPHS, drawings or diagrams of the SITE provided to TMC by YOU.

LAW OFFICES OF  
BRONSON, BRONSON & McKINNON  
505 MONTGOMERY STREET  
SAN FRANCISCO, CA 94111-2514

DRAWN ON  
FIRST TENNESSEE BANK  
DANDRIDGE TENNESSEE  
In cooperation with  
Sanwa Bank California

87-361  
642

0204324

PAY **FORTY AND 00/100 DOLLARS**

TO THE  
ORDER OF

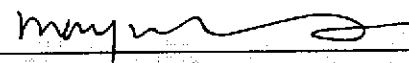
**Susan Hugo**  
**1131 Harbor Bay Parkway**  
**Alameda CA 94501**

DATE

12/27/95

AMOUNT

\*\*\*\*\*40.00



VOID AFTER 90 DAYS

⑈00204324⑈ ⑆064203610⑆ ⑈8867682⑈

LAW OFFICES OF  
BRONSON, BRONSON & McKINNON  
505 MONTGOMERY STREET

DETACH AND RETAIN THIS STATEMENT

0204324

12/27/95

DATE	DESCRIPTION	AMOUNT	CLIENT
12/27/95	Susan Hugo 12/27/95 122795 HOGOSUS WIT Witness fees for deposition	40.00	37225 0003923Y

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



bc: Susan Hugo  
RAFAT A. SHAHID, Assistant Agency Director

Environmental Health Services Administration  
1131 Harbor Bay Parkway, Suite 111  
Alameda, CA 94502-6577  
(510) 567-6855

January 10, 1996

Claudia R. Carrington  
Attorney at Law  
Bronson, Bronson and McKennon  
505 Montgomery Street  
San Francisco, CA. 94111

Dear Ms. Carrington:

**SUBJECT: YOUR FIRM'S CHECK NO. 0204662**

Enclosed please find the original of the subject check which is being returned pursuant to our phone conversation of January 9, 1996. Your assurance in reissuing a replacement check in the amount of \$110 is sincerely appreciated.

Should you have any questions or desire any clarification concerning this matter, please contact me at (510) 567-6855.

Yours very truly,

J.A. Trolan  
Finance Officer

JAT/cdb  
ccc.jat

Enclosure



THE FACE OF THIS DOCUMENT HAS A COLORED BACKGROUND ON WHITE PAPER — THE BACK OF THIS DOCUMENT CONTAINS AN ARTIFICIAL WATERMARK - HOLD AT AN ANGLE TO VIEW

LAW OFFICES OF  
BRONSON, BRONSON & McKINNON  
505 MONTGOMERY STREET  
SAN FRANCISCO, CA 94111-2514

DRAWN ON  
FIRST TENNESSEE BANK  
DANDRIDGE TENNESSEE  
In cooperation with  
Sanwa Bank California

87-361  
642

0204662

PAY ONE HUNDRED FIFTY AND 00/100 DOLLARS

TO THE  
ORDER OF


Alameda County, Department  
of Environmental Health  
1131 Harbor Bay Parkway  
Alameda CA

DATE

1/08/96

AMOUNT

\*\*\*\*\*150.00



⑈00204662⑈ ⑆064203610⑆ ⑈8867682⑈

VOID AFTER 90 DAYS



The Sherwin-Williams Company  
101 Prospect Avenue, N.W.  
Cleveland, Ohio 44115-1075

January 9, 1996

**Via Facsimile (303) 812-5157**  
**and Regular Mail**

SFID 800

Mr. William Fowler  
Managing Director of Contractors  
Southern Pacific Transportation Co.  
1860 Lincoln St.  
Denver, CO 80295

Re: Access to SPTC Property to Reinstall Ground Water Monitoring Wells,  
Emeryville, California

Dear Mr. Fowler:

The Sherwin-Williams Company would appreciate the cooperation of the SPTC in allowing access of our consultant (Levine-Fricke) to install five Monitoring Wells on SPTC Right of Way, adjacent to the west side of our facility at the intersection of Horton and Sherwin in Emeryville, California.

Sherwin-Williams has attempted since April to directly obtain this access, prior to this, Levine-Fricke was attempting to reach agreement with SPTC.

The issues are as follows:

- Sherwin-Williams must monitor ground water down gradient from our Emeryville facility on the SPTC property as required by the Regional Water Quality Control Board, (RWQCB) and the Alameda County Health Agency (ACHA).
- SPTC must monitor ground water at the same locations as Sherwin-Williams due to requirements of the Alameda County Healthy Agency, for Underground Storage Tanks removed by SPTC on/adjacent to the Sherwin-Williams facility.
- SPTC allowed access to a third party that destroyed three existing Sherwin-Williams wells previously installed by Levine-Fricke under agreement with SPTC.
- Sherwin-Williams is currently willing to reinstall the three wells plus two additional wells required by the Agencies.



Mr. William Fowler

January 9, 1995

Page - 2 -

-- All five of the wells will, also be used by SPTC for compliance monitoring purposes.

If Sherwin-Williams does not install the wells, the Agencies will either issue orders to Sherwin-Williams or to SPTC or BOTH in order to obtain the data that is required to be submitted by both parties.

Sherwin-Williams will be mobilizing a contractor for installing additional wells on our property within the next two weeks. Additional mobilization and administrative costs will be saved if the wells on SPTC property are installed at the same time. Please help us achieve this common goal and work with our Environmental Services and Legal Departments on this matter.

Enclosed please find a copy of the Access Agreement similar to the access agreement used to remove SPTC tanks on Sherwin-Williams' property. Please sign and return a copy to my attention. We will contact you to advise when the consultants will begin work.

We are looking forward to working with you on this matter. If you have any questions or require any additional information from Sherwin-Williams, please feel free to contact Larry Mencin at (216) 566-1768 or Don McConnell at (216) 566-3741.

Very truly yours,

A handwritten signature in cursive script that reads "Donald J. McConnell".

Donald J. McConnell  
Environmental Counsel  
(216) 566-3741

DJM:mls

Enclosure



Mr. William Fowler  
January 9, 1995  
Page - 3 -

cc: Larry Mencin  
Environmental, 4 Midland

Randy Smith, SPTC  
Southern Pacific Transportation Company  
One Market Plaza  
San Francisco, CA 94105

**Susan Hugo**  
ACHA  
1131 Harbor Bay Parkway, #250  
Alameda, CA 94502-6577

LAW OFFICES OF  
**BRONSON, BRONSON & MCKINNON**  
A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

FAX  
(415) 982-1394  
TELEX  
255921 KINBR UR

505 MONTGOMERY STREET  
SAN FRANCISCO, CALIFORNIA 94111-2514  
TELEPHONE (415) 986-4200

LOS ANGELES  
WALNUT CREEK  
SANTA ROSA  
SAN JOSE

December 21, 1995

Susan Hugo  
ACDEH  
1131 Harbor Bay Parkway  
Alameda, CA 94501

RE: Satterwhite v. Sherwin-Williams

Dear Ms. Hugo:

Enclosed with this letter is a subpoena commanding your presence to appear and testify at a deposition in the above-referenced litigation. During our telephone conversation yesterday, you agreed that it would not be necessary for us to have you personally served with the deposition subpoena, and that you would agree to be bound to appear and testify as directed by the subpoena if the subpoena was sent to you in the mail.

Your deposition will take place on January 9, 1996, at 9:00 a.m. at the offices of Bronson, Bronson & McKinnon located at 505 Montgomery Street in San Francisco.

Please feel free to call me if you have any questions regarding the enclosed documents or merely regarding logistical issues.

Sincerely,



Kristin L. Dunn  
Paralegal to Claudia R. Carrington

cc: Edward P. Sangster, Esq.  
Paul D. Caleo, Esq.  
James E. Wilson, Esq.  
Kenneth E. Keller, Esq.  
Claudia R. Carrington, Esq.

Enclosures

2012 JAN 02 09:56  
RECEIVED  
FBI - SAN FRANCISCO

KENNETH E. KELLER  
BONNIE R. COHEN  
CLAUDIA R. CARRINGTON  
BRONSON, BRONSON & MCKINNON  
505 Montgomery Street  
San Francisco, California 94111-2514  
Telephone: (415) 986-4200

Attorneys for Plaintiff  
FRANK SATTERWHITE, RECEIVER  
FOR THE RIFKIN PROPERTY

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

FRANK SATTERWHITE, RECEIVER FOR	)	NO. C 94-01796 WHO
THE RIFKIN PROPERTY,	)	
	)	NOTICE OF DEPOSITION
Plaintiff,	)	<u>OF SUSAN HUGO</u>
	)	
v.	)	
	)	
SHERWIN-WILLIAMS COMPANY, and	)	
DOES 1 through 100, inclusive,	)	
	)	
Defendants.	)	

TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that, pursuant to Rules 30 and 45 of the Federal Rules of Civil Procedure, plaintiff Frank Satterwhite will take the deposition of Susan Hugo on January 9, 1996, at 9:00 a.m. at the offices of Bronson, Bronson & McKinnon, 505 Montgomery Street, San Francisco, California 94111, telephone: (415) 986-4200. The deponent is not a party to this action.

////

////

ARIGALA NOTICE  
Satterwhite v. Sherwin-Williams, et al.  
No. C 94-01796 WHO

28 DEC 26 PM 3:27  
RECEIVED  
FBI - SAN FRANCISCO

1 So far as is known to the deposing party, the deponent's address  
2 is: c/o Alameda County Department of Environmental Health, 1131  
3 Harbor Bay Parkway, Alameda, California, telephone: (510) 567-6780.

4 The deposition will commence at the time noted above, the  
5 testimony shall be recorded stenographically and shall continue  
6 from day to day thereafter until completed. You are invited to  
7 attend and cross-examine the witness in accordance with the Federal  
8 Rules of Civil Procedure.

9  
10 DATED: December 21, 1995

BRONSON, BRONSON & MCKINNON

11  
12  
13 By: 

14 CLAUDIA R. CARRINGTON  
15 Attorneys for Plaintiff,  
16 FRANK SATTERWHITE, RECEIVER  
17 FOR THE RIFKIN PROPERTY  
18  
19  
20  
21  
22  
23  
24  
25  
26

27 COMMLIT\CRC\37225\3923\DISCOVER\HUGO.DEP  
28 4451-DUNN

ARIGALA NOTICE

Satterwhite v. Sherwin-Williams, et al.  
No. C 94-01796 WHO

CERTIFICATE OF SERVICE BY MAIL

I, Jeanette Reed, declare under penalty of perjury under the laws of the State of California that the following is true and correct:

I am over the age of 18 years, and not a party to or interested in the within entitled action. I am an employee of BRONSON, BRONSON & MCKINNON, and my business address is 505 Montgomery Street, San Francisco, California 94111-2514.

I caused to be served by mail the following document(s):

**NOTICE OF DEPOSITION OF SUSAN HUGO**

I enclosed a true copy of said document(s) in an envelope, addressed as follows:

Edward P. Sangster, Esq.  
Carolyn G. Miller, Esq.  
McKenna & Cuneo  
Steuart Street Tower, One Market Plaza  
San Francisco, CA 94105

Eric R. Haas, Esq.  
Paul D. Caleo, Esq.  
Larson & Burnham  
P. O. Box 119  
1901 Harrison Street, 11th Floor  
Oakland, California 94604

James E. Wilson, Esq.  
Crosby, Heafey, Roach & May  
1999 Harrison Street, P. O. Box 2084  
Oakland, California 94604-2084

I am readily familiar with my firm's practice for collection and processing of correspondence for mailing with the United States Postal Service, to-wit, that correspondence will be deposited with the United States Postal Service, this same day in the ordinary course of business. I sealed said envelope and placed it for collection and mailing on December 22, 1995, following the ordinary business practice.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. I further declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on December 22, 1995, at San Francisco, California.

  
Jeanette Reed



## UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

FRANK SATTERWHITE, RECEIVER FOR  
THE RIFKIN PROPERTY,V.  
SHERWIN-WILLIAMS COMPANY, and  
DOES 1 through 100, inclusive

## SUBPOENA IN A CIVIL CASE

CASE NUMBER: C 94-01796 WHO

TO: SUSAN HUGO  
ALAMEDA COUNTY DEPARTMENT OF ENVIRONMENTAL HEALTH  
1131 HARBOR BAY PARKWAY  
ALAMEDA, CALIFORNIA 94501 (510) 567-6780☐ YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY

COURTROOM

DATE AND TIME

☒ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION

Bronson, Bronson & McKinnon  
505 Montgomery Street  
San Francisco, California 94111

DATE AND TIME

January 9, 1996  
9:00 a.m.☐ YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

PLACE

DATE AND TIME

☐ YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES

DATE AND TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b) (6).

ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)

DATE

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

Claudia R. Carrington, Esq.  
Bronson, Bronson & McKinnon  
505 Montgomery St., S.F., CA (415) 986-4200

12/22/95

**PROOF OF SERVICE**

DATE

PLACE

**SERVED**

SERVED ON (PRINT NAME)

MANNER OF SERVICE

SERVED BY (PRINT NAME)

TITLE

**DECLARATION OF SERVER**

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on

DATE

SIGNATURE OF SERVER

ADDRESS OF SERVER

**Rule 45, Federal Rules of Civil Procedure, Parts C & D:****(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.**

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance;

(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in per-

son, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

(iv) subjects a person to undue burden.

**(B) If a subpoena**

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena, or if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

**(d) DUTIES IN RESPONDING TO SUBPOENA.**

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

REF./  
A/C NO. 430/7951

COUNTY OF ALAMEDA  
OFFICE OF THE AUDITOR-CONTROLLER

DATE: 118196

MISCELLANEOUS RECEIPT

№ 767554

\$ 40.00  
DOLLARS

Forty And no/100

RECEIVED FROM: Susan Hugo - Law offices of Bronson, Bronson & McKinnon  
FOR: Subpoena witness Fees for deposition

RECEIVED BY: d/ke DEPT. NO.: 430

☐ CASH ☒ PERSONAL/CASHIER'S CHECK/M. O. # 0204324 ☐ OTHER:

110-1 (Rev 10/85) [0134E (08)] 3-Part

Distribution: White - Payor Yellow & Pink - Depart.

CLAUDIA R. CARRINGTON

LAW OFFICES OF  
BRONSON, BRONSON & MCKINNON  
505 MONTGOMERY STREET  
SAN FRANCISCO, CA 94111-2514

TEL (415) 986-4200  
FAX (415) 982-1394

THE FACE OF THIS DOCUMENT HAS A COLORED BACKGROUND ON WHITE PAPER — THE BACK OF THIS DOCUMENT CONTAINS AN ARTIFICIAL WATERMARK — HOLD AT AN ANGLE TO VIEW

LAW OFFICES OF  
BRONSON, BRONSON & MCKINNON  
505 MONTGOMERY STREET  
SAN FRANCISCO, CA 94111-2514

DRAWN ON  
FIRST TENNESSEE BANK  
DANDRIDGE TENNESSEE  
in cooperation with  
Sanwa Bank California

87-361  
642

0204662

PAY ONE HUNDRED FIFTY AND 00/100 DOLLARS

TO THE  
ORDER OF

Alameda County, Department  
of Environmental Health  
1131 Harbor Bay Parkway  
Alameda CA

DATE

1/08/96

AMOUNT

\*\*\*\*\*150.00

*may*

VOID AFTER 90 DAYS

⑈00204662⑈ ⑆064203610⑆ ⑈8867682⑈

LAW OFFICES OF  
**BRONSON, BRONSON & MCKINNON**

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

FAX  
(415) 982-1394  
TELEX  
255921 KINBR UR

505 MONTGOMERY STREET  
SAN FRANCISCO, CALIFORNIA 94111-2514  
TELEPHONE (415) 986-4200

LOS ANGELES  
SAN JOSE

December 27, 1995

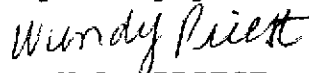
Ms. Susan Hugo  
ACDEH  
1131 Harbor Bay Parkway  
Alameda, CA 94501

RE: Satterwhite v. Sherwin-Williams

Dear Ms. Hugo:

Enclosed please find a check in the amount of \$40.00.  
This check will serve as your witness fee for appearing on  
January 9, 1996 at 9:00 a.m. for the taking of your  
deposition.

Very truly yours,



WENDY L. PRIEST  
LEGAL ASSISTANT

1 KENNETH E. KELLER  
2 CLAUDIA R. CARRINGTON  
3 BRONSON, BRONSON & McKINNON  
4 505 Montgomery Street  
5 San Francisco, California 94111-2514  
6 Telephone: (415) 986-4200

7  
8 Attorneys for Plaintiff  
9 FRANK SATTERWHITE, RECEIVER  
10 FOR THE RIFKIN PROPERTY

11 UNITED STATES DISTRICT COURT  
12  
13 NORTHERN DISTRICT OF CALIFORNIA

14 FRANK SATTERWHITE, RECEIVER FOR ) NO. C 94-01796 WHO  
15 THE RIFKIN PROPERTY, )  
16 Plaintiff, ) AGREEMENT TO APPEAR AT TRIAL  
17 v. ) (Susan Hugo)  
18 )  
19 )  
20 SHERWIN-WILLIAMS COMPANY, and )  
21 DOES 1 through 100, inclusive, )  
22 Defendants. )  
23 )  
24 )  
25 )  
26 )  
27 )  
28 )

29 I acknowledge I have been served with a civil subpoena in the  
30 above-captioned case to appear and testify as a witness at the time  
31 of trial in this action set for February 26, 1996 at 9:00 a.m. in  
32 courtroom 7 of the above-referenced court located at 450 Golden  
33 Gate Avenue, San Francisco, California.

