



California Regional Water Quality Control Board San Francisco Bay Region

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Gray Davis
Governor

Winston H. Hickox
Secretary for
Environmental
Protection

Internet Address: <http://www.swrcb.ca.gov/rwqcb2>
1515 Clay Street, Suite 1400, Oakland, California 94612
Phone (510) 622-2300 • FAX (510) 622-2460

TO: Interested Parties

File No. 2020052 (SIM)

FROM:

Stephen Morse
Assistant Executive Officer
**SAN FRANCISCO BAY REGIONAL
WATER QUALITY CONTROL BOARD**

AUG 12 2002

DATE: August 7, 2002

SUBJECT: Public Hearing on Adoption of the Tentative Resolution (and Attachments)
Authorizing the Executive Officer to Sign a Mutual Release and Covenant Not to
Sue for the Former Ryerson-Tull Site,
1465 65th Street, Emeryville, Alameda County

Your comments and/or recommendations are requested on the Tentative Resolution and Attachments (attached). If you wish to make comments and/or recommendations on the Tentative Resolution (and attachments), please present them to me (attention: Steve Morse) **not later than close of business Thursday August 15th**. Early comments and/or recommendations are appreciated. **Mail, messenger, fax (510-622-2460) or e-mail (sim@rb2.swrcb.ca.gov) will all be accepted.**

This item is currently on the August 21st Board meeting agenda as an uncontested item.

Meeting Start Time: 1:30 p.m.

Location: Embassy Suites Hotel, 1075 California Blvd., Napa, CA

If comments or recommendations on the item cannot be resolved by Monday noon August 19th, the item will be carried over to the September 18th Board meeting. I am available to meet, discuss and reconcile your comments to the extent possible (telephone 510-622-2393). I can also arrange a meeting with the responsible attorney if necessary.

Attachment:

- Interested Persons Mailing List
- Tentative Resolution w/ Attachments 1, 2, & 3

**Interested Persons List
For Proposed Mutual Release and Covenant Not to Sue
to Opus West Corporation & 65th Street, Inc.
for Ryerson Tull Parcel
1465 65th Street, Emeryville, CA**

Opus West Corporation
(65th Street, Inc.)
6160 Stoneridge Drive
Pleasanton, CA 94588

Jon K. Wactor, Esq.
Wactor & Wick LLP
180 Grand Avenue, Suite 950
Oakland, CA 94612

jonwactor@ww-envlaw.com

Ryerson Tull
Attention: Terry Rogers
1465 65th Street
Emeryville, CA 94608

Ignacio Dayrit, Project Manager
City of Emeryville
1333 Park Avenue
Emeryville, CA 94608

idayrit@ci.emeryville.ca.us

Susan Hugo
Alameda County Health Care Services
1131 Harbor Way Parkway, Suite 250
Alameda, CA 94502

shugo@co.alameda.ca.us

Lynn Nakashima
State of California
DTSC – Site Mit & Brownfields
700 Heinz St, Suite 200
Berkeley, CA 94710

lnakashima@dtsc.ca.gov

Susan Colman
104 San Benito Road
Brisbane, CA 94005-1610

sgcolman@sbcglobal.net

@ RWQCB
Betty Graham
John Wolfenden
Stephen Hill
Stephen Morse

bg@rb2.swrcb.ca.gov
jdw@rb2.swrcb.ca.gov
sah@rb2.swrcb.ca.gov
sim@rb2.swrcb.ca.gov

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION**

RESOLUTION No. 2002-R2-XXXX

AUTHORIZING THE EXECUTIVE OFFICER TO ENTER INTO AN AGREEMENT FOR MUTUAL RELEASE AND COVENANT NOT TO SUE FOR PROPERTY AT THE FORMER RYERSON-TULL STEEL FACILITY, 1465 65TH STREET, IN THE CITY OF EMERYVILLE, ALAMEDA COUNTY

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

1. **Jurisdiction:** The former Ryerson-Tull Steel Facility is located at 1465 65th Street in Emeryville, California, on two parcels (Parcel numbers 049-1503-0001 and 049-1500-005 in the Alameda County Book of Records) comprising approximately 4.5 acres (the Property). The Property is more accurately described in the legal description (Attachment 3). While the Board would normally be the regulatory agency overseeing site cleanup, the City of Emeryville ("City") is acting as the lead agency for this site cleanup under Board oversight. The Board, the California Department of Toxic Substances Control and the City have a Memorandum of Understanding on regulatory oversight of contaminated sites such as the Property within the City. However, actions authorized by this Resolution and attachments are not within the scope of the MOU.
2. **Site Closure Requirements:** The City conditionally approved the Closure Plan (dated March 26th, 2002 and as amended May 6th, 2002 and June 18th, 2002) for the Property on June 20, 2002. Board staff, acting for the Board, concurred with the Closure Plan (with addenda) on June 28, 2002. The Closure Plan (with addenda): (1) names Opus West Corporation (and subsequently 65th Street, Inc., its wholly-owned subsidiary), the prospective purchaser and developer of the Property, as the party responsible for implementation of the Closure Plan; (2) finds that no further environmental investigation, cleanup or monitoring is necessary other than as detailed in the Closure Plan approved by the City and Board staff; (3) requires institutional controls controlling land use and other measures before redevelopment; and (4) requires submittal of a Closure Plan Completion Report detailing the cleanup performed during site demolition and redevelopment.
3. **Remediation Accomplished:** The Property has been owned prior to redevelopment by Joseph T. Ryerson & Son, Inc., a Delaware Corporation. Ryerson-Tull has occupied the Property since 1949 and has used the Property for storage, handling, and wholesale distribution of bulk steel and other metal products. In 1993, one 10,000 gallon underground diesel storage tank, associated piping, and fuel dispensing equipment were removed from the Property. From 1993 through part of 2002, extensive soil and groundwater investigations were conducted on the Property. These investigations demonstrated that soil is contaminated with some low concentration levels of heavy end petroleum hydrocarbons that may not require remediation and that shallow groundwater is contaminated with volatile organic chemicals (VOCs) and petroleum hydrocarbons. The groundwater contamination beneath the site is also part of a region-wide groundwater contamination caused by many historic industrial operations in the general area. Groundwater is not currently being used as a drinking water supply and no such use or need is anticipated for the foreseeable future.
4. **Future Actions:** Prior to building demolition any containers of wastes and or hazardous materials will be collected and properly disposed of off-site. asbestos abatement will occur, and removal of dried oil stains from the floor inside the building will be completed. After demolition of the existing Property improvements the Property will be graded. Any contaminated soil found during the Property demolition, grading or redevelopment at levels exceeding the Regional Board's applicable human health, water quality or ecological risk-based screening levels will be