34 However, my attendance may not be required at the precise time  
35 and date indicated in the civil subpoena, due to delay in the start  
36 of trial.

37 In consideration of the Agreement to Appear at Trial with the  
38 firm of Bronson, Bronson & McKinnon that I need not appear at the  
39 precise time stated in the civil subpoena, I agree I will appear at

1 trial when notified by Bronson, Bronson & McKinnon that my  
2 appearance at trial is necessary.

3 Bronson, Bronson & McKinnon will diligently attempt to provide  
4 the maximum amount of notification prior to each witness'  
5 testimony.

6 My residence telephone number is ( ) \_\_\_\_\_.

7 My business telephone number is (510) 567-6780.

8 My pager telephone number is ( ) \_\_\_\_\_.

9 I understand the terms of the Agreement to Appear at Trial and  
10 acknowledge receipt of a copy of this Agreement to Appear at Trial.

11  
12  
13   
14 SUSAN HUGO  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

CERTIFICATE OF SERVICE BY HAND

I, Claudia R. Carrington, declare under penalty of perjury that the following facts are true and correct:

I am a citizen of the United States, over the age of 18 years, and not a party to or interested in the within entitled cause. I am an employee of BRONSON, BRONSON & MCKINNON, and my business address is 505 Montgomery Street, San Francisco, California 94111-2514.

I served the following documents by hand on January 9, 1996:

SUBPOENA IN A CIVIL CASE; AGREEMENT TO APPEAR AT TRIAL  
(Susan Hugo)

The documents were served on Ms. Susan Hugo at the taking of her deposition at the law offices of Bronson, Bronson & McKinnon located at 505 Montgomery Street, San Francisco, CA 94111.

Executed on January 9, 1996, at San Francisco, California.

\_\_\_\_\_  
Claudia R. Carrington



## UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

FRANK SATTERWHITE, RECEIVER FOR THE  
RIFKIN PROPERTY,

v.

## SUBPOENA IN A CIVIL CASE

SHERWIN-WILLIAMS COMPANY, and DOES  
1-100 inclusive

CASE NUMBER: C 94-01796 WHO

TO: Susan Hugo c/o Alameda County Department of Environmental Health  
1131 Harbor Bay Parkway, Alameda, CA (510) 567-6780☒ YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY UNITED STATES DISTRICT COURT-NORTHERN DISTRICT 450 Golden Gate Avenue San Francisco, CA 94102-3483	COURTROOM 7  DATE AND TIME February 26, 1996 9:00 a.m.
--	---

☐ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION	DATE AND TIME
---------------------	---------------


☐ YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

PLACE	DATE AND TIME
-------	---------------

☐ YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME
----------	---------------

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b) (6).

ISSUING OFFICER SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)  Attorney for Plaintiff	DATE January 8, 1996
--	-------------------------

Claudia R. Carrington, Esq. / Bronson, Bronson & McKinnon  
505 Montgomery Street, San Francisco, CA 94111 (415) 986-4200

**PROOF OF SERVICE**

DATE

PLACE

**SERVED**

SERVED ON (PRINT NAME)

MANNER OF SERVICE

SERVED BY (PRINT NAME)

TITLE

**DECLARATION OF SERVER**

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on \_\_\_\_\_  
DATE

SIGNATURE OF SERVER

ADDRESS OF SERVER

**Rule 45, Federal Rules of Civil Procedure, Parts C & D:****(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.**

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance;

(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in per-

son, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

(iv) subjects a person to undue burden.

**(B) If a subpoena**

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena, or if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

**(d) DUTIES IN RESPONDING TO SUBPOENA.**

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.



THE SHERWIN-WILLIAMS COMPANY  
COATINGS DIVISION ENGINEERING  
FAX Cover Sheet

Date Sent 12 / 18 / 95Page 1 of 1

TO:

Larry Mencin	(216) 566-2730
Mark Knox-Levine ♦ Fricke	(510) 652-4906
Susan Hugo, Alameda County Health Agency	(510) 337-9335
Sum Arigala, CaRWQCB	(510) 286-1380
Ravi Arulanantham	(510) 286-1380

FROM: The Sherwin-Williams Company  
Coatings Division-Engineering Department

OFFICE OF	Dave Gustafson
PHONE NO.	(216) 566-3144
FAX NO.	(216) 566-1792

## COMMENTS:

It appears that Thursday, February 1, 1996 at 10:00 AM is a good time for us  
to meet again at the Water Board's Oakland offices.

For updates on S-W and Rifkin matters--see my last meeting minutes.

FAX back reply only if this date/time presents a problem.

Thanks!

Dave Gustafson



COATINGS DIVISION

The Sherwin-Williams Company  
101 Prospect Avenue, N.W.  
Cleveland, Ohio 44115  
(216) 566-3144  
(216) 566-1792 FAX

David B. Gustafson  
Director of Engineering and Environmental, REM

000001

**COUNTY OF ALAMEDA**  
**HEALTH CARE SERVICES AGENCY**  
**ENVIRONMENTAL HEALTH BILLING**  
**DRAWER N ALAMEDA, CA 94501**  
**PHONE: (510) 567-6858**  
**FAX: (510) 337-1139**

MAILING  
ADDR.

The Sherwin-Williams Company  
 101 Prospect Avenue, N.W.  
 Cleveland, OH 44115-1075  
 ATTN: Dave Gustafson

PREMISES  
ADDR.

Sherwin-Williams Company  
 1450 Sherwin Avenue  
 Emeryville CA 94608

ACCOUNT NO.	SLS	PURCHASE OR	SHIP VIA	DUE DATE	TERMS	INV. DATE	PAGE
				09/28/95	30 days	08/28/95	1

QTY FEE	QTY FEE	COMPUTER CODE	DESCRIPTION	PRICE/EA.	EXT. PRICE
\$1,800.00		STID 800	Site Mitigation	\$90.00/hr.	N/A

8% PENALTY - 30 DAYS FROM INVOICE DATE

FOR EXPLANATION OF FEE SEE BACK OF INVOICE

FEE AMOUNT	\$1,800.00
DEPOSIT	
FEE TOTAL	\$1,800.00



Rec'd 9/13/95

# LEVINE•FRICKE

ENGINEERS, HYDROGEOLOGISTS & APPLIED SCIENTISTS

## Letter of Transmittal

Date 9/5/95

From Mark Knox

Project No. 2016.94

To Alameda Health Care Agency

Subject Transmittal of

Dept. of Environmental Health

1131 Harbor Bay Parkway, 2nd Floor

Alameda, CA 94502-6577

Attn: Susan Hugo

The following items are: ☐ Requested

☒ Enclosed ☐ Sent separately

via Reg. Mail

Description	No. of Copies
IRM Report 12/20/91	1
H3S Plan 3/12/93	1
Air Monitoring Plan 3/11/93	1

These data are transmitted:



At your request



For your action



For your approval



For your files



For your review



For your information

Comments

Mark D. Knox

(Signed)

1900 Powell Street, 12th Floor  
Emeryville, California 94608  
(510) 652-4500  
Fax (510) 652-2246

Other offices in Irvine, CA; Sacramento/Roseville, CA; Tallahassee, FL; Honolulu, HI



The Sherwin-Williams Company  
Coatings Division  
101 Prospect Avenue, N.W.  
Cleveland, OH 44115

August 25, 1995

Ms. Susan L. Hugo  
Sr. Hazardous Matls Specialist  
Alameda County Health Care Services  
1131 Harbor Bay Parkway, #250  
Alameda, CA 94502-6577

RE: Soil and Groundwater Investigation / Remediation at Sherwin-Williams Company - 1450 Sherwin Avenue  
Emeryville, California 94608

Dear Ms. Hugo:

As requested in your letter of July 24, 1995 please find enclosed our check in the amount of \$1,800 as a deposit in the above captioned project.

Please direct any billings for time spent in this regard to me.

Sincerely,

A handwritten signature in cursive script that reads "Dave".

David B. Gustafson  
Director of Engineering  
and Environmental

DBG/mgd  
0825b.dbg

Attachment--Check #1509609

cc: G.Adams  
F.McHugh

white - env. health  
yellow - facility  
pink - files

ALAMEDA COUNTY, DEPARTMENT OF  
ENVIRONMENTAL HEALTH

1131 Harbor Bay Pkwy  
Alameda CA 94502  
510/567-6700

Hazardous Materials Inspection Form

II, III

Site ID # 5016 Site Name SP / Sherwin Williams Today's Date 8, 2, 95  
Site Address 1450 Sherwin Ave.  
City Emeryville Zip 94608 Phone \_\_\_\_\_

\_\_\_\_ MAX AMT stored > 500 lbs, 55 gal., 200 cft.?

Inspection Categories:

- \_\_\_\_ I. Haz. Mat/Waste GENERATOR/TRANSPORTER  
☒ II. Hazardous Materials Business Plan, Acutely Hazardous Materials  
\_\_\_\_ III. Under ground Storage Tanks

\* Calif. Administration Code (CAC) or the Health & Safety Code (HS&C)

30 hrs  
Comments:

2 USTs removed: (Towed tanks)  
George Warren - Emeryville Fire Dept present

Tank A LEL=0 O<sub>2</sub>=6%  
no obvious holes

Tank B LEL=0 O<sub>2</sub>=4.7%  
Hole found on top but does not appear to  
be from corrosion

Tank hauler: Erickson # 602668 HP 5/96  
Tank Manifest # 95192201

Soil around the pit appeared to be heavily  
planned.

4 soil samples collected - 1 floor sample  
& 3 sidewall sample - no sidewall take  
due to curbing wall.

\* Notified Sherwin Williams - presence of free  
product or utility trenches.

II, III

Contact \_\_\_\_\_

Title \_\_\_\_\_

Signature \_\_\_\_\_

Inspector \_\_\_\_\_

Signature \_\_\_\_\_

Susan F. King

Common Area for 2 USTs

ALAMEDA COUNTY  
HEALTH CARE SERVICES  
AGENCY

DAVID J. KEARS, Agency Director



RAFAT A. SHAHID, Director

DEPARTMENT OF ENVIRONMENTAL HEALTH  
Environmental Protection Division  
1131 Harbor Bay Parkway, #250  
Alameda, CA 94502-6577  
(510) 567-6700

July 24, 1995

Mr. Dave Gustafson  
Director of Engineering  
The Sherwin-Williams Company  
101 Prospect Avenue, N.W.  
Cleveland, Ohio 44115-1075

26. 03 7AF

RE: Soil and Groundwater Investigation / Remediation at  
Sherwin-Williams Company - 1450 Sherwin Avenue  
Emeryville, California 94608

Dear Mr. Gustafson:

A review of our records indicate that a deposit has not been submitted in regards to the soil and groundwater investigation / remediation project being conducted at the referenced site. This deposit is authorized under Section 3-141.6 of the Ordinance Code of the County of Alameda and is used to cover the expenses incurred by the County personnel in the execution of their oversight responsibilities associated with the project. Records of the time County employees commit to the project are maintained and the deposit is charged an hourly rate of \$90.00. Upon completion of the project, the balance of the deposit will be refunded to the responsible party or their designee.

Please submit a deposit of \$ 1,800.00 made payable to Environmental Health Services within ten days upon receipt of this letter.

If you have any questions concerning this letter, please contact me at (510) 567-6780.

Sincerely,

Susan L. Hugo  
Senior Hazardous Materials Specialist

cc: Rafat A. Shahid, Director, Environmental Health  
Thomas Peacock, Acting Chief, Environmental Protection  
Division / file



ALAMEDA COUNTY HEALTH CARE SERVICES AGENCY  
DEPARTMENT OF ENVIRONMENTAL HEALTH  
ENVIRONMENTAL PROTECTION DIVISION  
1131 HARBOR BAY PARKWAY, RM 250  
ALAMEDA, CA 94502-6577  
PHONE # 510/567-6700  
FAX # 510/337-9335

RECEIVED  
JUL 26 1995  
By

ACCEPTED

Underground Storage Tank Closure Permit Application  
Alameda County Division of Hazardous Materials  
80 Swan Way, Suite 200,  
Oakland, CA 94621  
Telephone: (510) 271-4320

These closure/removal plans have been received and found to be acceptable and essentially meet the requirements of the California Environmental Health Laws. Changes to your closure plans indicated by this Department are to assure compliance with state and local laws. The Department's role is now released to the local health department for continuing monitoring and enforcement. A copy of this approved plan is being provided to the local health department and enforcement level with the release of this permit. If you have any questions or need further information, please contact the Alameda County Department of Environmental Health at (510) 567-6700. Inspections by the Department to determine if such changes meet the requirements of State and local laws.

Notify this Department at least 72 hours prior to the following required inspections:

- ☒ Removal of Tank(s) and Piping
- ☐ Sampling
- ☐ Final Inspection

Issuance of a) permit to operate, b) permanent site closure is dependent on compliance with accepted plans and all applicable laws and regulations.

\*THERE IS A FINANCIAL PENALTY FOR  
NOT OBTAINING THESE INSPECTIONS

Contact Specialist:

*Susan L. Higgs*  
7/31/95

UNDERGROUND TANK CLOSURE PLAN

\* \* \* Complete according to attached instructions \* \* \*

1. Name of Business THE SHERWIN-WILLIAMS COMPANY  
Business Owner or Contact Person (PRINT) SUE FREE
2. Site Address 1450 SHERWIN AVENUE  
City EMERYVILLE Zip 94608 Phone (510) 420-7206
3. Mailing Address 1450 SHERWIN AVENUE  
City EMERYVILLE Zip 94608 Phone (510) 420-7206
4. Property Owner SOUTHERN PACIFIC LINES / THE SHERWIN-WILLIAMS COMPANY  
Business Name (if applicable) NA / NA  
Address ONE MARKET PLAZA / 1450 SHERWIN AVENUE  
City, State SAN FRANCISCO, CA / EMERYVILLE, CA Zip 94105 / 94608
5. Generator name under which tank will be manifested  
SOUTHERN PACIFIC LINES  
EPA ID# under which tank will be manifested CA 0282020430

6. Contractor POWER ENGINEERING CONTRACTORS

Address 1275 N. SAN ANTONIO ROAD

City PALO ALTO Phone (415) 969-9696

License Type\* A/B ID# 488215 exp 5/31/96  
POWER ENGINEERING

\*Effective January 1, 1992, Business and Professional Code Section 7058.7 requires prime contractors to also hold Hazardous Waste Certification issued by the State Contractors License Board.

7. Consultant (if applicable) LEVINE - FRICKE, INC.

Address 1900 POWELL ST., 12TH FLOOR

City, State EMERYVILLE, CA Phone (510) 652-4500

8. Main Contact Person for Investigation (if applicable)

Name SHELLIE FLETCHER Title SENIOR STAFF GEOTECHNICAL ENGR.

Company LEVINE - FRICKE, INC.

Phone (510) 652-4500

9. Number of underground tanks being closed with this plan 2 (TWO)

Length of piping being removed under this plan 5 FEET

Total number of underground tanks at this facility (\*\*confirmed with owner or operator) 4 REMOVED; 2 TO BE REMOVED

10. State Registered Hazardous Waste Transporters/Facilities (see instructions).

**\*\* Underground storage tanks must be handled as hazardous waste \*\***

a) Product/Residual Sludge/Rinsate Transporter

Name ERICKSON INC. EPA I.D. No. CAD009466392

Hauler License No. 0019 License Exp. Date 7/31/95

Address 255 PARR BOULEVARD

City RICHMOND State CA Zip 94801

b) Product/Residual Sludge/Rinsate Disposal Site

Name EVERGREEN OIL EPA ID# CAD 980887418

Address 6880 SMITH AVENUE

City NEWARK State CA Zip 94560

c) Tank and Piping Transporter

Name ERICKSON INC. EPA I.D. No. CAD009466392  
Hauler License No. 0019 License Exp. Date 7/31/95  
Address 255 PARR BOULEVARD  
City RICHMOND State CA Zip 94801 ✓

d) Tank and Piping Disposal Site

Name ERICKSON INC. EPA I.D. No. CAD009466392  
Address 255 PARR BOULEVARD  
City RICHMOND State CA Zip 94801

## 11. Sample Collector

Name ROGER LEVENTHAL / SHELLIE FLETCHER  
Company LEVINE - FRICKE, INC.  
Address 1900 POWELL ST. , 12TH FLOOR  
City EMERYVILLE state CA zip 94608 Phone (510) 652-4500

## 12. Laboratory

Name CHROMALAB, INC.  
Address 1220 QUARRY LANE  
City PLEASANTON state CA zip 94566-4756  
State Certification No. 1094

13. Have tanks or pipes leaked in the past? Yes[ ] No[ ] Unknown[X]

If yes, describe. \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

14. Describe methods to be used for rendering tank(s) inert:

ADD DRY ICE PER STATE AND LOCAL REGULATIONS

Before tanks are pumped out and inerted, all associated piping must be flushed out into the tanks. All accessible associated piping must then be removed. Inaccessible piping must be permanently plugged.

The Bay Area Air Quality Management District, 415/771-6000, along with local Fire and Building Departments, must also be contacted for tank removal permits. Fire departments typically require the use of a combustible gas indicator to verify tank inertness. It is the contractor's responsibility to bring a working combustible gas indicator on-site to verify that the tank is inert.

15. Tank History and Sampling Information \*\*\* (see instructions) \*\*\*

Tank		Material to be sampled (tank contents, soil, groundwater)	Location and Depth of Samples
Capacity	Use History include date last used (estimated)		
1) 175 gal	UNKNOWN	TANK CONTENTS (OIL) - RCRA (8) METALS - PCBs - TEPH - VOCs	ROUGHLY MIDDLE OF TANK APPROX. 1 FOOT DEEP
2) 175 gal	UNKNOWN	TANK CONTENTS (WATER) - RCRA (8) METALS - PCBs - TEPH - VOCs  SOIL - TEPH (AS PER AGREEMENT ON 7/19/95 DURING SITE MEETING)	ROUGHLY MIDDLE OF TANK APPROX. 1 FOOT DEEP  5 SAMPLES TOTAL - 4 SAMPLES FROM SIDE WALLS - 1 SAMPLE FROM FLOOR - 2 TO 5 FEET BGS

One soil sample must be collected for every 20 linear feet of piping that is removed. A ground water sample must be collected if any ground water is present in the excavation.

== 200-2000 70101 ==

== 100-2000 70101 ==

18. Submit worker's Compensation Certificate Copy

Name of Insurer \_\_\_\_\_

19. Submit Plot Plan **\*\*\* (See Instructions) \*\*\***

20. Enclose Deposit (See Instructions) **NOT REQUIRED AS PER AGREEMENT ON 7/14/95 DURING THE MEETING/ENCLOSURE UNDER FEDERAL UST APPROVAL.**

21. Report any leaks or contamination to this office within 5 days of discovery.

The written report shall be made on an Underground Storage Tank Unauthorized Leak/Contamination Site Report (ULS) form.

22. Submit a closure report to this office within 60 days of the tank removal. The report must contain all information listed in item 21 of the instructions.

23. Submit State (Underground Storage Tank Permit Application) Forms A and B (one B form for each UST to be removed) (mark box B for "tank removed" in the upper right hand corner)

I declare that to the best of my knowledge and belief that the statements and information provided above are correct and true.

I understand that information, in addition to that provided above, may be needed in order to obtain approval from the Environmental Protection Division and that no work is to begin on this project until this plan is approved.

I understand that any changes in design, materials or equipment will void this plan if prior approval is not obtained.

I understand that all work performed during this project will be done in compliance with all applicable OSHA (Occupational Safety and Health Administration) requirements concerning personnel health and safety. I understand that site and worker safety are solely the responsibility of the property owner or his agent and that this responsibility is not shared nor assumed by the County of Alaska.

Once I have received my stamped, accepted closure plan, I will contact the project Hazardous Materials Specialist at least three working days in advance of site work to schedule the required inspections.

**CONTRACTOR INFORMATION**

Name of Business

Power Engineering Contr

Name of Individual

Michael Spence Supt.

Signature

ML

Date 7-26-95

**PROPERTY OWNER OR UST PERMIT TANK OPERATOR (Circle one)**

Name of Business

Southern Pacific Transportation Co.

Name of Individual

John Moe

Signature

John Moe

Date 7/20/95

SVF 4/6/93

- 6 -

100/100-2000 62011055101-1 01  
TO 10-8-10155011325 PAGE 001/001  
PAGE 002/002

EXCISE 310871 MORS 5101 08. 12 707  
FROM LEVINE FRICKE 10 21 95 12145  
FROM SP ENGINEERING 000 10 21 95 14125

\*\* TOTAL PAGE.002 \*\*

# Excavated/Stockpiled Soil

## Stockpiled Soil Volume (estimated)

10 CUBIC YARDS

## Sampling Plan

ONE SOIL SAMPLE FROM  
STOCKPILE ANALYZED FOR TEPH  
(AS PER AGREEMENT ON 7/19/95  
DURING SITE MEETING)

Stockpiled soil must be placed on bermed plastic and must be completely covered by plastic sheeting.

Will the excavated soil be returned to the excavation immediately after tank removal? [ ] yes [X] no [ ] unknown

If yes, explain reasoning \_\_\_\_\_

If unknown at this point in time, please be aware that excavated soil may not be returned to the excavation without prior approval from Alameda County. This means that the contractor, consultant, or responsible party must communicate with the Specialist IN ADVANCE of backfilling operations.

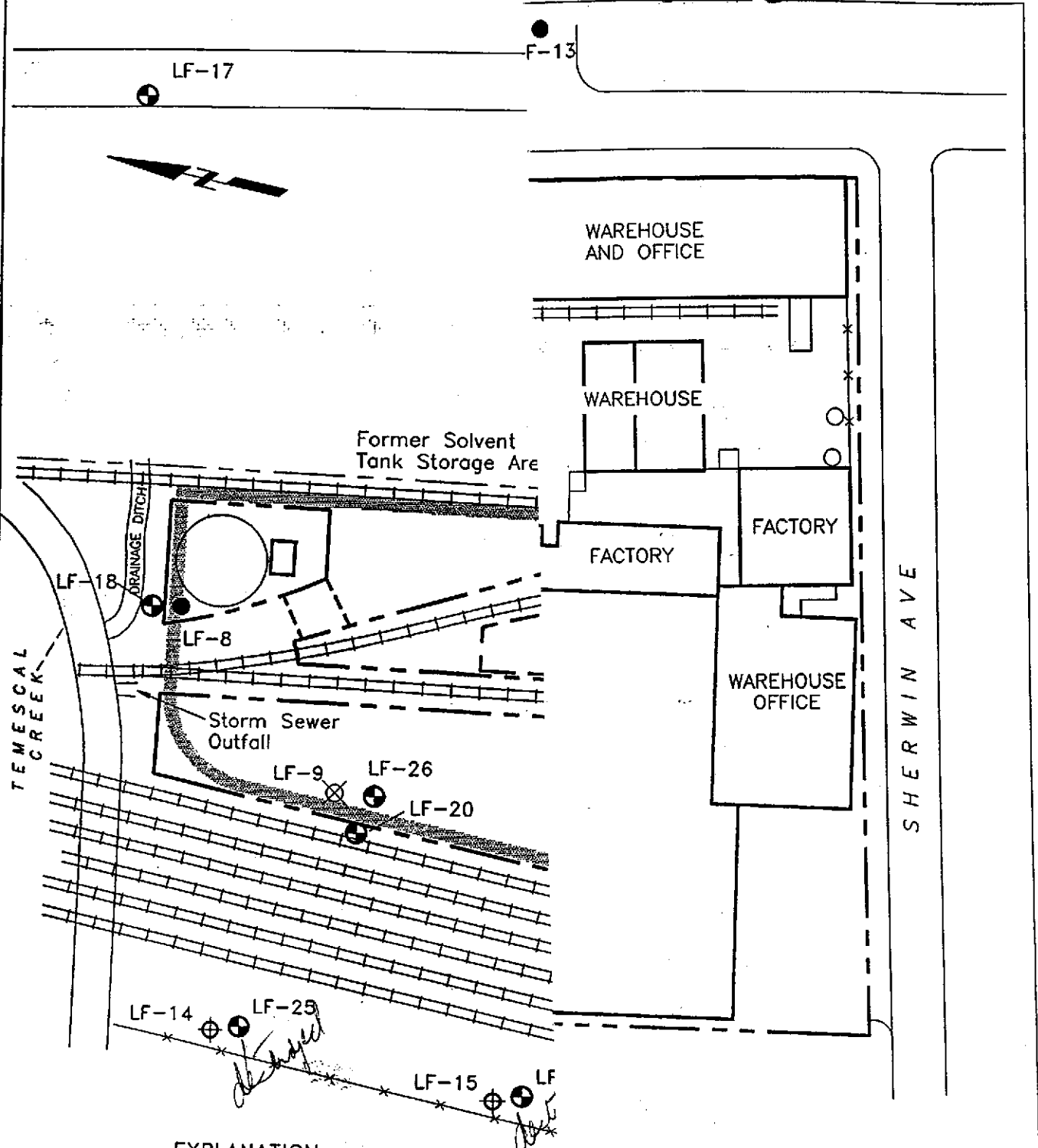
16. Chemical methods and associated detection limits to be used for analyzing samples:

The Tri-Regional Board recommended minimum verification analyses and practical quantitation reporting limits should be followed.  
See attached Table 2.

17. Submit Site Health and Safety Plan (See Instructions)

Contaminant Sought	EPA or Other Sample Preparation Method Number	EPA or Other Analysis Method Number	Method Detection Limit
RCRA (8) METALS	3050A M 3050A M 3010A M 3010A M	6010 7471 6010 7470	0.5 - 2.0 mg/Kg 0.05 mg/Kg 0.005 - 0.01 mg/L 0.001 mg/L
PCBS	3550 3510	8080 M 608	0.5 mg/Kg 5 µg/L
VOCs	— —	8240/8260 8240/8260	120-240 µg/Kg 2.0-4.0 µg/L
TEPH	3510 3550 3510/3550	8015 M 8015 M SM 5520 E/F	5000-50000 mg/L 600-6000 mg/Kg 0.5 mg/Kg

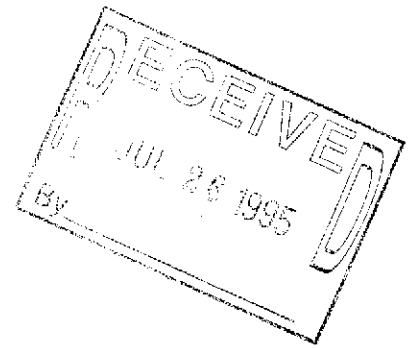
*properly granted*



EXPLANATION

- Property boundary
- LF-10 ● A-zone monitoring well location
- LF-B3 ● B-zone monitoring well location
- ⊗ Monitoring well destroyed under permit
- ⊗ Monitoring well destroyed during slurry wall and cap construction activities

Figure 1 :  
SITE PLAN



Addendum  
to Health and Safety Plan  
Sherwin Williams Company  
Emeryville, California

July 21, 1995



## CONTENTS

1.0	INTRODUCTION . . . . .	1
3.0	FIELD WORK DESCRIPTION . . . . .	1
3.0	KEY LEVINE•FRICKE PERSONNEL AND RESPONSIBILITIES . .	2
3.1	Site Safety Personnel . . . . .	2
3.2	Responsibilities . . . . .	2
4.0	HAZARD ANALYSIS . . . . .	4
4.1	Chemical Hazards . . . . .	4
4.2	Physical Hazards . . . . .	4
5.0	HEALTH AND SAFETY REQUIREMENTS . . . . .	4
5.1	Respiratory Protection . . . . .	4
5.2	Dermal Protection . . . . .	5
5.3	Air Monitoring . . . . .	5
5.4	Action Levels . . . . .	5
5.4	Protection Against Physical Hazards . . . . .	6
6.0	SIGNATURES . . . . .	8
6.1	Levine•Fricke Personnel . . . . .	8
6.2	Contractor and Subcontractor Personnel: Contractor and Subcontractor Agreement . . . . .	9
	. . . . .	10

## APPENDICES

### A: CHEMICAL DESCRIPTIONS

July 21, 1995

**ADDENDUM 1 TO HEALTH AND SAFETY PLAN  
SHERWIN WILLIAMS COMPANY  
EMERYVILLE, CALIFORNIA**

**1.0 INTRODUCTION**

This Addendum 1 to the site health and safety plan dated March 11, 1995 addresses health- and safety-related issues associated with tank removal activities planned near the western property line, along the Southern Pacific Lines easement ("the Site"; figure 1).

Specifically, this addendum presents baseline requirements for establishing and maintaining health and safety for work associated with the removal of two underground storage tanks at the Site. The HSP and this Addendum 1 shall be kept on site and made available for reference during all field activities. All site personnel and visitors must read the current HSP and addenda before entering the Site.

The contractor will be responsible for preparation of the contractor's HSP. The contractor will also be responsible for the health and safety of on-site contractor personnel. Chemical descriptions are included in Appendix A.

**2.0 BACKGROUND**

Two underground storage tanks (USTs) were encountered at the Site during excavation activities for the installation of utility lines by Sherwin William's contractor. Tank overburden was excavated and the tanks exposed. The tanks appear to approximately 150 to 200 gallons. No tank history was available. The tanks are thought to have been used by Southern Pacific Lines. Fluid contained within the two USTs was sampled and analyzed. Heavy petroleum hydrocarbons were the detected. The fluid has been removed from the tanks; some residual sludge remains in the tanks.

**3.0 FIELD WORK DESCRIPTION**

A brief summary of the filed tasks to be performed follows.

**Task 1: Removal and Disposal of USTs**

1. Monitor combustible gas and oxygen levels using a lower explosive limit/oxygen meter.
2. Place dry ice in tanks if combustible vapors are present.
3. Remove tanks

#### **Task 2: Collect Soil Samples**

Soil samples will be collected from the excavation sidewalls and floor. Personnel will not enter the excavation if it is over 4 feet deep.

#### **Task 3: Excavation Backfilling**

After approval from the ACHCSA, overburden soil from the UST excavation will be used to backfill the excavation. If the overburden soil is not suitable for backfill, clean imported fill will be used to backfill the excavation.

### **4.0 KEY LEVINE•FRICKE PERSONNEL AND RESPONSIBILITIES**

#### **4.1 Site Safety Personnel**

<u>Name</u>	<u>Title</u>
Shellie Fletcher	Project Manager
Shellie Fletcher	Site Safety Officer
Ale Jenkins	Site Safety Officer alternate
Jim Bucha	Health and Safety Director

#### **4.2 Responsibilities**

The responsibilities of persons listed in Section 3.1 regarding health and safety operations are described below.

##### **Project Manager**

The Project Manager has ultimate responsibility for the health and safety of Levine•Fricke personnel on site. The Project Manager's responsibilities for this project are outlined in the HSP, and remain the same for the work associated with this Addendum.

##### **Levine•Fricke Health and Safety Director**

The Levine•Fricke Health and Safety Director shall be responsible for the following at this Site:

1. Assist SSO with monitoring of the project's health and safety impacts on on-site personnel, with the

- exception of contractor personnel, who will be monitored by the contractor.
2. Assessing potential health and safety hazards.
  3. Recommending appropriate safeguards and procedures.
  4. Modifying the HSP when necessary.
  5. Approving changes in safeguards used or operating procedures employed at the Site.

The Levine•Fricke Health and Safety Director shall have the authority to

1. require that additional safety precautions or procedures be implemented.
2. order an evacuation of the Site or any portion(s) of the Site, or shut down any operation, if she believes a health or safety hazard exists.
3. deny site access to unauthorized personnel.
4. require that any worker obtain immediate medical attention.
5. approve or disallow any proposed modifications to safety precautions or working procedures.

#### **Site Safety Officer**

The Site Safety Officer (SSO) is Mr. John Sturman, Levine•Fricke Senior Engineer. He has fulfilled the 40-hour safety training requirements of 29 Code of Federal Regulations (CFR) 1910.120 and California Occupational Safety and Health Administration (OSHA) GISQ 5192.

The SSO or a trained, designated alternate will be present at the Site during work. She shall be notified of and approve activities during which people may be reasonably expected to be exposed to contaminated soil, air, and/or ground water. She shall be responsible for

1. making sure on-site personnel (with the exception of contractor personnel, who will be monitored by the contractor) comply with the requirements of the HSP and addendums.
2. limiting access to the Site.
3. reporting unusual or apparently potentially hazardous conditions to the Levine•Fricke Health and Safety Director.
4. reporting injuries, exposures, or illnesses to the Levine•Fricke Health and Safety Director.
5. notifying the Levine•Fricke Health and Safety Director of proposed changes in work scope or procedures for her approval.

6. recommending additional safety procedures or precautions that might be implemented to the Levine-Fricke Health and Safety Director.

The SSO shall have the authority to

1. order an evacuation of the Site, or any portion(s) of the Site, or shut down any operation.
2. deny site access to unauthorized personnel.
3. require that any worker, including contractor or subcontractor personnel, obtain immediate medical attention.

## **5.0 HAZARD ANALYSIS**

Potential chemical and physical hazards at the Site are described below. Procedures for protecting workers from these hazards are discussed in Section 5.0.

### **5.1 Chemical Hazards**

- possibility of accumulation of hazardous chemicals above the Permissible Exposure Limit (PEL). (Organic vapors at the Site have not been identified, but if vapors are present they may be heavy oils. Information regarding exposure to heavy oils and other compounds can be found in Appendix A of this Addendum 1.)