disposed of off-site at an appropriate disposal facility. (The Closure Plan includes contingency measures in the event that presently unknown contamination is discovered through demolition of existing facilities or Property redevelopment and also specifies sampling requirements to determine whether the soils or groundwater encountered during Property redevelopment are contaminated.) Any contaminated groundwater encountered in excavations for Property improvements will be handled appropriately as specified in the Closure Plan and in accordance with appropriate laws and regulations. Due to the extent of the investigative work completed at the Property to date, the risk modeling based on the Board's soil and water risk-based screening levels that shows that the site conditions will not create an unacceptable risk to human health or the environment after completion of the Closure Plan and construction of new site improvements, and the likely low levels of pollution remaining after redevelopment, the Board does not expect further remediation will be needed.

5. **Site Redevelopment:** 65th Street, Inc., a wholly owned subsidiary of Opus West Corporation ("Opus"), intends to purchase the Property on or about August 30, 2002, perform Property demolition, complete the Closure Plan, and build 5 four-story apartment buildings clustered together with central landscaped courtyards, a swimming pool, and an above-ground multi-story parking garage.
6. **Opus' Request:** Opus and 65th Street, Inc. seeks a commitment from the Board that Opus and 65th Street, Inc., and their members, officers, directors, shareholders, employees, partners, partnerships and partners of such partnerships, representatives, agents, affiliates, tenants, lenders, agents, representatives, and their respective assigns and successors ("Buyer Related Parties") in interest will not be named as dischargers (or responsible parties) in a Board enforcement order with regard to existing known conditions of contamination solely by virtue of being involved in the purchase and redevelopment of the Property. Specifically, Opus and 65th Street, Inc., request that the Board issue a Mutual Release and Covenant Not to Sue ("Mutual Release") to the Buyer Related Parties for the Property. Without this assurance from the Board, Opus states that it will not be able or willing to complete the purchase and redevelopment of the Property.
7. **Deed Restriction:** As a condition of the Mutual Release and as part of the Closure Plan and Property Redevelopment, Opus or 65th Street, Inc. will submit for the Executive Officer's approval and execution a satisfactory deed restriction referred to as a Covenant and Environmental Restriction on Property (CERP). Upon execution by the Board's Executive Officer, Opus or 65th Street, Inc. will record the CERP on the Property. In relevant part, the CERP will restrict the land use to controlled multi-family residential uses (i.e., no single family housing) or industrial, commercial or office uses, notify future owners and occupants of sub-surface contamination, restrict the extraction of groundwater, prohibit its use as a source of drinking water, restrict the excavation of soil, and allow for reasonable access by the Board and/or Ryerson-Tull or its successors and assigns for future investigations, monitoring and any necessary remediation.
8. **Board Authority:** Pursuant to Water Code §13304, the Board can enter into agreements whereby the Board covenants not to name prospective purchasers, tenants, lenders, and related parties in enforcement actions for known conditions of contamination. For instance, the Board may enter into such agreements if it sufficiently in the public interest to warrant expending public resources necessary to reach such an agreement.
9. **Benefits of Redevelopment:** The Property is inactive and is located in an area that is redeveloping from industrial uses to residential, commercial and retail uses. Redevelopment of the Property would have economic and social benefits to the local community and to the public at

San Francisco Bay Regional Water Quality Control Board
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large. The proposed redevelopment will provide approximately 385 new and sorely needed housing units, with increased payroll taxes and income taxes accruing to the State and locality. Anticipated annual real estate taxes are estimated at \$800,000.

10. **CEQA:** The purchase of the Property is not an activity that requires Board approval. Furthermore, neither the Property transaction nor the Board's approval of the Mutual Release is a "project" as defined by Public Resources Code Section 21065 and 14 CCR 15378(a) such that the California Environmental Quality Act (CEQA) applies.
11. **Public Notice:** The Board provided notice of its intention to consider this matter at the August 21, 2002 Board meeting and provided an opportunity for interested persons to comment on the draft resolution and its attachments.
12. **Public Hearing:** The Board, at a public meeting, heard and considered all comments pertaining to this discharge.

NOW, THEREFORE BE IT RESOLVED, that the Board authorizes the Executive Officer to negotiate minor amendments to the draft Mutual Release (Attachment 1), and to sign and execute the final Mutual Release.

I, Loretta K. Barsamian, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of a Resolution adopted by the California Regional Water Quality Control Board, San Francisco Bay Region, on August 21, 2002.

Loretta K. Barsamian
Executive Officer

Attachment 1: Mutual Release & Covenant Not to Sue
Attachment 2: Written Instrument and Transfer Document
Attachment 3 Legal Description of Property

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

**Attachment 1 to Resolution No. 2002-R2-XXXX
Mutual Release and Covenant Not To Sue
Former Ryerson-Tull Steel Facility
1465 65th Street, Emeryville, California**

I. Introduction

This **Mutual Release and Covenant Not to Sue** ("Mutual Release") is provided in response to a request by Opus West Corporation (Opus) and its wholly-owned subsidiary 65th Street, Inc., Minnesota Corporations, and pursuant to San Francisco Bay Regional Water Quality Control Board ("Regional Board") Resolution No. 2002-R2-XXXX ("Resolution") authorizing its Executive Officer to finalize negotiations and sign the Mutual Release concerning the former Ryerson-Tull Steel Facility located at 1465 65th Street, Emeryville, California ("Property").