### **5.2 Physical Hazards**

- stability of tank excavation
- flammability hazards from combustible vapors accumulated in the excavation pit
- electric shock from portable lights, tools, or associated electrical equipment
- injury from heavy equipment
- general hazards such as slipping, tripping, falling, and falling objects

## **6.0 HEALTH AND SAFETY REQUIREMENTS**

### **6.1 Respiratory Protection**

The primary potential routes of exposure to chemicals are inhalation and contact. To reduce inhalation hazards, concentrations of volatile organic compounds (VOCs) will be monitored using a photo ionization detector-type organic vapor analyzer (OVM-PID). If ambient air concentrations of VOCs in

the breathing zone reach 25 parts per million (ppm) or more for 5 minutes, personnel within the exclusion zone shall upgrade to Level C Personal Protective Equipment (PPE) using half-face or full-face air purifying respirators equipped with NIOSH-approved organic vapor/dust/mist combination cartridges.

## 6.2 Dermal Protection

Unless adequate precautions are taken, chemicals may contact skin or clothing. Physical contact with chemicals of concern is possible during soil sampling or as tanks are removed. Therefore, Levine-Fricke personnel will wear the following upgraded Level D PPE when working in the vicinity of the excavation, or whenever the potential for contact with affected soil or water exists:

- hard hats
- steel-toed/steel-shank boots
- disposable nitrile outer gloves
- safety glasses
- regular Tyvek (if soils are dry to moist and no free water is present)
- disposable inner nitrile gloves
- hearing protection when working near backhoe

If soils are not affected or the potential to contact the soil or water does not exist, regular Level D PPE will be worn, as follows:

- hard hat
- steel-toed/steel-shank boots
- safety glasses
- hearing protection when working near the backhoe

## 6.3 Air Monitoring

Air monitoring will be conducted with the appropriate instruments: LEL/O<sub>2</sub> meter readings will be taken in the excavation area, and OVM-PID will be taken in the breathing zone of workers in the vicinity of the excavation. The following table illustrates the air monitoring strategy for the Site:

<u>Instrument</u>	<u>Frequency</u>	<u>Location</u>	<u>Action Level</u>
OVM-PID	15 min.	breathing zone	>25 ppm
O <sub>2</sub> Meter	15 min.	excavation pit	<19.5%
LEL meter	15 min.	excavation pit	>10.0%

## 6.4 Action Levels

#### 6.4.1

#### Action Levels for a Temporary Stop-Work

The SSO shall impose a temporary stop-work and immediately contact the Levine•Fricke Health and Safety Director if there is a question about site conditions, or if any of the following conditions are observed:

1. uncontrolled dust generation creating visual dust
2. indications of heat stress
3. changes in the general health profile of on-site personnel, including symptoms discussed in Appendix A of this Addendum, as well as headaches, dizziness, breathing difficulties, or irritation to the eyes, nose, throat, or hands
4. an LEL reading above 10 percent on the LEL/O<sub>2</sub> meter
5. O<sub>2</sub> meter readings below 19.5 percent
6. OVM-PID readings above 25 ppm in the breathing zone

#### 6.5 Protection Against Physical Hazards

##### Flammability Hazards

The nature of this project and the operations to be performed may increase volatilization and cause a flammability hazard. Any volatile material emitted by disturbing the soil may form pockets in low areas if it has a density greater than air.

All electrical equipment used during the project will be inspected to ensure that it is in good repair and has no frayed or loose connections before use on site. Only approved, listed equipment and components will be used. All connections will be made in accordance with National Electric Code practices. All equipment and devices will be properly grounded to an adequate grounding mechanism. Field air monitoring equipment used in the excavation will be explosion-proof. At least two fire extinguishers capable of extinguishing chemical, electrical, and common fires will be kept on site.

##### Electric Shock

All electrical equipment to be used within the exclusion zone during field work will be suitably grounded and insulated. In addition, the electrical equipment on the vacuum truck will be bonded.

### **Heavy Equipment**

Hazards related to excavation equipment require the work area to be separated using caution tape and/or physical barriers.

### **General Hazards**

All Levine•Fricke personnel will wear approved head and toe protection while working around heavy equipment. If personnel need to enter the excavation to perform tests during backfilling and compaction, the excavation must be less than 4 feet deep or must be properly sloped according to OSHA regulations, Subpart P 1926.650-.652, and Cal-OSHA 8:1541.

### **Airborne Dust**

Dust suppression methods will be used to reduce the airborne dust during excavation activities to below visual dust levels.



## 7.0 SIGNATURES

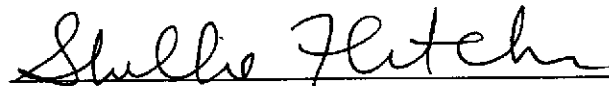
### 7.1 Levine-Fricke Personnel

By their signatures, the following Levine-Fricke personnel approve this Addendum to the HSP for tank removal to be conducted near the western property line, along the Southern Pacific Lines easement in Emeryville, California.

---

James Bucha  
Health and Safety Director

Date



---

Shellie Fletcher  
Project Manager and  
Site Safety Officer

Date

---

Alex Jenkins  
Site Safety Officer Alternate

Date

**7.2 Contractor and Subcontractor Personnel: Contractor and Subcontractor Agreement**

1. Contractor certifies that the following personnel, noted below, to be employed on the project involving tank removal and soil and ground-water sampling activities at the Site in Emeryville, California, have met the requirements of the OSHA Hazardous Waste Operations and Emergency Response Standard 29 CFR 1910.120, GISO 5192, and other applicable OSHA standards.
2. Contractor certifies that in addition to meeting the OSHA requirements, it has received a copy of the project HSP, including Addenda 1 and will ensure that its employees are informed of and will comply with OSHA requirements and the guidelines in this HSP.
3. Contractor further certifies that it has read, understands, and will comply with all provisions of the HSP, including Addenda 1 and that it will take full responsibility for the health and safety of its employees.

Contractor

Signature

Date

---

---

---

---

---

---

---

---

---

---

APPENDIX A

CHEMICAL DESCRIPTIONS

APPENDIX B  
CHEMICAL DESCRIPTIONS

Chemical Name	OSHA PEL-TWA	ACGIH TLV-TWA	Routes of Exposure <sup>1</sup>	Acute Symptoms
Motor oil (as mineral oil mist)	5 mg/m <sup>3</sup>	5 mg/m	inhalation, contact	skin irritation; dermatitis
Heavy oil (lubricants, grease)	NE	NE	contact	skin irritation; dermatitis

NE = none established

1. Contact refers to eye and skin contact.

STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD  
UNDERGROUND STORAGE TANK PERMIT APPLICATION - FORM B

COMPLETE A SEPARATE FORM FOR EACH TANK SYSTEM

MARK ONLY ONE ITEM ☐ 1 NEW PERMIT ☐ 3 RENEWAL PERMIT ☐ 5 CHANGE OF INFORMATION ☐ 7 PERMANENTLY USED ON SITE  
☐ 2 INTERIM PERMIT ☐ 4 AMENDED PERMIT ☐ 6 TEMPORARY TANK CLOSURE ☒ 8 TANK REMOVED

DBA OR FACILITY NAME WHERE TANK IS INSTALLED: **THE SHERWIN-WILLIAMS COMPANY**

I. TANK DESCRIPTION COMPLETE ALL ITEMS - SPECIFY IF UNKNOWN

A. OWNER'S TANK I.D.# **NONE**

B. MANUFACTURED BY: **UNKNOWN**

C. DATE INSTALLED (MO/DAY/YEAR) **UNKNOWN**

D. TANK CAPACITY IN GALLONS: **175 GALLONS**

II. TANK CONTENTS IF A-1 IS MARKED, COMPLETE ITEM C.

A. ☐ 1 MOTOR VEHICLE FUEL ☒ 4 OIL ☐ 2 PETROLEUM ☐ 80 EMPTY ☐ 3 CHEMICAL PRODUCT ☐ 95 UNKNOWN  
B. ☒ 1 PRODUCT ☐ 2 WASTE  
C. ☐ 1a REGULAR UNLEADED ☐ 3 DIESEL ☐ 6 AVIATION GAS  
☐ 1b PREMIUM UNLEADED ☐ 4 GASAHOL ☐ 7 METHANOL  
☐ 2 LEADED ☐ 5 JET FUEL ☐ 99 OTHER (DESCRIBE IN ITEM D. BELOW)

D. IF (A.1) IS NOT MARKED, ENTER NAME OF SUBSTANCE STORED **PETROLEUM HYDROCARBONS**

C. A. S. #:

III. TANK CONSTRUCTION MARK ONE ITEM ONLY IN BOXES A, B, AND C, AND ALL THAT APPLIES IN BOX D AND E

A. TYPE OF SYSTEM ☒ 1 DOUBLE WALL ☐ 3 SINGLE WALL WITH EXTERIOR LINER ☐ 95 UNKNOWN  
☒ 2 SINGLE WALL ☐ 4 SECONDARY CONTAINMENT (VAULTED TANK) ☐ 99 OTHER  
B. TANK MATERIAL (Primary Tank) ☒ 1 BARE STEEL ☐ 2 STAINLESS STEEL ☐ 3 FIBERGLASS ☐ 4 STEEL CLAD W/ FIBERGLASS REINFORCED PLASTIC  
☐ 5 CONCRETE ☐ 6 POLYVINYL CHLORIDE ☐ 7 ALUMINUM ☐ 8 100% METHANOL COMPATIBLE W/FRP  
☐ 9 BRONZE ☐ 10 GALVANIZED STEEL ☐ 95 UNKNOWN ☐ 99 OTHER  
C. INTERIOR LINING ☐ 1 RUBBER LINED ☐ 2 ALKYD LINING ☐ 3 EPOXY LINING ☐ 4 PHENOLIC LINING  
☐ 5 GLASS LINING ☒ 6 UNLINED ☐ 95 UNKNOWN ☐ 99 OTHER  
IS LINING MATERIAL COMPATIBLE WITH 100% METHANOL? YES NO **NA**  
D. CORROSION PROTECTION ☐ 1 POLYETHYLENE WRAP ☐ 2 COATING ☐ 3 VINYL WRAP ☐ 4 FIBERGLASS REINFORCED PLASTIC  
☐ 5 CATHODIC PROTECTION ☒ 91 NONE ☐ 95 UNKNOWN ☐ 99 OTHER  
E. SPILL AND OVERFILL SPILL CONTAINMENT INSTALLED (YEAR) **NONE** OVERFILL PREVENTION EQUIPMENT INSTALLED (YEAR) **NONE**

IV. PIPING INFORMATION CIRCLE A IF ABOVE GROUND OR U IF UNDERGROUND, BOTH IF APPLICABLE

A. SYSTEM TYPE A U 1 SUCTION A U 2 PRESSURE A U 3 GRAVITY A U 99 OTHER **UNKNOWN**  
B. CONSTRUCTION A U 1 SINGLE WALL A U 2 DOUBLE WALL A U 3 LINED TRENCH A U 95 UNKNOWN A U 99 OTHER  
C. MATERIAL AND CORROSION PROTECTION A U 1 BARE STEEL A U 2 STAINLESS STEEL A U 3 POLYVINYL CHLORIDE (PVC) A U 4 FIBERGLASS PIPE  
A U 5 ALUMINUM A U 6 CONCRETE A U 7 STEEL W/ COATING A U 8 100% METHANOL COMPATIBLE W/FRP  
A U 9 GALVANIZED STEEL A U 10 CATHODIC PROTECTION A U 95 UNKNOWN A U 99 OTHER  
D. LEAK DETECTION ☐ 1 AUTOMATIC LINE LEAK DETECTOR ☐ 2 LINE TIGHTNESS TESTING ☐ 3 INTERSTITIAL MONITORING ☒ 99 OTHER **NONE**

V. TANK LEAK DETECTION

☐ 1 VISUAL CHECK ☐ 2 INVENTORY RECONCILIATION ☐ 3 VADOZE MONITORING ☐ 4 AUTOMATIC TANK GAUGING ☐ 5 GROUND WATER MONITORING  
☐ 6 TANK TESTING ☐ 7 INTERSTITIAL MONITORING ☒ 91 NONE ☐ 95 UNKNOWN ☐ 99 OTHER

VI. TANK CLOSURE INFORMATION

1. ESTIMATED DATE LAST USED (MO/DAY/YR) **UNKNOWN** 2. ESTIMATED QUANTITY OF SUBSTANCE REMAINING **175** GALLONS 3. WAS TANK FILLED WITH INERT MATERIAL? YES ☐ NO ☒

THIS FORM HAS BEEN COMPLETED UNDER PENALTY OF PERJURY, AND TO THE BEST OF MY KNOWLEDGE, IS TRUE AND CORRECT

APPLICANT'S NAME

(PRINTED & SIGNATURE) **ALEXANDER R. JENKINS**

**Alexander R. Jenkins**

DATE

**7/20/95**

LOCAL AGENCY USE ONLY THE STATE I.D. NUMBER IS COMPOSED OF THE FOUR NUMBERS BELOW

STATE I.D.#

COUNTY #

JURISDICTION #

FACILITY #

TANK #

PERMIT NUMBER

PERMIT APPROVED BY/DATE

PERMIT EXPIRATION DATE

STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD  
UNDERGROUND STORAGE TANK PERMIT APPLICATION FORM B

COMPLETE A SEPARATE FORM FOR EACH TANK SYSTEM.

MARK ONLY ONE ITEM	<input type="checkbox"/> 1 NEW PERMIT	<input type="checkbox"/> 3 RENEWAL PERMIT	<input type="checkbox"/> 5 CHANGE OF INFORMATION	<input checked="" type="checkbox"/> PERMANENTLY CLOSED ON SITE
	<input type="checkbox"/> 2 INTERIM PERMIT	<input type="checkbox"/> 4 AMENDED PERMIT	<input type="checkbox"/> 6 TEMPORARY TANK CLOSURE	<input checked="" type="checkbox"/> TANK REMOVED

DBA OR FACILITY NAME WHERE TANK IS INSTALLED: **THE SHERWIN-WILLIAMS COMPANY**

**I. TANK DESCRIPTION** COMPLETE ALL ITEMS - SPECIFY IF UNKNOWN

A. OWNER'S TANK I.D.# <b>NONE</b>	B. MANUFACTURED BY: <b>UNKNOWN</b>
C. DATE INSTALLED (MO/DAY/YEAR) <b>UNKNOWN</b>	D. TANK CAPACITY IN GALLONS: <b>175 GALLONS</b>

**II. TANK CONTENTS** IF A-1 IS MARKED, COMPLETE ITEM C.

A. <input type="checkbox"/> 1 MOTOR VEHICLE FUEL <input type="checkbox"/> 2 PETROLEUM <input type="checkbox"/> 3 CHEMICAL PRODUCT	<input checked="" type="checkbox"/> 4 OIL <input type="checkbox"/> 80 EMPTY <input type="checkbox"/> 95 UNKNOWN	B. <input checked="" type="checkbox"/> 1 PRODUCT <input type="checkbox"/> 2 WASTE	C. <input type="checkbox"/> 1a REGULAR UNLEADED <input type="checkbox"/> 1b PREMIUM UNLEADED <input type="checkbox"/> 2 LEADED	<input type="checkbox"/> 3 DIESEL <input type="checkbox"/> 4 GASAHOL <input type="checkbox"/> 5 JET FUEL <input type="checkbox"/> 99 OTHER (DESCRIBE IN ITEM D. BELOW)	<input type="checkbox"/> 6 AVIATION GAS <input type="checkbox"/> 7 METHANOL
D. IF (A.1) IS NOT MARKED, ENTER NAME OF SUBSTANCE STORED <b>PETROLEUM HYDROCARBONS</b>				C. A. S. #:	

**III. TANK CONSTRUCTION** MARK ONE ITEM ONLY IN BOXES A, B, AND C, AND ALL THAT APPLIES IN BOX D AND E

A. TYPE OF SYSTEM <input type="checkbox"/> 1 DOUBLE WALL <input checked="" type="checkbox"/> 2 SINGLE WALL	<input type="checkbox"/> 3 SINGLE WALL WITH EXTERIOR LINER <input type="checkbox"/> 4 SECONDARY CONTAINMENT (VAULTED TANK)	<input type="checkbox"/> 95 UNKNOWN <input type="checkbox"/> 99 OTHER
B. TANK MATERIAL (Primary Tank) <input checked="" type="checkbox"/> 1 BARE STEEL <input type="checkbox"/> 5 CONCRETE <input type="checkbox"/> 9 BRONZE	<input type="checkbox"/> 2 STAINLESS STEEL <input type="checkbox"/> 6 POLYVINYL CHLORIDE <input type="checkbox"/> 10 GALVANIZED STEEL	<input type="checkbox"/> 3 FIBERGLASS <input type="checkbox"/> 7 ALUMINUM <input type="checkbox"/> 95 UNKNOWN <input type="checkbox"/> 99 OTHER
C. INTERIOR LINING <input type="checkbox"/> 1 RUBBER LINED <input type="checkbox"/> 5 GLASS LINING	<input type="checkbox"/> 2 ALKYD LINING <input checked="" type="checkbox"/> 6 UNLINED	<input type="checkbox"/> 3 EPOXY LINING <input type="checkbox"/> 4 PHENOLIC LINING <input type="checkbox"/> 95 UNKNOWN <input type="checkbox"/> 99 OTHER
IS LINING MATERIAL COMPATIBLE WITH 100% METHANOL? YES ___ NO ___ <b>NA</b>		
D. CORROSION PROTECTION <input type="checkbox"/> 1 POLYETHYLENE WRAP <input type="checkbox"/> 5 CATHODIC PROTECTION	<input type="checkbox"/> 2 COATING <input checked="" type="checkbox"/> 91 NONE	<input type="checkbox"/> 3 VINYL WRAP <input type="checkbox"/> 4 FIBERGLASS REINFORCED PLASTIC <input type="checkbox"/> 95 UNKNOWN <input type="checkbox"/> 99 OTHER
E. SPILL AND OVERFILL SPILL CONTAINMENT INSTALLED (YEAR) <b>NONE</b> OVERFILL PREVENTION EQUIPMENT INSTALLED (YEAR) <b>NONE</b>		