Opus desires a commitment, to the maximum extent permitted by law, that it, 65th Street, Inc. and other purchasers, tenants, lenders, and any occupants of the Property, as well as all of their directors, officers, shareholders, employees, partners, partnerships, affiliates, members, agents, attorneys, and their respective successors and assigns (individually, "Release Party" and collectively, "Released Parties") will not be subject to liability for, or the subject of any actions, orders, or other requirements related to or arising from the "Known Conditions" (defined below) as of the date of the Closure Plan as approved by the City of Emeryville and concurred with by Regional Board staff including, without limitation, any assessment, monitoring or remediation of the Known Conditions as of the date this Mutual Release is fully executed ("Effective Date").

II. Definitions

For purposes of this Mutual Release, "Known Conditions" or "Known Condition" means all conditions of pollution in, at, under, originating from or migrating onto or off of the Property or any portion thereof, that were known to the Regional Board as of the Effective Date. The phrase "known to the Regional Board" refers to information regarding pollution in, at, under, originating from or migrating onto or off of the Property, or any portion thereof, that was disclosed to the Regional Board or is reasonably discernible from the reports, investigations, workplans, or any other information submitted to the Regional Board prior to the Effective Date. With respect to any claim, cause of action, investigation, or enforcement action asserted or required by the Regional Board, the Released Parties shall bear the burden of proving, to the Regional Board that the condition of pollution at, under, or originating from the Property for which the Regional Board is pursuing a claim, cause of action, investigation or enforcement action is a Known Condition.

III. Findings of Fact

This Mutual Release is based on the following findings by the Regional Board:

1. The Property is within the jurisdiction of the Regional Board due to the Known Conditions. The Regional Board enters into this Agreement pursuant to California Water Code Sections 13000 et seq. The Regional Board may release and covenant not to sue or assert claims for environmental investigation or remediation or other related claims against prospective purchasers, and related parties, of environmentally impacted properties especially where, as here, the agreement is sufficiently in the public interest.

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2. Investigations have shown that the Property is not a significant contributor to the groundwater contamination that exists in this redeveloping former industrial area. Any necessary soil cleanup will be completed as necessary to remove any hotspots encountered to at least Regional Board Risk-Based Screening Levels during demolition and grading activities, pursuant to a Closure Plan approved by the City of Emeryville and concurred with by the Board June 28th, 2002. Separately, the County of Alameda, by letter of June 27, 2002 and also with the concurrence of Board staff, by letter of June 28, 2002 has closed the Fuel Leaking Underground Storage Tank (UST) case (Case No. RO 000054) for the diesel fuel UST formerly located on the Property. No further soil or groundwater cleanup is required or anticipated with respect to the Known Conditions, based on a risk assessment performed using the Board approved soil and groundwater screening levels. Small amounts of residual contamination will continue to exist at the site in soil and groundwater after the demolition and redevelopment is complete; however, the concentrations are low enough to not present an unacceptable risk to human health, with the new improvements acting as a cap to prevent human contact with the remaining contaminants, and the Regional Board's approval of a deed restriction and implementation of institutional controls.
3. No active unknown discharge of pollutants is believed to be currently occurring on the Property.
4. This Mutual Release is effective upon the signature of the Executive Officer.
5. The Released Parties are not responsible parties or affiliated with a responsible party for the known contamination or pollution, and were not prior to August 30, 2002, an owner of the Property. The sole interest of Opus and 65th Street, Inc. in the Property is to purchase and redevelop the Property;
6. 65th Street, Inc. has arranged for the redevelopment of the Property to a productive use that will benefit the public and the community. Benefits include infilling and the use of existing infrastructure, providing housing for about 600 persons, with payroll taxes and income taxes accruing to the State and locality, and anticipated annual real estate taxes estimated at \$800,000.
7. By entering into this Agreement, Opus and 65th Street, Inc. certify that to the best of their knowledge and belief, each has fully and accurately disclosed to the Regional Board any and all information known to its officers, directors, employees, contractors and agents about pollution and/or contamination of the Property.
8. The Property is not the subject of active enforcement actions or agreement(s) with another agency to address the residual pollution at the site.
9. 65th Street, Inc. will pay for all reasonable costs associated with the Regional Board's development and oversight of this Mutual Release pursuant to the California Water Code.
10. This Mutual Release is consistent with the goals and purposes of the Porter-Cologne Act and the federal Clean Water Act.
11. In order to ensure that no activities at the Property, with the exercise of due care, will aggravate, contribute to or create a condition of pollution or nuisance as a result of the Known Conditions, this Mutual Release requires the execution of acceptable deed restrictions by 65th Street, Inc. as more fully set forth below

IV. Agreement

1. In accordance with the Resolution, the Regional Board expressly finds that the Released Parties shall not be liable or otherwise responsible for such Known Conditions and hereby covenants and agrees not to initiate, bring, or support any claim, order, demand, enforcement action or other civil or administrative proceeding against the Released Parties or their respective successors and assigns with respect to such Known Conditions under any local, state or federal statute or the common law, including but not limited to, in their entirety, the United States Code, the various California Codes, or other applicable laws, regulations, ordinances, or civil, judicial or administrative authorities, having application to the handling, release, presence, migration, cleanup, containment or maintenance of the Known Conditions at, on, under or originating from the Property, or any portion thereof. This Mutual Release shall inure to the benefit of, and pass with each and every portion of the Property and shall benefit any respective successors and assignees of the Released Parties, provided such successors and assignees did not cause or contribute to the Known Conditions and provided further each Released Party that is not a signatory to this Mutual Release executes a written instrument in the form of Attachment 2 hereof.
2. This Release shall remain effective notwithstanding the revocation or modification of Board Resolution No. 2002-R2-XXXX, and shall be without prejudice to the ability of the Regional Board to take action against any party other than the Released Parties, relating to the investigation, cleanup, or cost of investigation or cleanup of the Known Conditions. Nothing contained in this Mutual Release is intended to waive, limit, preclude, diminish or hinder any right of Opus, 65th Street, Inc. or the Released Parties now or in the future available in law, equity, or by agreement.
3. Notwithstanding any other provisions of this Mutual Release, the Regional Board reserves the right to assert any claims, enforcement actions or other civil or administrative proceeding against the respective Released Parties arising after the Effective Date which are based on the failure of the respective Released Parties, to the extent they have control over the Property, to (i) exercise due care at the Property with respect to the Known Conditions, (ii) comply with the above-described findings, (iii) comply with any deed restrictions or institutional constraints expressed in the Closure Plan, and (iv) cooperate in providing reasonable access to the Property for remediation and monitoring of the Known Conditions required by the Regional Board. If the Regional Board determines that a Released Party has failed to materially comply with any of these four enumerated requirements, after notice and reasonable opportunity for cure, and the Regional Board elects to proceed against that Released Party, then this Mutual Release shall be suspended as to that Released Party, and the Regional Board and the Released Party shall then have any rights or defenses they would have had as if this Mutual Release and Covenant Not to Sue had not existed. If, following such proceeding, the Regional Board determines such action to be warranted, it may declare this Mutual Release to be null and void, with respect to that specific Released Party.
4. This reservation by the Regional Board shall be separately and distinctly applied with respect to each of the Released Parties, the intent being that failure by a particular Released Party to comply with any applicable requirement shall not render the Regional Board's covenant inapplicable to any other Released Party. Nothing contained in this Mutual Release shall be deemed a waiver of, or a release by, any Released Party of any defense, cross-claim, counter claim, offer or other rights available to such Released Party in response to any claim, order, demand, enforcement action or other civil or administrative proceeding by the Regional Board
5. In partial consideration therefore, the Released parties, on behalf of themselves and their respective successors in interest, hereby release and covenant not to sue the Regional Board, its authorized

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Attachment 1 to Resolution No. 2002-R2-xxxx

officers, employees or representatives, with respect to any and all liability or claims associated with or arising out of the Known Conditions.

6. The Mutual Release shall not prohibit the Regional Board from asserting any claim, enforcement action, or other civil or administrative proceeding related to any condition of pollution at, under, or originating from the Property that are not Known Conditions.
7. 65th Street, Inc. will submit a deed restriction referred to as a Covenant and Environmental Restriction on Property ("CERP") in a form acceptable to the Executive Officer and in accordance with the provisions of Paragraph 10. below. Upon execution by the Regional Board's Executive Officer, 65th Street or its successor will record the CERP on the Property. In relevant part, the CERP will restrict land use, restrict the use of groundwater, notify future owners and occupants of subsurface contamination, and restrict the excavation of soil. This CERP shall be recorded with the Alameda County Recorder's Office within the time period set forth in Paragraph 10 below.
8. Each Released Party not represented as a signatory below shall, as a precondition to receiving the benefits conferred by this Mutual Release, execute a written instrument in the form attached to Resolution No. 2002-R2-XXXX as Attachment 2. Execution and mailing of Attachment 2 to the Regional Board by or on behalf of any corporation, partnership, or other entity, shall be sufficient to confer the benefits of the Mutual Release upon all directors, officers, employees, partners, affiliates, members, agents, respective successors, and assigns of such entity.
9. The Released Parties further agree on behalf of themselves and their successors, to exercise due care at the Property with respect to the Known Conditions, to comply with the above-described CERP, to comply with any risk management plans in the Closure Plan and/or CERP, to comply with all applicable local, state, and federal laws and regulations regarding the Property, and to cooperate in providing reasonable access to the Property for monitoring purposes and operation, maintenance, and repair of monitoring wells, and remediation facilities.
10. This Mutual Release shall be in full force and effect from the Effective Date. The Effective Date shall be when Opus or 65th Street, Inc. records this Mutual Release (in its entirety) and the CERP. Opus or 65th Street, Inc. shall have sixty (60) days from adoption of Resolution No. 2002-R2-XXXX to record the Mutual Release and CERP against the Property, provided that such sixty (60) day period shall be extended by the period of time required by the Board to fully execute the Mutual Release and CERP. A copy of the recorded Mutual Release and CERP shall be provided to the Regional Board within twenty (20) days of the recording. The Regional Board shall provide acknowledgement of receipt of the recordings as required by this paragraph. Notwithstanding anything to the contrary in the foregoing, if Opus or 65th Street Inc. or its successor(s) fails to record the Mutual Release (in its entirety) and CERP within the time frame set forth above, and the Board or Executive Officer in its discretion does not extend the time, this Mutual Release shall automatically terminate.
11. This Mutual Release may be executed in one or more counterparts, each such counterpart being deemed an original but all counterparts constituting a single instrument
12. Each of the undersigned parties hereby certifies, and warrants that he or she is authorized to bind his or her agency or entity to the continuing obligations described herein.

**CALIFORNIA REGIONAL WATER QUALITY BOARD
SAN FRANCISCO BAY REGION**

By: _____
Loretta K. Barsamian, Executive Officer

Date: _____

ATTEST:

65th Street Inc.
a Minnesota Corporation

By _____
Thomas Roberts, President

Date: _____

ATTEST:

OPUS WEST CORPORATION,
a Minnesota Corporation

By _____
Thomas Roberts, President

Date: _____

San Francisco Bay Regional Water Quality Control Board
Attachment 1 to Resolution No. 2002-R2-xxxx

STATE OF _____)
) S.S.
COUNTY OF _____)

On _____, before me, _____, a notary public in and for such County and State, personally appeared _____ and _____, personally known to me or proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument, the person(s) or entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Notary Public

STATE OF _____)
) S.S.
COUNTY OF _____)

On _____, before me, _____, a notary public in and for such County and State, personally appeared _____ and _____, personally known to me or proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument, the person(s) or entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Notary Public

San Francisco Bay Regional Water Quality Control Board
Attachment 1 to Resolution No. 2002-R2-xxxx

STATE OF _____)
) S.S.
COUNTY OF _____)

On _____, before me, _____, a notary public in and for such County and State, personally appeared _____ and _____, personally known to me or proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument, the person(s) or entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Notary Public

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

Attachment 2 to Resolution No. 2002-R2-XXXX

Written Instrument Of Release And Transfer Document

_____ [name of owner, purchaser, lender, lessee, or occupant] (hereinafter "Released Party"), by signing below verifies and warrants as follows:

1. Released Party has read the Mutual Release and Covenant Not to Sue ("Mutual Release") document, ("Mutual Release") and the related Regional Water Quality Control Board (Regional Board) Resolution No. 2002-R2-xxxx recorded in Book _____, Page _____ in Alameda County, California for the "Property", formerly the Ryerson-Tull facilities, located at 1465 65th Street, Emeryville, CA.