**IV. PIPING INFORMATION** CIRCLE A IF ABOVE GROUND OR U IF UNDERGROUND, BOTH IF APPLICABLE

A. SYSTEM TYPE	A <u>U</u> 1 SUCTION	A <u>U</u> 2 PRESSURE	A <u>U</u> 3 GRAVITY	A <u>U</u> 99 OTHER <b>UNKNOWN</b>
B. CONSTRUCTION	A <u>U</u> 1 SINGLE WALL	A <u>U</u> 2 DOUBLE WALL	A <u>U</u> 3 LINED TRENCH	A <u>U</u> 95 UNKNOWN A <u>U</u> 99 OTHER
C. MATERIAL AND CORROSION PROTECTION	A <u>U</u> 1 BARE STEEL A <u>U</u> 5 ALUMINUM A <u>U</u> 9 GALVANIZED STEEL	A <u>U</u> 2 STAINLESS STEEL A <u>U</u> 6 CONCRETE A <u>U</u> 10 CATHODIC PROTECTION	A <u>U</u> 3 POLYVINYL CHLORIDE (PVC) A <u>U</u> 7 STEEL W/ COATING A <u>U</u> 95 UNKNOWN	A <u>U</u> 4 FIBERGLASS PIPE A <u>U</u> 8 100% METHANOL COMPATIBLE W/FRP A <u>U</u> 99 OTHER
D. LEAK DETECTION	<input type="checkbox"/> 1 AUTOMATIC LINE LEAK DETECTOR	<input type="checkbox"/> 2 LINE TIGHTNESS TESTING	<input type="checkbox"/> 3 INTERSTITIAL MONITORING	<input checked="" type="checkbox"/> 99 OTHER <b>NONE</b>

**V. TANK LEAK DETECTION**

<input type="checkbox"/> 1 VISUAL CHECK	<input type="checkbox"/> 2 INVENTORY RECONCILIATION	<input type="checkbox"/> 3 VADOZE MONITORING	<input type="checkbox"/> 4 AUTOMATIC TANK GAUGING	<input type="checkbox"/> 5 GROUND WATER MONITORING
<input type="checkbox"/> 6 TANK TESTING	<input type="checkbox"/> 7 INTERSTITIAL MONITORING	<input checked="" type="checkbox"/> 91 NONE	<input type="checkbox"/> 95 UNKNOWN	<input type="checkbox"/> 99 OTHER

**VI. TANK CLOSURE INFORMATION**

1. ESTIMATED DATE LAST USED (MO/DAY/YR) <b>UNKNOWN</b>	2. ESTIMATED QUANTITY OF SUBSTANCE REMAINING <b>175</b> GALLONS	3. WAS TANK FILLED WITH INERT MATERIAL? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
---	--	---

THIS FORM HAS BEEN COMPLETED UNDER PENALTY OF PERJURY, AND TO THE BEST OF MY KNOWLEDGE, IS TRUE AND CORRECT

APPLICANT'S NAME (PRINTED & SIGNATURE) **ALEXANDER R. JENKINS**

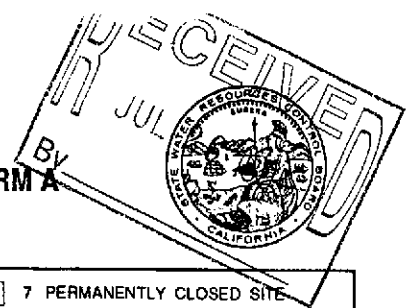
*Alexander R. Jenkins*

DATE **7/20/95**

**LOCAL AGENCY USE ONLY** THE STATE I.D. NUMBER IS COMPOSED OF THE FOUR NUMBERS BELOW

STATE I.D.#	COUNTY #	JURISDICTION #	FACILITY #	TANK #
PERMIT NUMBER	PERMIT APPROVED BY/DATE		PERMIT EXPIRATION DATE	

2 TANKS REMOVED 8/2/95  
STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD  
UNDERGROUND STORAGE TANK PERMIT APPLICATION - FORM A



COMPLETE THIS FORM FOR EACH FACILITY/SITE

MARK ONLY  
ONE ITEM

- |  |   |   |  |
|--|---|---|--|
| <input checked="" type="checkbox"/> 1 NEW PERMIT | <input type="checkbox"/> 3 RENEWAL PERMIT | <input type="checkbox"/> 5 CHANGE OF INFORMATION  | <input type="checkbox"/> 7 PERMANENTLY CLOSED SITE |
| <input type="checkbox"/> 2 INTERIM PERMIT        | <input type="checkbox"/> 4 AMENDED PERMIT | <input type="checkbox"/> 6 TEMPORARY SITE CLOSURE |  |

**I. FACILITY/SITE INFORMATION & ADDRESS - (MUST BE COMPLETED)**

DBA OR FACILITY NAME <b>THE SHERWIN-WILLIAMS COMPANY</b>		NAME OF OPERATOR <b>THE SHERWIN-WILLIAMS COMPANY</b>	
ADDRESS <b>1450 SHERWIN AVENUE</b>		NEAREST CROSS STREET <b>HORTON STREET</b>	PARCEL # (OPTIONAL) —
CITY NAME <b>EMERYVILLE</b>		STATE <b>CA</b>	ZIP CODE <b>94608</b>
		SITE PHONE # WITH AREA CODE <b>(510) 420-7206</b>	
<input checked="" type="checkbox"/> BOX TO INDICATE <input checked="" type="checkbox"/> CORPORATION <input type="checkbox"/> INDIVIDUAL <input type="checkbox"/> PARTNERSHIP <input type="checkbox"/> LOCAL-AGENCY DISTRICTS <input type="checkbox"/> COUNTY-AGENCY <input type="checkbox"/> STATE-AGENCY <input type="checkbox"/> FEDERAL-AGENCY			
TYPE OF BUSINESS <input type="checkbox"/> 1 GAS STATION <input type="checkbox"/> 2 DISTRIBUTOR <input type="checkbox"/> 3 FARM <input checked="" type="checkbox"/> 4 PROCESSOR <input type="checkbox"/> 5 OTHER		<input type="checkbox"/> IF INDIAN RESERVATION OR TRUST LANDS	# OF TANKS AT SITE <b>2 TO BE REMOVED 4 PREV. REMOVED</b>
E. P. A. I. D. # (optional) —			

**EMERGENCY CONTACT PERSON (PRIMARY)**

**EMERGENCY CONTACT PERSON (SECONDARY) - optional**

DAYS: NAME (LAST, FIRST) <b>FLETCHER, SHELLIE</b>	PHONE # WITH AREA CODE <b>(510) 652-4500</b>	DAYS: NAME (LAST, FIRST) —	PHONE # WITH AREA CODE —
NIGHTS: NAME (LAST, FIRST) <b>FLETCHER, SHELLIE</b>	PHONE # WITH AREA CODE <b>(510) 527-5180</b>	NIGHTS: NAME (LAST, FIRST) —	PHONE # WITH AREA CODE —

**II. PROPERTY OWNER INFORMATION - (MUST BE COMPLETED)**

NAME <b>SOUTHERN PACIFIC LINES / THE SHERWIN-WILLIAMS CO.</b>		CARE OF ADDRESS INFORMATION <b>RANDALL T. SMITH / SUE FREE</b>	
MAILING OR STREET ADDRESS <b>ONE MARKET PLAZA / 1450 SHERWIN AVENUE</b>		<input checked="" type="checkbox"/> box to indicate <input type="checkbox"/> INDIVIDUAL <input type="checkbox"/> LOCAL-AGENCY <input type="checkbox"/> STATE-AGENCY <input checked="" type="checkbox"/> CORPORATION <input type="checkbox"/> PARTNERSHIP <input type="checkbox"/> COUNTY-AGENCY <input type="checkbox"/> FEDERAL-AGENCY	
CITY NAME <b>SAN FRANCISCO / EMERYVILLE</b>		STATE <b>CA / CA</b>	ZIP CODE <b>94105 / 94608</b>
		PHONE # WITH AREA CODE <b>(415) 541-2840 / (510) 420-7206</b>	

**III. TANK OWNER INFORMATION - (MUST BE COMPLETED)**

NAME OF OWNER <b>SOUTHERN PACIFIC LINES</b>		CARE OF ADDRESS INFORMATION <b>RANDALL T. SMITH</b>	
MAILING OR STREET ADDRESS <b>ONE MARKET PLAZA</b>		<input checked="" type="checkbox"/> box to indicate <input type="checkbox"/> INDIVIDUAL <input type="checkbox"/> LOCAL-AGENCY <input type="checkbox"/> STATE-AGENCY <input checked="" type="checkbox"/> CORPORATION <input type="checkbox"/> PARTNERSHIP <input type="checkbox"/> COUNTY-AGENCY <input type="checkbox"/> FEDERAL-AGENCY	
CITY NAME <b>SAN FRANCISCO</b>		STATE <b>CA</b>	ZIP CODE <b>94105</b>
		PHONE # WITH AREA CODE <b>(415) 541-2840</b>	

**IV. BOARD OF EQUALIZATION UST STORAGE FEE ACCOUNT NUMBER - Call (916) 323-9555 if questions arise.**

TY (TK) HQ **44 - / / / / / /** ➡ **TK HQ 44 - 009363**

**V. PETROLEUM UST FINANCIAL RESPONSIBILITY - (MUST BE COMPLETED) - IDENTIFY THE METHOD(S) USED**

<input checked="" type="checkbox"/> box to indicate <input checked="" type="checkbox"/> 1 SELF-INSURED <input type="checkbox"/> 2 GUARANTEE <input type="checkbox"/> 3 INSURANCE <input type="checkbox"/> 4 SURETY BOND
<input type="checkbox"/> 5 LETTER OF CREDIT <input type="checkbox"/> 6 EXEMPTION <input type="checkbox"/> 99 OTHER

**VI. LEGAL NOTIFICATION AND BILLING ADDRESS** Legal notification and billing will be sent to the tank owner unless box I or II is checked.

CHECK ONE BOX INDICATING WHICH ABOVE ADDRESS SHOULD BE USED FOR LEGAL NOTIFICATIONS AND BILLING:	I. <input checked="" type="checkbox"/> II. <input type="checkbox"/> III. <input type="checkbox"/>
--	---

THIS FORM HAS BEEN COMPLETED UNDER PENALTY OF PERJURY, AND TO THE BEST OF MY KNOWLEDGE, IS TRUE AND CORRECT

APPLICANT'S NAME (PRINTED & SIGNATURE) <b>ALEXANDER R. JENKINS</b> <i>Alexander R. Jenkins</i>	APPLICANT'S TITLE <b>STAFF ENGINEER LEVINE - FRITKE, INC.</b>	DATE MONTH/DAY/YEAR <b>7/20/95</b>
---	--	---------------------------------------

**LOCAL AGENCY USE ONLY**

COUNTY # <input type="text"/>	JURISDICTION # <input type="text"/>	FACILITY # <input type="text"/>
LOCATION CODE - OPTIONAL <input type="text"/>	CENSUS TRACT # - OPTIONAL <input type="text"/>	SUPVISOR - DISTRICT CODE - OPTIONAL <input type="text"/>

THIS FORM MUST BE ACCOMPANIED BY AT LEAST (1) OR MORE PERMIT APPLICATION - FORM B, UNLESS THIS IS A CHANGE OF SITE INFORMATION ONLY.

FORM A (5-91)

FOR0033A-5

# Certificate of Attendance

May it be known that this certificate has been presented to

*Mike Spence*

566-92-8232

for the successful completion of a  
Refresher Course In Hazardous Waste Site Operations  
in accordance with the requirements set forth by  
the Federal Occupational Safety and Health Administration  
as defined in Title 29 CFR, Part 1910.120 and  
the California Division of Occupational Safety and Health  
as defined in Title 8 CCR, Section 5192

November 12, 1994

*Room Braun, REA*  
Lead Instructor



# *Certificate of Attendance*


May it be known that this certificate has been presented to

*Robert Longwell*

552-27-5967

for the successful completion of a  
Refresher Course In Hazardous Waste Site Operations  
in accordance with the requirements set forth by  
the Federal Occupational Safety and Health Administration  
as defined in Title 29 CFR, Part 1910.120 and  
the California Division of Occupational Safety and Health  
as defined in Title 8 CCR, Section 5192

*November 12, 1994*

  
Kevin Braun, REA  
Lead Instructor

# *Certificate of Attendance*


May it be known that this certificate has been presented to

*Dan Beckerdite*

566-02-4858

for the successful completion of a  
Refresher Course In Hazardous Waste Site Operations  
in accordance with the requirements set forth by  
the Federal Occupational Safety and Health Administration  
as defined in Title 29 CFR, Part 1910.120 and  
the California Division of Occupational Safety and Health  
as defined in Title 8 CCR, Section 5192

November 12, 1994

  
Kevin Braun, REA  
Lead Instructor



# *Certificate of Attendance*

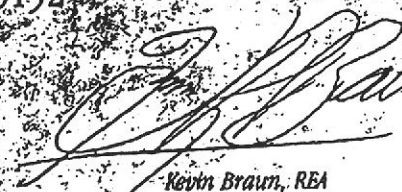
May it be known that this certificate has been presented to

*Martin Garvey*

043-64-7206

for the successful completion of a  
Refresher Course In Hazardous Waste Site Operations  
in accordance with the requirements set forth by  
the Federal Occupational Safety and Health Administration  
as defined in Title 29 CFR, Part 1910.120 and  
the California Division of Occupational Safety and Health  
as defined in Title 8 CCR, Section 5192

April 20, 1995

  
Kevin Braun, REA  
Lead Instructor

**STATE  
COMPENSATION  
INSURANCE  
FUND**

P.O. BOX 420807, SAN FRANCISCO, CA 94142-0807

**CERTIFICATE OF WORKERS' COMPENSATION INSURANCE**

FEBRUARY 8, 1995

POLICY NUMBER 571-94 UNIT UAW0142

CERTIFICATE EXPIRES 10-1-95

THE SHERWIN-WILLIAMS CO  
101 PROSPECT AVE N.W.  
CLEVELAND OH 44115-1075

JOB: 1450 SHERWIN AVE  
EMERYVILLE CA 94608

This is to certify that we have issued a valid Workers' Compensation insurance policy in a form approved by the California Insurance Commissioner to the employer named below for the policy period indicated.

This policy is not subject to cancellation by the Fund except upon <sup>30</sup>~~ten~~ days' advance written notice to the employer.

We will also give you <sup>30</sup>~~TEN~~ days' advance notice should this policy be cancelled prior to its normal expiration.

This certificate of insurance is not an Insurance policy and does not amend, extend or alter the coverage afforded by the policies listed herein. Notwithstanding any requirement, term, or condition of any contract or other document with respect to which this certificate of insurance may be issued or may pertain, the insurance afforded by the policies described herein is subject to all the terms, exclusions and conditions of such policies.

  
PRESIDENT

EMPLOYER'S LIABILITY LIMIT: \$1,000,000 PER OCCURRENCE.

ENDORSEMENT #2005 ENTITLED CERTIFICATE HOLDERS' NOTICE EFFECTIVE 10/01/94 IS ATTACHED TO AND FORMS A PART OF THIS POLICY.

EMPLOYER

POWER ENGINEERING CONTRACTORS INC  
1275 N SAN ANTONIO RD  
PALO ALTO CA 94303

**RECEIVED**

FEB 08 1995

POWER ENGINEERING  
PALO ALTO, CA

THIS DOCUMENT HAS A BLUE PATTERNED BACKGROUND

SCIF 10262 (REV. 5-94)

POLICY HOLDER'S COPY

JUL 25 '95 9:58

4159694834 PAGE.003

ALAMEDA COUNTY  
HEALTH CARE SERVICES  
AGENCY

DAVID J. KEARS, Agency Director



RAFAT A. SHAHID, Director

DEPARTMENT OF ENVIRONMENTAL HEALTH  
Environmental Protection Division  
1131 Harbor Bay Parkway, #250  
Alameda, CA 94502-6577  
(510) 567-6700

July 24, 1995

Mr. Dave Gustafson  
Director of Engineering  
The Sherwin-Williams Company  
101 Prospect Avenue, N.W.  
Cleveland, Ohio 44115-1075

RE: Soil and Groundwater Investigation / Remediation at  
Sherwin-Williams Company - 1450 Sherwin Avenue  
Emeryville, California 94608

Dear Mr. Gustafson:

A review of our records indicate that a deposit has not been submitted in regards to the soil and groundwater investigation / remediation project being conducted at the referenced site. This deposit is authorized under Section 3-141.6 of the Ordinance Code of the County of Alameda and is used to cover the expenses incurred by the County personnel in the execution of their oversight responsibilities associated with the project. Records of the time County employees commit to the project are maintained and the deposit is charged an hourly rate of \$90.00. Upon completion of the project, the balance of the deposit will be refunded to the responsible party or their designee.