2. Released Party understands and agrees that the Mutual Release contains a release by the Regional Water Quality Control Board ("Regional Board") and a covenant not to bring or support any action or order against subsequent purchasers, tenants, lenders, and occupants of all or a portion of the Property (as defined in the Mutual Release), including their directors, officers, shareholders, managers, employees, partners, affiliates, members, contractors, agents, successors, and assigns, related to the Known Conditions (as defined in the Mutual Release), including contamination at, under, or originating from the Property (as defined in the Mutual Release).

3. Released Party understands and agrees that it may enjoy the benefits of the Mutual Release only if it releases and covenants not to sue the Regional Board as set forth in the Mutual Release, and that by executing this Release, Released Party releases and covenants not to sue the Regional Board in accordance with the terms of the Mutual Release.

4. Released Party understands and agrees that its right to rely on the benefits of the Mutual Release is subject to and conditioned on its own, but only its own, acceptance of all of the provisions of the Mutual Release and its compliance with its obligations under the terms of the Mutual Release.

5. Released Party accepts and agrees to abide by all provisions of the Mutual Release.

This Instrument of Release and Transfer Document shall be effective upon execution by the Released Party. Within three days of execution, Released Party agrees to mail a copy of the executed Release to: Executive Officer, Regional Water Quality Control Board, San Francisco Bay Region (address as of August 21, 2002, is 1515 Clay Street, Suite 1400, Oakland, CA 94612).

Authorized Signature (Released Party)

Date

Name Title _____

Company Name Address _____



GOVERNOR'S OFFICE OF EMERGENCY SERVICES
Hazardous Materials Spill Report

DATE: 07/11/2002 TIME: 1516	RECEIVED BY: OES - Joanne Phillips OSPR -	CONTROL#: OES - 02-3774 NRC -
--	--	--

1.a. PERSON NOTIFYING GOVERNOR'S OES:

1. **NAME:** Sandy Vale 2. **AGENCY:** Hayward Fire Dept. 3. **PHONE#:** 510-293-7000 4. **Ext:** 5. **PAG/CELL:**

1.b. PERSON REPORTING SPILL (If different from above):

1. **NAME:** 2. **AGENCY:** 3. **PHONE#:** 4. **Ext:** 5. **PAG/CELL:**

2. SUBSTANCE TYPE:

2. a. SUBSTANCE:	b. QTY: >=<	Amount	Measure	c. TYPE:	d. OTHER:
1. Hydraulic Oil	=	30	Gal(s)	PETROLEUM	
2.	=				
3.	=				

e. **DESCRIPTION:** Released from a waste management truck as they delivered a dumpster. 20 gallons of the release went into the storm drain.

f. **CONTAINED:** Yes g. **WATER INVOLVED:** Yes h. **WATERWAY:** Storm Drain

3. a. **INCIDENT LOCATION:** 22658 7th St.

b. **CITY:** Hayward c. **COUNTY:** Alameda County d. **ZIP:**

4. INCIDENT DESCRIPTION:

a. **DATE:** 07/11/2002 b. **TIME (Military):** 1449 c. **SITE:** Road

d. **INJURIES#:** 0 e. **FATALS #:** 0 f. **EVACS #:** 0 g. **CLEANUP BY:** Responsible Party

5. SUSPECTED RESPONSIBLE PARTY:

a. **NAME:** Dino Fontana b. **AGENCY:** Alameda County Waste Management c. **PHONE#:** d. **EXT.:** 510-613-0282
e. **MAIL ADDRESS:** f. **CITY:** g. **STATE:** CA h. **ZIP:**

6. NOTIFICATION INFORMATION:

a. **ON SCENE:** Fire Dept. b. **OTHER ON SCENE:** c. **OTHER NOTIFIED:**

d. **ADMIN. AGENCY:** Hayward Fire Department

e. **SEC. AGENCY:** Alameda County Environmental Health

F. NOTIFICATION LIST: DOG Unit:

RWQCB Unit: 2

<input checked="" type="checkbox"/> AACUPA	<input checked="" type="checkbox"/> DFG-OSPR	<input type="checkbox"/> EMSA	<input type="checkbox"/> OES PLANS UNIT	<input checked="" type="checkbox"/> RWQCB	<input checked="" type="checkbox"/> USFWS
<input type="checkbox"/> AIR RESOURCES BD	<input type="checkbox"/> DHS-D O	<input type="checkbox"/> FEMA	<input type="checkbox"/> OES REG	<input type="checkbox"/> SFM	<input type="checkbox"/> USDOJ
<input type="checkbox"/> CALTRANS	<input type="checkbox"/> DOG	<input type="checkbox"/> FOOD & AG	<input type="checkbox"/> OSHA	<input checked="" type="checkbox"/> US EPA	<input type="checkbox"/> OTHER
<input type="checkbox"/> CDF	<input checked="" type="checkbox"/> DTSC	<input checked="" type="checkbox"/> LANDS	<input checked="" type="checkbox"/> PARKS & REC	<input type="checkbox"/> USNMS	
<input checked="" type="checkbox"/> COASTAL COM	<input type="checkbox"/> EB PARKS	<input type="checkbox"/> OES HAZMAT UNIT	<input type="checkbox"/> PUC	<input checked="" type="checkbox"/> USCG	



GOVERNOR'S OFFICE OF EMERGENCY SERVICES Hazardous Materials Spill Report

DATE: 07/11/2002 TIME: 1516	RECEIVED BY: OES - Karen Jensen OSPR -	CONTROL#: OES - 02-3775 NRC -
--------------------------------	--	-------------------------------------

1.a. PERSON NOTIFYING GOVERNOR'S OES:

1. NAME: Margarita Khavul 2. AGENCY: PG&E 3. PHONE#: 510-427-2099 4. Ext: 5. PAG/CELL:

1.b. PERSON REPORTING SPILL (If different from above):

1. NAME: 2. AGENCY: 3. PHONE#: 4. Ext: 5. PAG/CELL:

2. SUBSTANCE TYPE:

2. a. SUBSTANCE:	b. QTY: >><<	Amount	Measure	c. TYPE:	d. OTHER:
1. transformer oil	=	10	Gal(s)	PETROLEUM	
2.	=				
3.	=				

e. DESCRIPTION: Less than 57.8 per million. Small valve was leaking over a period of time. All cleaned up now. Stayed on a concrete pad.

f. CONTAINED: Yes g. WATER INVOLVED: No h. WATERWAY:

3. a. INCIDENT LOCATION: 10970 E. 14th Street d. ZIP:

b. CITY: Oakland c. COUNTY: Alameda County

4. INCIDENT DESCRIPTION:

a. DATE: 07/10/2002 b. TIME (Military): 1000 c. SITE: Merchant/Business

d. INJURIES#: 0 e. FATALS #: 0 f. EVACS #: 0 g. CLEANUP BY: Contractor

5. SUSPECTED RESPONSIBLE PARTY:

a. NAME: Margarita Khavul b. AGENCY: PG&E c. PHONE#: 510-427-2099 d. EXT.:

e. MAIL ADDRESS: 4801 Oakport Street f. CITY: Oakland g. STATE: CA h. ZIP: 94601

6. NOTIFICATION INFORMATION:

a. ON SCENE: b. OTHER ON SCENE: c. OTHER NOTIFIED: Alameda Co.

d. ADMIN. AGENCY: City of Oakland Fire Department e. SEC. AGENCY: Alameda County Environmental Health

RWQCB Unit: 2

7. NOTIFICATION LIST: DOG Unit:

<input checked="" type="checkbox"/> AA/C/LPA	<input checked="" type="checkbox"/> DFG-OSPR	<input type="checkbox"/> EMSA	<input type="checkbox"/> OES PLANS UNIT	<input checked="" type="checkbox"/> RWQCB	<input checked="" type="checkbox"/> USFWS
<input type="checkbox"/> AIR RESOURCES BD	<input type="checkbox"/> DHS-D O	<input type="checkbox"/> FEMA	<input type="checkbox"/> OES REC	<input type="checkbox"/> SPM	<input type="checkbox"/> USDOJ
<input type="checkbox"/> CALTRANS	<input type="checkbox"/> DOG	<input type="checkbox"/> FOOD & AG	<input type="checkbox"/> OSHA	<input checked="" type="checkbox"/> US EPA	<input type="checkbox"/> OTHER
<input type="checkbox"/> CDF	<input checked="" type="checkbox"/> DTSC	<input type="checkbox"/> LANDS	<input type="checkbox"/> PARKS & REC	<input type="checkbox"/> LSMMS	
<input type="checkbox"/> COASTAL COM	<input type="checkbox"/> EB PARKS	<input type="checkbox"/> OES HAZMAT UNIT	<input type="checkbox"/> PUC	<input type="checkbox"/> USCG	

JUL 15 2002

MEMORANDUM

Via Facsimile (510) 337-9335 and U.S. Mail

To: Don Hwang
From: Jon K. Wactor
Date: July 9, 2002
Re: Ryerson Tull, Emeryville, CA;

Enclosed please find the following documents from Alameda County:

06/28/02	Concurrence with the City of Emeryville's conditional approval of a Closure Plan for the Ryerson-Tull Property at 1465 65 th Street, Emeryville, Alameda County	CARWQCB, Stephen Hill, Toxic Cleanup Division Chief
06/27/02	Fuel Leak Site Case Closure, Ryerson Steel & Aluminum, 1465-65 th Street, Emeryville, CA 94608 RO0000054	Alameda County, Donna Drogos, LOP Program Mgr.
06/27/02	Remediation Action Completion Certification - Fuel Leak Site Case Closure Summary, Ryerson Steel & Aluminum, 1465-65 th Street, Emeryville, CA 94608	Alameda County, Mee Ling Tung, Director, ACEH
06/24/02	Methane Issues - T&R Opinion Letter re: improbability of methane encounter, letter to OWC	Treadwell & Rollo; Ludlow and Smith
06/20/02	Conditional Approval of Closure Plan for Ryerson-Tull Facility, 1465 65 th Street, Emeryville, CA	Alameda County, Susan Colman with accompanying letter re: same.

Thank you.

Enclosures



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

June 28, 2002
File No. 01S0575 (BG)

JUL 15 2002

City of Emeryville
Attn: Mr. Ignacio Dayrit
1333 Park Avenue
Emeryville, CA 94608

SUBJECT: Concurrence with the City of Emeryville's conditional approval of a Closure Plan for the Ryerson-Tull property at 1465 65th Street, Emeryville, Alameda County

Dear Mr. Dayrit:

This letter responds to your June 20, 2002, request for Regional Board concurrence with the City's conditional approval of a closure plan for the subject property. As explained below, I conditionally concur with your conditional approval of a closure plan for the subject property.

The subject property has been owned and operated since 1949 by Ryerson-Tull, a wholesale distributor of steel and other metal products. Facilities at the site are used for steel distribution, warehousing, and metal cutting (by shearing, sawing, and by flame or oxygen cutting). In 1993, a 10,000 gallon underground diesel tank and associated fueling equipment were removed from the site under regulatory oversight of the Alameda County Department of Environmental Health (ACDEH), Case No. RO54.