Please submit a deposit of \$ 1,800.00 made payable to Environmental Health Services within ten days upon receipt of this letter.

If you have any questions concerning this letter, please contact me at (510) 567-6780.

Sincerely,

Susan L. Hugo  
Senior Hazardous Materials Specialist

cc: Rafat A. Shahid, Director, Environmental Health  
Thomas Peacock, Acting Chief, Environmental Protection  
Division / file



The Sherwin-Williams Company  
Coatings Division  
101 Prospect Avenue, N.W.  
Cleveland, OH 44115

July 21, 1995

Frank McHugh  
Sue Free  
Sherwin-Williams  
1450 Sherwin Avenue  
Emeryville, CA 94608

Shelly Fletcher  
Levine-Fricke  
1900 Powell Street, 12th Floor  
Emeryville, CA 94608

Randall T. Smith, P.E.  
Ed Banks  
Southern Pacific Lines  
One Market Plaza  
San Francisco, CA 94105

Mike Spence  
Powers Engineering  
1275 N. San Antonio Road  
Palo Alto, CA 94303

Susan Hugo  
Alameda County Health Agency  
Div. of Environmental Protection  
Dept. of Environmental Health  
1131 Harbor Bay Parkway, 2nd Floor  
Alameda, CA 94502

RE: Removal of two S.P.L.  
UST's on S.P.L. and S-W Property  
Emeryville, CA

This is to confirm our site meeting of 7/19/95 and agreements and action plans. Note--these tanks are only 270-gal each and were pumped out on 7/18/95.

1. Shelly Fletcher (L.F) will be the coordinator of most activities and will:
  - a) fill out all forms (application/identification, Health and Safety Plan, etc.) and have delivered to Susan Hugo---PM of 7/20.

- b) contact the Fire Department (George Warren) and make arrangements.
- c) contact *Erickson Trucking* for quote on pick-up and disposal of the two UST's. Use *Erickson* if quote acceptable to S.P.C.
- d) Susan Hugo to give final approval to remove the UST's on.....Monday, 7/24.
- e) Schedule the tank removal by Powers... Wednesday, 7/26.

Present: Shelly Fletcher, Sue Free, Mike Spence, Ed Banks, Susan Hugo (or rep.), Fire Dept.

- 2. L.F to take five soil samples (4 sidewall, 1 just below tanks) from existing dug out area:
  - a) get 24 hr. turnaround from lab,
  - b) FAX data to Susan Hugo,
  - c) Susan will promptly advise L.F of her final decision--hopefully, the data will be OK and the removed soils can be put back in place (plus new fill).
- 3. Invoices (and brief letters describing work performed) for all costs should be sent to this writer when everything is complete:
  - a) I'll issue Purchase Orders to L.F and Powers.
  - b) I'll forward to our Legal Dept. (Al Danzig) who will send a claim letter (with supporting documentation) to S.P.L. (Randy).

Thanks in advance for everyone's cooperation and timely action.  
Note that we must complete *Step #2.c* above before Powers Engineering can resume construction of our Remediation Project.

Very truly yours,



David B. Gustafson  
Director of Engineering  
and Environmental

DBG/mgd  
0721d.dbg

cc: A.Danzig  
L.Mencin

white -env.health  
yellow -facility  
pink -files

# ALAMEDA COUNTY, DEPARTMENT OF ENVIRONMENTAL HEALTH

1131 Harbor Bay Pkwy.  
Suite 250  
Alameda, CA 94502-6577  
(510) 567-6700

## Hazardous Materials Inspection Form

II, III

Site ID # 5016 Site Name Sherwin Williams Today's Date 7/7/95

Site Address 1450 Sherwin Ave.

City Emeryville Zip 94608 Phone \_\_\_\_\_

MAX AMT stored > 500 lbs, 55 gal., 200 cft.?

### Inspection Categories:

- ☐ I. Haz. Mat/Waste GENERATOR/TRANSPORTER
- ☐ II. Business Plans, Acute Hazardous Materials
- ☐ III. Underground Tanks

\* Calif. Administration Code (CAC) or the Health & Safety Code (HS&C)

### Comments:

*Randy Smith (SP) done truck  
Lorel Harrison (SW)  
Sue Tree (SW)*  
  
*On site: inspect 2 UGTS uncovered  
during grading at Sherwin Williams  
property. The tanks (approx 350 gal)  
located north of the 4 UGTS removed  
1994. Analytical test conducted  
the material found in the tanks  
appeared to be heavy TPH (kerosene oil)  
- tanks were Torpedos tanks.  
Apply for permit to removed UGTS.*

### II.A BUSINESS PLANS (Title 19)

- \_\_\_ 1. Immediate Reporting 2703
- \_\_\_ 2. Bus. Plan Stds. 25503(b)
- \_\_\_ 3. RR Cars > 30 days 25503.7
- \_\_\_ 4. Inventory Information 25504(a)
- \_\_\_ 5. Inventory Complete 2730
- \_\_\_ 6. Emergency Response 25504(b)
- \_\_\_ 7. Training 25504(c)
- \_\_\_ 8. Deficiency 25505(a)
- \_\_\_ 9. Modification 25505(b)

### II.B ACUTELY HAZ. MAT'L

- \_\_\_ 10. Registration Form Filed 25533(a)
- \_\_\_ 11. Form Complete 25533(b)
- \_\_\_ 12. RMPP Contents 25534(c)
- \_\_\_ 13. Implement Sch. Req'd? (Y/N)
- \_\_\_ 14. Off-Site Conseq. Assess. 25524(c)
- \_\_\_ 15. Probable Risk Assessment 25534(d)
- \_\_\_ 16. Persons Responsible 25534(g)
- \_\_\_ 17. Certification 25534(f)
- \_\_\_ 18. Exemption Request? (Y/N) 25536(b)
- \_\_\_ 19. Trade Secret Requested? 25538

### III. UNDERGROUND TANKS (Title 23)

- \_\_\_ 1. Permit Application 25284 (H&S)
- \_\_\_ 2. Pipeline Leak Detection 25292 (H&S)
- \_\_\_ 3. Records Maintenance 2712
- \_\_\_ 4. Release Report 2651
- \_\_\_ 5. Closure Plans 2670

- \_\_\_ 6. Method
  - 1) Monthly Test
  - 2) Daily Vadose
  - Semi-annual groundwater
  - One time soils
  - 3) Daily Vadose
  - One time soils
  - Annual tank test
  - 4) Monthly Gndwater
  - One time soils
  - 5) Daily Inventory
  - Annual tank testing
  - Cont pipe leak det
  - Vadose/gndwater mon.
  - 6) Daily Inventory
  - Annual tank testing
  - Cont pipe leak det
  - 7) Weekly Tank Gauge
  - Annual tank tsg
  - 8) Annual Tank Testing
  - Daily Inventory
  - 9) Other \_\_\_\_\_

- \_\_\_ 7. Precs Tank Test 2643
- Date: \_\_\_\_\_
- \_\_\_ 8. Inventory Rec. 2644
- \_\_\_ 9. Soil Testing 2646
- \_\_\_ 10. Ground Water. 2647

- \_\_\_ 11. Monitor Plan 2632
- \_\_\_ 12. Access. Secure 2634
- \_\_\_ 13. Plans Submit 2711
- Date: \_\_\_\_\_
- \_\_\_ 14. As Built 2635
- Date: \_\_\_\_\_

Rev 6/88

Contact: \_\_\_\_\_

Title: \_\_\_\_\_

Signature: \_\_\_\_\_

Inspector: \_\_\_\_\_

Signature: \_\_\_\_\_

II, III



No. of Pages 5 Date 4/28 Time \_\_\_\_\_  
 From Ken Derrich  
 Company IC  
 Location \_\_\_\_\_ Dept. Charge 05100 680 / 618600  
 Fax # \_\_\_\_\_ Telephone # \_\_\_\_\_  
 Original Disposition: ☒ Destroy ☐ Return ☐ Call for pickup

Original copy being mailed.



9838 Old Placerville Road Suite 100 Sacramento, CA 95827-3559  
916/369-8971 FAX 916/369-8370

IC Project No. 05100680

**Re:   Transmission of Documentation for  
Southern Pacific Transportation Company Property  
1450 Sherwin Avenue  
Emeryville, California**

**Industrial Compliance (IC), on behalf of Southern Pacific Transportation Company (SPTCo), submits the following documents pursuant to your February 28, 1995 letter request.**

- \* **Monitoring Well Installation Workplan**
- \* **Copies of manifests to document appropriate disposal of soil from the former underground storage tanks (UST) excavation.**
- \* **Region IX Preliminary Remediation Goals**
- \* **Health Based Cleanup Levels for Diesel Fuel Containing Soils at the San Luis Obispo Site, July 1990, Terra, Inc.**
- \* **Three "Form B's" for the additional USTs that were removed in July 1994**

In reference to the health based cleanup levels for diesel fuel, the cleanup level in the enclosed document was applied to the Emeryville site because bunker C fuel is also known as diesel No. 6 which is a less refined product of the typical diesel No. 2 fuel that is used in automobile and truck engines.

Denver • Phoenix • Kansas City • Dallas • Houston • Los Angeles • Sacramento • Little Rock • Knoxville

A Subsidiary of SP Environmental Systems, Inc.



Ms. Susan Hugo  
April 28, 1995  
Page 2

If you have any questions please contact the undersigned at (916) 369-8971.

Sincerely,

INDUSTRIAL COMPLIANCE



Ronald J. Derrick, P.E.  
Project Manager

RJD/dao

Enclosures

cc: Randall Smith, Southern Pacific Transportation Company (with enclosures)



**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
SAN FRANCISCO BAY REGION**

2101 WEBSTER STREET, Suite 500  
OAKLAND, CA 94612  
Tel: (510) 286-1255  
FAX: (510) 286-1380



Date: March 15, 1995  
File No: 2199.9309 and  
1012.48 (FA)

*Rec'd by  
Dun  
8/18/95  
after meeting*

Mr. Dave Gustafson  
The Sherwin-Williams Company  
101 Prospect Ave., N.W.  
Cleveland, OH 44115

Subject: AUTHORIZATION TO DISCHARGE TREATED GROUNDWATER  
UNDER THE REQUIREMENTS OF ORDER NO. 94-087, NPDES PERMIT  
NO. CAG912003, GENERAL WASTE DISCHARGE REQUIREMENTS  
FOR DISCHARGE OR REUSE OF EXTRACTED AND TREATED  
GROUNDWATER RESULTING FROM THE CLEANUP OF  
GROUNDWATER POLLUTED BY VOLATILE ORGANIC COMPOUNDS.  
Facility: 1450 Sherwin Avenue, Emeryville, CA 94608

Dear Mr. Gustafson:

Regional Board staff have reviewed the application dated May 21, 1993 and two supplements dated September 9, 1993 and January 6, 1994 for the above site. We have determined that the discharge is eligible under the requirements of Order No. 94-087. Authorization to discharge treated groundwater from the above site is hereby granted providing the following conditions are met:

1. You must comply with all applicable requirements of Order No. 94-087 and the associated Self-Monitoring Program (enclosed); however, some investigation of arsenic and semi-volatile organics has been completed for design of the treatment facilities. With reference to arsenic and semi-volatile organics, you must:
  - A. (Arsenic) Provide additional control and/or treatment when requested by the Executive Officer, and comply with the requirements in this letter's provisions 1.A.a., 1.A.b., and 1.A.c. The Executive Officer plans to review the reports submitted by you and other dischargers with excess arsenic, and if a treatment or control that is applicable to your discharge is found which will provide a

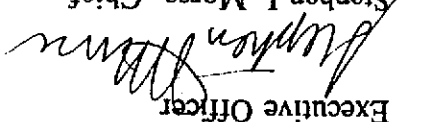
Notice is hereby given that it is the responsibility of any person proposing to discharge to a storm drain system or other watercourses to obtain authorization to discharge from the agency having jurisdiction over the use of the storm drain system or watercourse.

This discharge authorization is conditional and may be terminated at any time. Please contact Farhad Azimzadeh at (510) 286-3899 if you have any questions.

Sincerely,

Steven R. Ritchie

Executive Officer

  
Stephen I. Morse, Chief  
Toxics Cleanup Division

Enclosure: Order No. 94-087 and Self-Monitoring Program

cc w/enc:

Roger Leventhal  
Levine-Fricke

1900 Powell Street, 12th Floor  
Emeryville, CA 94608

cc:

Sumadhu Arigala, RWQCB  
Farhad Azimzadeh, RWQCB

Jim Levine, Levine-Fricke  
1900 Powell Street, 12th Floor  
Emeryville, CA 94608

A letter, dated September 23, 1993, expressed the staff's intent to present a Tentative Order to the Board with the following effluent limits for this discharge: 5 ppb Naphthalene, 300 ppb Phenol, 120 ppb 2,4-Dimethylphenol, and 360 ppb Bis (2-ethylhexyl) Phthalate. Treatment facilities were designed to produce an effluent with concentrations of no more than 5 ppb Naphthalene, 300 ppb Phenol, 120 ppb 2,4-Dimethylphenol, and 360 ppb Bis (2-ethylhexyl) Phthalate. An Order establishing requirements specifically for this discharge was not adopted, and Order No. 94-087's Effluent Limitation B.1.a) limits the discharge to 5 ppb per constituent for Semi-Volatile Organics. The additional treatment and/or control facilities necessary to produce an effluent that complies with Order No. 94-087's Effluent Limitation B.1.a. for Semi-Volatile Organics must be provided.

- a. From now through December 31, 1996, semi-volatile organics in the effluent shall not exceed the following concentrations: 5 ppb Naphthalene, 300 ppb Phenol, 120 ppb 2,4-Dimethylphenol, and 360 ppb Bis (2-ethylhexyl) Phthalate.
  - b. Submit a schedule of actions, by March 1, 1996, for installing the additional treatment and/or control needed to achieve compliance with the Effluent Limitation B.1.a) limit on the discharge to 5 ppb per constituent for Semi-Volatile Organics by December 31, 1996.
  - c. Comply with Effluent Limitation B.1.a) for Semi-Volatile Organics by December 31, 1996.
2. The extracted groundwater will be treated by a system consisting of oil-water separator, electrochemical, and biological reactor system. Treated water will be discharged through a storm sewer which leads to Temescal Creek (Latitude 37 Deg. 50 Min. 10 Sec; Longitude 122 Deg. 17 Min. 23 Sec.).
3. The maximum discharge from the treatment system shall not exceed 12 gallons per minute.
4. A copy of Order No. 94-087 and this authorization letter shall be stored at or near the treatment facility.
5. Self-Monitoring Reports shall be submitted on a calendar quarter basis, no later than 30 days following the last day of the quarter. These reports should be directed to the area engineer at this office overseeing cleanup at the site. At this time, it is Sumadhu Arigala.
6. This authorization letter shall be effective immediately and expires on July 20, 1999, the expiration date of Order No. 94-087.

lower concentration of arsenic in the effluent, you will be requested to install that treatment or control on your waste stream. The reports of the first dischargers under Order No. 94-087, with excessive concentrations of metals in the effluent, are expected within two years of the Order's issuance; however, dischargers with arsenic may not begin discharge or furnish reports on best available treatment and control until later. The Executive Officer may not (but could at any time) request additional arsenic treatment or control during the life of the permit.

A letter, dated September 23, 1993, expresses the staff's intent to present a Tentative Order to the Board with an arsenic effluent limit of 25 ppb for this discharge. Treatment facilities were designed to produce an effluent with concentrations of no more than 25 ppb arsenic. An Order establishing requirements specifically for this discharge was not adopted, and Order No. 94-087's Effluent Limitation B.1.b) limits the discharge to 10 ppb arsenic. Dischargers must complete the tasks required in Provision E.4. if metals limits are exceeded.

a. Until the Executive Officer requests you to provide additional treatment and/or control, the concentration of arsenic in the effluent shall not exceed 25 ppb.

b. If the concentration of arsenic in the effluent exceeds 10 ppb, you must complete the tasks required in Provision E.4. of Order No. 94-087.

c. Table A of the General Permit Self Monitoring Program should be revised as follows:

1) Arsenic in the influent and effluent should be analyzed weekly for the first month of operation and monthly thereafter (W/M);

2) Lead, cadmium, copper, nickel, zinc, silver, selenium in the influent and effluent should be analyzed at the end of one month of operation and if any of these metals exceeds the limits in the General Permit, Order No. 94-087, you must comply with Provision E.4. of Order No. 94-087. For those metals with concentrations that do not exceed the limits in the Order, the schedule in the Table A should be followed.