Following tank removal, soil and groundwater samples were collected from the excavation and analyzed for total petroleum hydrocarbons as diesel (TPHd), and for benzene, toluene, ethylbenzene and xylene. TPHd was detected at 850 ug/l in groundwater and benzene was detected at 1.3 ug/l in groundwater.

Subsequent investigations in 1995, 2001, and 2002, detected minor concentrations of volatile organic compounds (VOCs) and metals in groundwater. Maximum reported concentrations in groundwater, as parts per billion or ug/l, were:

1,1 DCA	11.0	trans 1,2 DCE	46.0
1,2 DCA	2.0	TCE	57.0
1,1 DCE	1.5	Vinyl Chloride	3.7
cis 1,2 DCE	60.0	Lead	17

These concentrations are below surface water quality objectives for the protection of aquatic life and above maximum contaminate levels for drinking water. (Shallow groundwater in this area is not considered a potential source of drinking water due to its proximity to San Francisco Bay and due to regional groundwater contamination.)

California Environmental Protection Agency

A large warehouse building covers most of the site and limits access for soil and groundwater investigations. A limited investigation of shallow soils underlying the building was conducted in December 2001 and did not detect elevated levels of VOCs or metals.

The Closure Plan recommends:

- A Health and Safety Plan during site demolition and development
- A Construction Risk Management Plan
- Removal of regulated materials in accordance with applicable regulations
- Capping of the site with building slabs, asphalt paved parking lots and clean imported fill
- Installation of a vapor barrier underneath concrete floor slabs
- Dust control and stormwater management in accordance with applicable regulations
- Site closure by ACDEH


I concur with the measures recommended in the Closure Plan. I find that the Closure Plan should be amended to include the following condition:

- Subsequent to demolition of the existing facilities which have made portions of the site inaccessible for investigation, soil and groundwater samples shall be collected as required by the Construction Risk Management plan.

I support the City of Emeryville's request for site closure by ACDEH.

If you have any questions, please contact Betty Graham of my staff at (510) 622-2358 [e-mail bg@rb2.swrcb.ca.gov].

Sincerely,



Stephen A. Hill
Toxics Cleanup Division Chief

For Loretta K. Barsamian
Executive Officer

cc: Mailing List

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

Jon Wactor, Esquire
Wactor & Wick
180 Grand Avenue, Suite 950
Oakland, CA 94612

Donna Drogos
ACDEH
1131 Harbor Bay Parkway, Suite 250
Alameda, CA 94502

Susan Colman
104 San Benito Road
Brisbane, CA 94005

Ryerson-Tull
1465 65th Street
Emeryville, CA 94608

Drogos, Donna, Env. Health

From: Jon Wactor [jonwactor@ww-envlaw.com]
Sent: Thursday, June 20, 2002 3:07 PM
To: Donna Drogos
Subject: FW: Ryerson - Emeryville's Conditional Approval

Fyi

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

From: sgcolman@sbcglobal.net [mailto:sgcolman@sbcglobal.net]
Sent: Thursday, June 20, 2002 8:15 AM
To: Barbara Cook; Stephen Hill
Cc: Betty Graham; Lynn Nakashima; Ignacio Dayrit; Lynn Tracy Nerland; Michael G. Biddle; Charles Bryant; Susan Hugo; Jon Wactor
Subject: Ryerson - Emeryville's Conditional Approval

Attached to this letter is Emeryville's conditional approval of the Closure Plan for the Ryerson site for your review and concurrence. The conditional approval is based on the Closure Plan (March 26, 2002), Closure Plan Addendum (May 6, 2002), and Closure Plan Final Addendum (June 18, 2002) prepared by Treadwell&Rollo, which have been sent to you separately by Ignacio Dayrit. The City requests your concurrence with the City's conditional approval by **Thursday, July 2, 2002**. Please send your concurrence with the approval of the closure plan by U.S. mail, facsimile, or email to Ignacio Dayrit with a copy to me. If you have any questions or comments on the Closure Plan, please contact Ignacio Dayrit at 510-596-4356 or myself at 415-467-2599.

Susan G. Colman
104 San Benito Road
Brisbane, CA 94005-1610
415-467-2599
415-468-1520 (fax)

The materials transmitted by this electronic mail are confidential, are only for the use of the intended recipient, and may also be subject to applicable privileges. Any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify sender. Please also remove this message from your hard drive, diskette, and any other storage device.

June 20, 2002

Stephen Hill
California Regional Water Quality Control Board, San Francisco Region
1515 Clay Street, Suite 1400
Oakland, CA 94612

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

Subject: Ryerson-Tull Facility, 1465 65th Street, Emeryville

As indicated in the March 5, 2002 letter to you from Ignacio Dayrit of the City of Emeryville, attached to this letter is Emeryville's conditional approval of the Closure Plan for the above site for your review and concurrence. The City's conditional approval and recommendation for closure does not pertain to the former underground storage tank, which is under the jurisdiction of Alameda County.

The attached conditional approval summarizes the site background, soil and groundwater investigations, proposed development plan, risk evaluation, and site mitigation measures. The Closure Plan (March 26, 2002), Closure Plan Addendum (May 6, 2002), and Closure Plan Final Addendum (June 18, 2002) prepared by Treadwell&Rollo have been sent to you separately by Ignacio Dayrit. References included in the conditional approval refer to these documents.

The conditional approval is based on the data submitted to date for the subject property and with the provision that all information provided to the City are accurate and representative of site conditions. If additional information or data indicate that the data included herein are not representative of site conditions, additional mitigation measures may be required. This conditional approval applies only to the planned development included herein and not to any other site development.

The City requests your concurrence with the City's conditional approval by **Thursday, July 2, 2002**. Please send your concurrence with the approval of the closure plan by U.S. mail, facsimile, or email to Ignacio Dayrit with a copy to me. If you have any questions or comments on the Closure Plan, please contact Ignacio Dayrit at 510-596-4356 or myself at 415-467-2599.