B. (Semi-Volatile Organics) Comply with the requirements and schedule of actions and installation of the additional control and/or treatment facilities as required in this authorization letter provisions I.B.a., I.B.b. and I.B.c.



The Sherwin-Williams Company  
Coatings Division  
101 Prospect Avenue, N.W.  
Cleveland, OH 44115

February 6, 1995

Mr. Sum Arigala  
Calif. Regional Water Quality Control Board  
2101 Webster Street, Suite 500  
Oakland, CA 94612

RE: D.Gustafson to S.Arigala of 11/30/94  
Delay in Interim Remediation Project  
Sherwin-Williams, Emeryville, Ca.

Dear Sum:

As I noted in 3.b) of my 11/30/94 status report to you, construction of the environmental "cap" at the North end of our property was "highly dependent on weather conditions".

Our contractor for this work (Powers Engineering Co.) has determined that the extremely heavy and continual rainfall this season has created a real mud field in the area of planned construction. They now estimate construction to begin about mid-March, assuming a "dry" period of two weeks. Drying of this area could be complexed by the deep and impermeable slurry wall, which now contains the entire "cap" area.

With reference to my 11/30/94 memo, this situation will delay installation of the new and replacement wells (item 4.) and start-up of the groundwater treatment system (item 5.). We have, however, awarded the contract to UCI for the interconnecting piping and electrical (on the groundwater treatment equipment), and this work should start the week of 2/20/95.

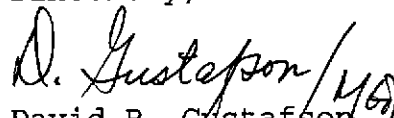
As soon as Powers starts work on the North "cap", I will issue a new schedule for the completion of all aspects of this project.

Delay in Interim Remediation Project  
Sherwin-Williams, Emeryville, CA

February 6, 1995  
Page 2

Note--we will conduct Quarterly sampling of the Rifkin property in late February, as planned. Also, it is imperative that we secure an "individual" NPDES permit, as originally planned and paid for in 1993; our equipment vendors have advised us that their equipment cannot meet certain stringent requirements of the new "general" NPDES permit that you informed us about at our last meeting. Your cooperation is appreciated.

Sincerely,

A handwritten signature in dark ink, appearing to read "D. Gustafson" followed by a stylized flourish or initials.

David B. Gustafson  
Director of Engineering  
and Environmental

DBG/mgd  
0206a.dbg

Attachment

cc: Susan Hugo, Alameda County Health Agency  
Ravi Arulanantham, Ca.RWQCB  
L.Mencin, S-W  
F.McHugh, S-W  
M.Knox (Levine.Fricke)





The Sherwin-Williams Company  
Coatings Division  
101 Prospect Avenue, N.W.  
Cleveland, OH 44115

94 DEC 27 PM 3:31

December 19, 1994

Mr. Ravi Arulanantham  
State of California  
Ca. Regional Water Quality Control Board  
2101 Webster Street, Suite 500  
Oakland, CA 94612

Ms. Susan Hugo  
Sr. Hazardous Materials Specialist  
Alameda County Health Agency  
Div. of Environmental Protection  
1131 Harbor Bay Parkway, 2nd Floor  
Alameda, CA 94502

Dear Sir and Madam:

It was a pleasure meeting you both on 12/12/94. Attached is a copy of my 11/30/94 status report to Mr. Sum Arigala--I believe we covered each item in detail during our meeting.

Also enclosed is a Plot Plan (Y SLO 418 L 4/27/94) showing (in yellow) the possible future alignment of Horton Street across S-W and the Rifkin properties. Assigning a right-of-way (ROW) of S-W property to the City is covered in a Memo of Understanding (MOU) signed by the City of Emeryville and S-W. In the future, a three-party MOU (City, Chiron and S-W) will be required to cover plans on the Rifkin property, assuming this parcel is purchased by Chiron.

In closing, and as we agreed, we will keep you informed on all these matters and will follow-up in the areas you suggested, prior to our next meeting in '95.

Sincerely,

David B. Gustafson  
Director of Engineering  
and Environmental

DBG/mgd  
1219b.dbg

cc: F.McHugh  
L.Mencin  
M.Knox--L.F

Attachment

Status Report of 11/30/94  
Plot Plan

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
SAN FRANCISCO BAY REGION

2101 WEBSTER STREET, Suite 500

OAKLAND, CA 94612

Tel: (510) 286-1255

FAX: (510) 286-1380

ALCO  
HAZMAT

56 NOV -7 PM 3:49



Mr. Dave Gustafson, Director  
The Sherwin-Williams Co.  
101 Prospect Avenue, N. W.  
Cleveland, Ohio 44115-1075

November 4, 1994  
File No.: 2223.09 (SA)  
NBT Case File

Subject: Rifkin Property, 4525-4563 Horton Street, Emeryville, Alameda County.

Dear Mr. Gustafson:

This is in response to your letter, dated October 26, 1994, regarding pollution at the subject property that migrated from the Sherwin-Williams facility. I understand Board staff met with you on October 21, 1994 to discuss the issues pertaining to the subject site. Staff reviewed the letter and concur with the general scope of the plan. As discussed at the meeting, the plan is a short-term contingency measure to prevent any further migration of the pollution, at the subject site, after completion of the slurry wall on the Sherwin-Williams property. The final remedial action, for the pollution at the subject property, will be based on a feasibility study considering the possible remedial alternatives.

Please contact Sumadhu Arigala at (510) -286-0434, if you have any questions regarding this letter.

Sincerely,  
Steven Ritchie,  
Executive Officer

A handwritten signature in black ink, appearing to read 'Stephen Morse'.

Stephen Morse,  
Chief, Toxics Cleanup.

CC: Ms. Susan Hugo  
ACDEH  
1131 Harbor Bay Parkway  
Alameda, CA 94501

Mr. Mark Knox  
Levine-Fricke  
1900 Powell Street, 12 th Floor  
Emeryville, CA 94608

white -env.health  
yellow -facility  
pink -files

# ALAMEDA COUNTY, DEPARTMENT OF ENVIRONMENTAL HEALTH

80 Swan Way, #200  
Oakland, CA 94621  
(415) 271-4320

## Hazardous Materials Inspection Form

II, III

Site ID # 5016 Site Name SP - Sherwin William Today 10/25/94  
Date 10/25/94

### II.A BUSINESS PLANS (Title 19)

- 1. Immediate Reporting 2703
- 2. Bus. Plan Stds. 25503(b)
- 3. RR Cars > 30 days 25503.7
- 4. Inventory Information 25504(a)
- 5. Inventory Complete 2730
- 6. Emergency Response 25504(b)
- 7. Training 25504(c)
- 8. Deficiency 25505(a)
- 9. Modification 25505(b)

Site Address 1450 Sherwin Ave  
City Emeryville Zip 94608 Phone \_\_\_\_\_

MAX AMT stored > 500 lbs, 55 gal., 200 cft.?

### Inspection Categories:

- ☐ I. Haz. Mat/Waste GENERATOR/TRANSPORTER
- ☒ II. Business Plans, Acute Hazardous Materials
- ☐ III. Underground Tanks

\* Calif. Administration Code (CAC) or the Health & Safety Code (HS&C)

### Comments:

On Site:

Backfilling the excavation pit  
- groundwater was pumped out before  
filling with free rock.  
Stockpiled soil hauled off to Utah.

### III. UNDERGROUND TANKS (Title 23)

- |                               |  |
|-------------------------------|--|
| General                       | 1. Permit Application 25284 (H&S)      |
|                               | 2. Pipeline Leak Detection 25292 (H&S) |
|                               | 3. Records Maintenance 2712            |
|                               | 4. Release Report 2651                 |
|                               | 5. Closure Plans 2670                  |
| Monitoring for Existing Tanks | 6. Method                              |
|                               | 1) Monthly Test                        |
|                               | 2) Daily Vadose                        |
|                               | Semi-annual groundwater                |
|                               | One time soils                         |
|                               | 3) Daily Vadose                        |
|                               | One time soils                         |
|                               | Annual tank test                       |
|                               | 4) Monthly Groundwater                 |
|                               | One time soils                         |
| New Tanks                     | 5) Daily Inventory                     |
|                               | Annual tank testing                    |
|                               | Cont pipe leak det                     |
|                               | Vadose/gndwater mon.                   |
|                               | 6) Daily Inventory                     |
|                               | Annual tank testing                    |
|                               | Cont pipe leak det                     |
|                               | 7) Weekly Tank Gauge                   |
|                               | Annual tank testing                    |
|                               | 8) Annual Tank Testing                 |
| Daily Inventory               |  |
| 9) Other _____                |  |
| General                       | 7. Precs Tank Test 2643                |
|                               | Date: _____                            |
|                               | 8. Inventory Rec. 2644                 |
|                               | 9. Soil Testing 2646                   |
|                               | 10. Ground Water. 2647                 |
| New Tanks                     | 11. Monitor Plan 2632                  |
|                               | 12. Access. Secure 2634                |
|                               | 13. Plans Submit 2711                  |
|                               | Date: _____                            |
|                               | 14. As Built 2635                      |
| Date: _____                   |  |

Rev 6/88

II, III

Contact: \_\_\_\_\_

Title: \_\_\_\_\_

Signature: \_\_\_\_\_

Inspector: \_\_\_\_\_

Signature: Susan F. Huggs

white -env.health  
yellow -facility  
pink -files

ALAMEDA COUNTY, DEPARTMENT OF  
ENVIRONMENTAL HEALTH

80 Swan Way, #200  
Oakland, CA 94621  
(415) 271-4320

Hazardous Materials Inspection Form

II, III

II.A BUSINESS PLANS (Title 19)

- |                          |          |
|--------------------------|----------|
| 1. Immediate Reporting   | 2703     |
| 2. Bus. Plan Stds.       | 25503(b) |
| 3. RR Cars > 30 days     | 25503.7  |
| 4. Inventory Information | 25504(a) |
| 5. Inventory Complete    | 2730     |
| 6. Emergency Response    | 25504(b) |
| 7. Training              | 25504(c) |
| 8. Deficiency            | 25505(a) |
| 9. Modification          | 25505(b) |

II.B ACUTELY HAZ. MATLS

- |                                 |          |
|---------------------------------|----------|
| 10. Registration Form Filed     | 25533(a) |
| 11. Form Complete               | 25533(b) |
| 12. RMPP Contents               | 25534(c) |
| 13. Implement Sch. Req'd? (Y/N) |          |
| 14. OffSite Conseq. Assess.     | 25524(c) |
| 15. Probable Risk Assessment    | 25534(d) |
| 16. Persons Responsible         | 25534(g) |
| 17. Certification               | 25534(f) |
| 18. Exemption Request? (Y/N)    | 25536(b) |
| 19. Trade Secret Requested?     | 25538    |

III. UNDERGROUND TANKS (Title 23)

- |                            |             |  |
|----------------------------|-------------|--|
| General                    |             |  |
| 1. Permit Application      | 25284 (H&S) |  |
| 2. Pipeline Leak Detection | 25292 (H&S) |  |
| 3. Records Maintenance     | 2712        |  |
| 4. Release Report          | 2651        |  |
| 5. Closure Plans           | 2670        |  |

- |                               |  |  |
|-------------------------------|--|--|
| Monitoring for Existing Tanks |  |  |
| 6. Method                     |  |  |
| 1) Monthly Test               |  |  |
| 2) Daily Vadose               |  |  |
| Semi-annual groundwater       |  |  |
| One time soils                |  |  |
| 3) Daily Vadose               |  |  |
| One time soils                |  |  |
| Annual tank test              |  |  |
| 4) Monthly Groundwater        |  |  |
| One time soils                |  |  |
| 5) Daily Inventory            |  |  |
| Annual tank testing           |  |  |
| Cont pipe leak det            |  |  |
| Vadose/groundwater mon.       |  |  |
| 6) Daily Inventory            |  |  |
| Annual tank testing           |  |  |
| Cont pipe leak det            |  |  |
| 7) Weekly Tank Gauge          |  |  |
| Annual tank testing           |  |  |
| 8) Annual Tank Testing        |  |  |
| Daily Inventory               |  |  |
| 9) Other                      |  |  |

- |                    |      |
|--------------------|------|
| 7. Precs Tank Test | 2643 |
| Date:              |      |
| 8. Inventory Rec.  | 2644 |
| 9. Soil Testing    | 2646 |
| 10. Ground Water   | 2647 |

- |                    |      |  |
|--------------------|------|--|
| New Tanks          |      |  |
| 11. Monitor Plan   | 2632 |  |
| 12. Access, Secure | 2634 |  |
| 13. Plans Submit   | 2711 |  |
| Date:              |      |  |
| 14. As Built       | 2635 |  |
| Date:              |      |  |

Rev 6/88

Site ID # \_\_\_\_\_ Site Name SP Transportation Co Today's Date 8/3/94

Site Address 1450 Sherwin Avenue

City Emeryville Zip 94608 Phone \_\_\_\_\_

MAX AMT stored > 500 lbs, 55 gal., 200 cft.?

Inspection Categories:

- ☐ I. Haz. Mat/Waste GENERATOR/TRANSPORTER  
☒ II. Business Plans, Acute Hazardous Materials  
☒ III. Underground Tanks

\* Calif. Administration Code (CAC) or the Health & Safety Code (HS&C)

Comments:

On Site - 4 USTs removed. contained  
what appeared to be bunker oil,  
all 4 tanks were riveted together, all  
steel, approx 6500 gal.

George Warner - Emeryville Fire Dept. on site

Randy Smith - SP Transportation

Steve Tomlin - IC

H&H = tanks' handler

Manifest # 93620550, # 93620551,  
# 93620552, # 93620553

all tanks LEL = 0 & O<sub>2</sub> = 0.9%

Groundwater present - tanks sitting in  
groundwater

Product stored in the former tanks appeared  
to be like tar, black, very viscous.

Contact: RANDALL T SMITH Eastwood Truckee

Title: SR ENV PROJ MGR

Signature: Randy T. Smith

Inspector:

Signature:

Susan L. Hugo

II, III

white -env.health  
yellow -facility  
pink -files

# ALAMEDA COUNTY, DEPARTMENT OF ENVIRONMENTAL HEALTH

80 Swan Way, #200  
Oakland, CA 94621  
(415) 271-4320

## Hazardous Materials Inspection Form

II, III

### II.A BUSINESS PLANS (Title 19)

- 1. Immediate Reporting 2703
- 2. Bus. Plan Stds. 25503(b)
- 3. RR Cars > 30 days 25503.7
- 4. Inventory Information 25504(a)
- 5. Inventory Complete 2730
- 6. Emergency Response 25504(b)
- 7. Training 25504(c)
- 8. Deficiency 25505(a)
- 9. Modification 25505(b)

### II.B ACUTELY HAZ. MAT'L

- 10. Registration Form Filed 25533(a)
- 11. Form Complete 25533(b)
- 12. RMPP Contents 25534(c)
- 13. Implement Sch. Req'd? (Y/N)
- 14. OffSite Conseq. Assess. 25524(c)
- 15. Probable Risk Assessment 25534(d)
- 16. Persons Responsible 25534(g)
- 17. Certification 25534(f)
- 18. Exemption Request? (Y/N) 25536(b)
- 19. Trade Secret Requested? 25538

### III. UNDERGROUND TANKS (Title 23)

- General
- 1. Permit Application 25284 (H&S)
- 2. Pipeline Leak Detection 25292 (H&S)
- 3. Records Maintenance 2712
- 4. Release Report 2651
- 5. Closure Plans 2670

- 6. Method
- 1) Monthly Test
- 2) Daily Vadose
- Semi-annual groundwater
- One time soils
- 3) Daily Vadose
- One time soils
- Annual tank test
- 4) Monthly Gndwater
- One time soils
- 5) Daily Inventory
- Annual tank testing
- Cont pipe leak det
- Vadose/gndwater mon.
- 6) Daily Inventory
- Annual tank testing
- Cont pipe leak det
- 7) Weekly Tank Gauge
- Annual tank test
- 8) Annual Tank Testing
- Daily Inventory
- 9) Other

- 7. Precs Tank Test 2643
- Date: \_\_\_\_\_
- 8. Inventory Rec. 2644
- 9. Soil Testing. 2646
- 10. Ground Water. 2647

- New Tanks
- 11. Monitor Plan 2632
- 12. Access. Secure 2634
- 13. Plans Submit 2711
- Date: \_\_\_\_\_
- 14. As Built 2635
- Date: \_\_\_\_\_

Site ID # \_\_\_\_\_ Site Name SP Transportation Today's Date 8/3/94

Site Address 1430 Sherwin Ave.

City Emeryville Zip 94608 Phone \_\_\_\_\_

MAX AMT stored > 500 lbs, 55 gal., 200 cft.?

#### Inspection Categories:

- ☐ I. Haz. Mat/Waste GENERATOR/TRANSPORTER
- ☐ II. Business Plans, Acute Hazardous Materials
- ☒ III. Underground Tanks

Page 2

Calif. Administration Code (CAC) or the Health & Safety Code (HS&C)

#### Comments:

Some free product ~~XXXXX~~ present in the groundwater - must be removed. The sidewalk next to the fence had a piping w/ maybe associated with the sprinkler system, additionally the shoring wall built by Sherwin Williams is next to this sidewalk of the excavation pit/appr 10 ft. Stockpiled soil must be characterized & disposed properly. All <sup>piping</sup> associated with the tanks must be removed & disposed properly. At vertical wood piles in the excavation pit (probably used to secure the former tanks). Total of 8 soil samples collected & one water sample. Samples must be analyzed for TPH, diesel, BTEX, oil & grease. Additional analyses (contaminants found at Sherwin Williams) will be tested. Excavation pit must be secured.

Rev 6/88

Contact: RANDALL T SMITH

Title: SR ENV PROJ MGR

Signature: Randy T Smith

Inspector: \_\_\_\_\_

Signature: Sherwin Williams

II, III

ALAMEDA COUNTY  
HEALTH CARE SERVICES  
AGENCY

DAVID J. KEARS, Agency Director



RAFAT A. SHAHID, ASST. AGENCY DIRECTOR

DEPARTMENT OF ENVIRONMENTAL HEALTH  
State Water Resources Control Board  
Division of Clean Water Programs  
UST Local Oversight Program  
80 Swan Way, Rm 200  
Oakland, CA 94621  
(510) 271-4530

August 1, 1994

Mr. Steve Towle  
Industrial Compliance  
9719 Lincoln Village Dr. Suite 310  
Sacramento, California 95827

RE: Underground Storage Tanks Removal at - 1450 Sherwin Avenue  
Emeryville, California 94608

Dear Mr. Towle:

As we have discussed during our telephone conversation today, an additional deposit of \$ 1011.00 must be submitted to this office for the three additional underground storage tanks uncovered at the referenced site. The initial deposit of \$483.00 for one underground storage tank was submitted in July 7, 1994. Please make the check payable to Environmental Health Services.

The four underground storage tanks have been scheduled for removal this coming Wednesday, August 3, 1994. I will be at the site at around 10:30 A.M.

Please contact me at (510) 567-6700 regarding any questions you may have concerning this letter.

Sincerely,

Susan L. Hugo  
Senior Hazardous Materials Specialist

cc: Edgar B. Howell, Chief, Hazardous Materials Division - file  
Randy Smith, Southern Pacific Transportation Company,  
One Market Plaza, San Francisco, CA 94105  
Larry Mencin, Sherwin Williams Company,  
101 Prospect Ave., Cleveland, Ohio 44115  
Sum Arigala, San Francisco Bay RWQCB



ALCO  
HAZMAT

The Sherwin-Williams Company  
101 Prospect Avenue, N.W.  
Cleveland, Ohio 44115-1075

94 MAY 27 PM 2: 21

May 25, 1994

Alameda County Health Services  
Dept. of Environmental Health  
UST Local Oversight Program  
80 Swan Way, Rm.200  
Oakland, California 94621

ATTN: SUSAN HUGO

RE: UST At Property Boundary of Sherwin-Williams Co. (1450 Sherwin Ave.) and  
Southern Pacific Transportation Company Right-of-Way, Emeryville,  
California

Dear Ms. Hugo:

This letter is in response to your correspondence dated May 12, 1994, (received by Sherwin-Williams on May 20) regarding the Underground Storage Tank (UST) referenced above. The actual owner/operator of the tank - Southern Pacific Transportation Co.- has accepted the responsibility for removal of the tank. I understand that Southern Pacific is currently preparing a work plan for addressing the tank removal.

Since a portion of this tank is on the Sherwin-Williams property, Sherwin-Williams has agreed to provide access to Southern Pacific to conduct the work, pending approval of a work plan.

In conversations with Southern Pacific during the week of May 9, 1994, Southern Pacific indicated to Sherwin-Williams that they are proceeding to contract a company to perform the work. We understand that the work will be initiated sometime in June.

As per your request that Sherwin-Williams keeps you apprised of the status of our ongoing investigation and remediation of the above referenced site. Sherwin-Williams is currently working with the RWQCB on activities relating to remediation of soil and ground water at 1450 Sherwin Ave. Additionally the RWQCB has requested in a September 22, 1993 letter that Sherwin-Williams investigate the adjacent property at 4525-4563 Horton Street (the Rifken Property). I believe you have the reports and data generated from these investigations. We will keep your office informed of ongoing activities relating to these projects.

Sherwin-Williams understands that the Southern Pacific Transportation Co. will be contacting you regarding these plans. If you have any questions or require any additional information from Sherwin-Williams, please feel free to contact me at (216) 566-1768.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Larry R. Mencin', written over the word 'Sincerely,'.

Larry R. Mencin  
Environmental Project Manager

cc: Sum Arigala, RWQCB  
Gil Jensen, Alameda County District Attorney's Office  
Randy Smith, SPTC



**ALAMEDA COUNTY  
HEALTH CARE SERVICES  
AGENCY**

DAVID J. KEARS, Agency Director



RAFAT A. SHAHID, ASST. AGENCY DIRECTOR

DEPARTMENT OF ENVIRONMENTAL HEALTH  
State Water Resources Control Board  
Division of Clean Water Programs  
UST Local Oversight Program  
80 Swan Way, Rm 200  
Oakland, CA 94621  
(510) 271-4530

Certified Mail #

May 12, 1994

Mr. Larry Mencin  
Sherwin-Williams Company  
101 Prospect Avenue  
Cleveland, Ohio 44115

Mr. Randy Smith  
Southern Pacific Railway Corp.  
Corporate Environmental Division  
One Market Plaza  
San Francisco, California 94105

**RE: Underground Storage Tank at the Property Boundary of Sherwin-Williams Company ( 1450 Sherwin Ave., Emeryville, CA 94608 ) and Southern Pacific Property**

Dear Sirs:

On January 27, 1994, an inspection was conducted by this office to investigate a report of an underground storage tank uncovered during grading work at the referenced site. During this inspection, Mr. Bob Stemm, ( Plant Engineer of the facility) showed the location of the abandoned underground storage tank. The tank appeared to be full of unknown material which looked like coal tar. According to Mr. Stemm, the tank's capacity is approximately 6,000 gallons (28 feet long and 6 feet wide) and maybe equipped with an inside ladder. The tank's location appeared to be in the property boundary of Sherwin-Williams and Southern Pacific Railway ( near the rail tracks ). An Underground Storage Tank Closure Plan form was given to Mr. Stemm to initiate the closure of the abandoned tank within 60 days.

To date, no correspondence has been received by this office regarding the closure of the abandoned tank. This tank is subject to permanent closure requirements as stated in Title 23 of the California Code of Regulations Section 2670 (c). The tank will not be used, or is not intended for use to store hazardous substances within the next twelve consecutive must be removed. The tank must be properly closed as required by Section 25298, Chapter 6.7 of the California Health and Safety Code.

Any detection of unauthorized release from the abandoned tank must comply with the reporting requirements of Title 23, Section 2650.

Mr. Mencin / Mr. Smith  
RE: 1450 Sherwin Avenue, Emeryville, CA 94608  
May 12, 1994  
Page 2 of 2

**You are directed to properly close the tank.** Enclosed is a copy of the department's underground storage tank removal process and a blank copy of the "Underground Tank Closure Plan". Failure to comply will result in your case being referred to appropriate agencies for enforcement actions.

Additionally, it has come to my attention that there is an on-going investigation and clean-up at the referenced site. Please keep me apprised of the status of this investigation and clean-up.

Your response to the issues mentioned in this letter must be submitted to this office **no later than May 27, 1994.**

Please contact me at (510) 271-4530 if you have any questions concerning this letter.

Sincerely,

*Susan L. Hugo*

Susan L. Hugo  
Senior Hazardous Materials Specialist

Enclosures

cc: Rafat A. Shahid, Asst. Agency Director, Environmental Health  
Sum Arigala, San Francisco Bay RWQCB  
Gil Jensen, Alameda County District Attorney's Office  
Edgar B. Howell, Chief, Hazardous Materials Division - file

# ALAMEDA COUNTY, DEPARTMENT OF ENVIRONMENTAL HEALTH

80 Swan Way, #200  
Oakland, CA 94621  
(415) 271-4320

## Hazardous Materials Division Inspection Form

Site ID# \_\_\_\_\_ Site Name Sherwin-Williams Today's Date 1/27/94  
Site Address 1450 Sherwin Avenue EPA ID# \_\_\_\_\_  
City Emeryville Zip 94608 Phone \_\_\_\_\_

MAX Amt. Stored > 500lbs/55g/200cf? Y N  
Hazardous Waste generated per month? \_\_\_\_\_

### Inspection Categories:

- ☐ I. Haz. Mat/Waste GENERATOR/TRANSPORTER
- ☐ II. Business Plans, Acute Hazardous Materials
- ☐ III. Underground Tanks

The marked items represent violations of the Calif. Administration Code (CAC) or the Health & Safety Code (HS&C)

### I.A. GENERATOR (Title 22)

Manifest	1. Waste ID	66471
	2. EPA ID	66472
	3. > 90 days	66508
	4. Label dates	66508
	5. Biennial	66493
	6. Records	66492
	7. Correct	66484
	8. Copy sent	66492
	9. Exception	66484
	10. Copies Rec'd	66492
Misc.	11. Treatment	66371
	12. On-site Disp. (H.S.&C.)	26189.5
	13. Ex Haz. Waste	66570
Prevention	14. Communications	67121
	15. Aisle Space	67124
	16. Local Authority	67126
	17. Maintenance	67120
	18. Training	67105
Confin. gency	19. Prepared	67140
	20. Name List	67141
	21. Copies	67141
	22. Emg. Coord. Tmg.	67144
Containers, Tanks	23. Condition	67241
	24. Compatibility	67242
	25. Maintenance	67243
	26. Inspection	67244
	27. Buffer Zone	67246
	28. Tank Inspection	67259
	29. Containment	67245
	30. Safe Storage	67261
	31. Freeboard	67257

### Comments:

1 HR  
On-site inspection re: The  
UST found at the site during  
construction:

The UST is located at the  
property boundary of Sherwin Williams  
& SP Railroad property (near the  
tracks)

met Bob Stemm - Plant Engineer  
st. appeared that the tank is full  
and stored coal tar.  
Tank approx. 6000 gal. & may have  
squipped w/ ladder, 28 ft long, 6 ft wide.

The soil around the tank may be  
contaminated.

Backfilled the pit w/ clean fill  
Mr. Stemm suspects that this UST  
maybe railroad container. Gave him  
a blank copy of UST Closure Plan -

60 days to either remove or permit.  
Pit of tank is leaking, must be  
removed ASAP.

### I.B. TRANSPORTER (Title 22)

Manifest	32. Applic./Insurance	66428
	33. Comp. Cert./CHP insp.	66448
	34. Containers	66465
	35. Vehicles	66465
	36. EPA ID #s	66531
	37. Correct	66541
	38. HW Delivery	66543
	39. Records	66544
Confin. gency	40. Name/ Covers	66545
	41. Recyclables	66800

Rev 6/88

Contact: \_\_\_\_\_  
Title: \_\_\_\_\_  
Signature: \_\_\_\_\_

Inspector: \_\_\_\_\_  
Signature: Steven J. Hays

## CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD

SAN FRANCISCO BAY REGION

2101 WEBSTER STREET, SUITE 500

OAKLAND, CA 94612

(415) 464-1255



92 JUN -3 AM 12:26

May 29, 1992  
File 2223.09(LF)

Mr. John DeReamer  
Senior Project Hydrogeologist  
Levine Fricke  
1900 Powell Street, 12th Floor  
Emeryville, CA 94608

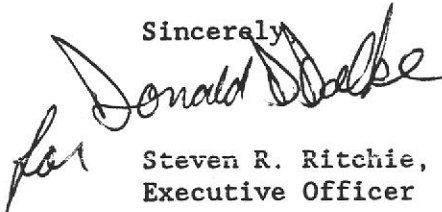
SUBJECT: Sherwin-Williams Facility, Emeryville  
Self-Monitoring Plan

Dear Mr. DeReamer:

Staff of the Regional Board have reviewed the proposed self-monitoring plan for the subject facility dated May 18, 1992. This plan will be utilized to assess the effectiveness of the interim remedial measures planned for implementation at the Sherwin-Williams site. As requested by my staff two additional monitoring wells will be installed to better assess the possible groundwater pollution in the area northeast of the site. My understanding is that we will be receiving monitoring reports every six months.

The proposed plan is acceptable to the Regional Board staff at this time. Please contact Lester Feldman of my staff at (510) 464-1332 on any related site issue.

Sincerely,

*for*   
Steven R. Ritchie,  
Executive Officer

cc: Ed Howell, Alameda County Health Department  
Barbara Cook, Department of Toxic Substances Control  
Dave Gustafson, Sherwin-Williams



*file generator*

CONSUME

The Sherwin-Williams Company  
1450 Sherwin Avenue  
Emeryville, California 94608  
Phone (415) 652-2700

*1450 Sherwin Ave  
EMERYVILLE 94608*

February 21, 1992

Division of Hazardous Materials  
Department of Environmental Health  
80 Swan Way, Room 200  
Oakland, CA 94621-4320

Dear Mr. *Seto, Brian*

Here is a copy of the manifest that you requested. This is from cleaning out our storm sewer that was contaminated with diesel fuel on November 19, 1991. Sorry it has taken this long to get back to you.

Sincerely,

*Stm*

Steve Thomas  
Quality Assurance Director

921712-2 1712:03

SHER-1

# NON-HAZARDOUS WASTE DATA FORM

TO BE COMPLETED BY GENERATOR

NAME Stearwin Williams 11977 PO Box 423  
 ADDRESS 1450 Stearwin Ave EPA ID NO CAD003A3H60  
 CITY, STATE, ZIP EMERYVILLE, OH PHONE NO 514420-72  
 CONTAINERS: No 1 VOLUME 450 GAL WEIGHT \_\_\_\_\_

TYPE: ☒ TANK TRUCK ☐ PUMP TRUCK ☐ DRUMS ☐ CARTONS ☐ OTHER \_\_\_\_\_

WASTE DESCRIPTION WATER CONTAMINATED w/ DIESEL OIL GENERATING PROCESS \_\_\_\_\_  
 COMPONENTS OF WASTE PPM COMPONENTS OF WASTE PPM %

1 WATER \_\_\_\_\_ 99% \_\_\_\_\_  
 2 DIESEL \_\_\_\_\_ 1% \_\_\_\_\_  
 3 \_\_\_\_\_  
 4 \_\_\_\_\_

PROPERTIES: ☐ SOLID ☒ LIQUID ☐ SLUDGE ☐ SLURRY ☐ OTHER \_\_\_\_\_

HANDLING INSTRUCTIONS \_\_\_\_\_

THE GENERATOR CERTIFIES THAT  
THE WASTE AS DESCRIBED IS 100%  
NON-HAZARDOUS

Steve Thomas 11-21-91  
 TYPED OR PRINTED FULL NAME & SIGNATURE DATE

TRANSPORTER

NAME Laidlaw Environmental Services EPA ID NO CAD0000P13114  
 ADDRESS 4501 Packard Blvd SERVICE ORDER NO 40350  
 CITY, STATE, ZIP MARTINEZ, OH PICK UP DATE 11-21-91  
 PHONE NO 415-372-4800 Jimmy W. Freeman  
 TRUCK UNIT ID NO 15016 Jimmy W. Freeman 11-21-91  
 TYPED OR PRINTED FULL NAME & SIGNATURE DATE

TSD FACILITY

NAME Gibson Pilot EPA ID NO CAD04246070  
 ADDRESS 475 SEAFOOT BLVD DISPOSAL METHOD ☐ LANDFILL ☒ OTHER RECYCLE  
 CITY, STATE, ZIP Redwood City, CA  
 PHONE NO 415-768-5511 Bill Dean Bill Dean 11/22/91  
12810 TYPED OR PRINTED FULL NAME & SIGNATURE DATE

GEN	OLD/NEW	L	A	TONS
TRANS		S	B	
SPD		RTSD		HWDF NONE

DISCREPANCY

450.00  
G0R52428



FILE OR

ENVELOPE

No. of

PLAN REVIEW

By

Date

By

Date

By

Date

\$ Rec'd.

No. Plans Rec'd.

Plans Approved

Layout Made

Rejected

Applicant Notified

Plans Returned

Permit Issued

CONSTRUCTION PROGRESS ACCEPTANCE

Pre-Plaster/drywall

Pre-Final

Final

Pre-Concrete/Gunite

Pre-Plaster

Final

Septic Tank

Absorption Field

Absorption Bed

House Sewer

Septic Tank

Absorption Field

Absorption Bed

Pre-Covering

☐ Contractor

Address

Phone

☐ OTHER (Specify)

Address

Phone

☒ CONTACT FOR INVESTIGATION

XR

REMARKS

LOCATION

REMARKS

Date

By

Date

By

Vicinity Map

725651  
\$483.00  
7.7.94

1450 Sherwin Ave  
Emeryville, CA 94608  
#B  
SOUTHERN PACIFIC TRANS. CO.  
5016  
Std ID