Sincerely,

Susan G. Colman, for City of Emeryville

cc: Susan Hugo
Alameda County Health Care Services
1131 Harbor Bay Parkway, Suite 250
Alameda, CA 94502

Ignacio Dayrit
1333 Park Avenue
City of Emeryville
Emeryville, CA 94608

Betty Graham
California Regional Water Quality
Control Board, San Francisco Region
1515 Clay Street, Suite 1400
Oakland, CA 94612

Jon Wactor
Luce Forward
121 Spear Street, Suite 200
San Francisco, CA 94105

CONDITIONAL APPROVAL OF CLOSURE PLAN FOR RYERSON-TULL FACILITY, 1465 65TH STREET, EMERYVILLE

BACKGROUND

The approximately 4.5 acre site is located at the southwest corner of 65th and Hollis Streets in Emeryville (Figure 1) and is owned by Joseph T. Ryerson & Son, Inc., which wholesales steel products. The northern part of the site is covered by a steel and concrete warehouse approximately 160,000 square feet in size, and the southern part is covered by an asphalt-paved outdoor storage and parking area (Figure 2). The current site improvements will be demolished to make way for site redevelopment.

Several phases of environmental investigations have been completed at the site by Treadwell&Rollo (T&R), and previously by others. These include investigations in 1993 and 1995 for underground storage tank (UST) closure and monitoring, and in 2001 to assess soil and groundwater quality at suspected on-site contamination source areas and at up and down-groundwater gradient areas of the site. The reports are on file with the City of Emeryville and the County of Alameda.

According to the Closure Plan signed by Jeffrey F. Ludlow, a California registered geologist, the upper 1 to 4 feet of soil consists of clayey silt, silt, and clayey silty sand fill, and the soil from approximately 4 to 13 feet below ground surface (bgs) consists of clayey silt, silty clay and clay with minor amounts of sand (T&R, March 2002). Also based on the Closure plan signed by Jeffrey F. Ludlow, a California registered geologist, groundwater was encountered in wells from approximately 3.25 feet bgs to 5.0 feet bgs and was estimated to flow southwest beneath the site; however, groundwater flow direction beneath the site was calculated by several consultants and found to flow northwest, west-southwest and southwest (T&R, March 2002). Based on these flow directions and the site area topography, the groundwater flow direction may vary season to season but in general flows west towards San Francisco Bay (T&R, March 2002).

SOIL AND GROUNDWATER INVESTIGATIONS

Soil and groundwater investigations to date have shown the presence of elevated concentrations of total petroleum hydrocarbons and volatile organic compounds (VOCs). In 1993, an UST was removed from the site and soil and groundwater samples were collected in the vicinity of the former UST in 1993 and 1995 (T&R, March 2002). In 2001, soil and groundwater investigations were conducted. The 1993 to 2001 investigations are summarized in the Phase II Environmental Assessment (T&R, January 2002) and Closure Plan (T&R, March 2002). Additional groundwater sampling was conducted in April 2002 and is described in the May 6, 2002 letter. Observations regarding the soil and groundwater data collected at the site are presented below based on the Closure Plan and May 6, 2002 letter, which were signed by Jeffrey F. Ludlow, a California Registered Geologist, and Philip G. Smith, a California Registered Environmental Assessor II (the data tables referenced are in the Closure Plan and May 6, 2002 letter).

Soil

- Concentrations of petroleum hydrocarbons as diesel, and benzene, toluene, ethylbenzene, and xylenes (BETX) in soil samples collected in the vicinity of the

former UST in 1993 (see Table 1 in Closure Plan), and in soil samples collected in 1995 (Table 3 in Closure Plan) were below the California Regional Water Quality Control Board, San Francisco Region's (RWQCB's) Risk Based Screening Levels (RBSLs; December 2001) for residential soil where groundwater is not a current or potential source of drinking water. Total xylenes were detected in only two of seven soil samples collected in 2001 throughout the site at concentrations of 8.1 milligrams per kilogram (mg/kg) in sample DP-2-1.5 and at 9.6 mg/kg in sample DP-4-1.5 (Table 3 in Closure Plan), which are above the residential RBSL of 1 mg/kg.

- Most metals concentrations in soil (Table 4 in Closure Plan) were below the residential soil RBSLs, except for cadmium and zinc in one sample, and for arsenic and chromium in four of six and all six samples, respectively. However, the reported arsenic (maximum of 6.8 mg/kg) and chromium (maximum of 45 mg/kg) concentrations are below the background concentrations of 19.1 mg/kg arsenic and 99.6 mg/kg chromium reported for the San Francisco Bay Area by the Lawrence Berkeley National Laboratory (LBNL; 1995)
- Concentrations of chlorinated volatile organic compounds (VOCs) reported in soil samples collected in 1988, 1989, 1995, and 2001 (Table 3 in Closure Plan) were below residential RBSLs, except for tetrachloroethene reported in 1995 in one sample collected at 4.5 feet bgs at 0.81 mg/kg, which is above the RBSL of 0.15 mg/kg for coarse-grained soil but below the RBSL of 0.95 mg/kg for fine-grained soil. As stated above, the soil at 4.5 feet bgs consists of clayey silt, silty clay and clay with minor amounts of sand (T&R, March 2002).

Groundwater

- One of six grab groundwater samples collected in 2001 contained Total Extractable Petroleum Hydrocarbons (TEPH) as diesel above the RBSL of 640 micrograms per liter ($\mu\text{g}/\text{l}$) for groundwater where a drinking water source is not threatened and two of six samples contained TEPH as motor oil above the RBSL of 640 $\mu\text{g}/\text{l}$ (Table 6 in Closure Plan). However, concentrations reported in groundwater samples collected from completed monitoring wells were below the RBSL (Table 2a in Closure Plan).
- BTEX were not detected in grab groundwater samples (Table 6 in Closure Plan) at concentrations above the RBSL for groundwater where a drinking water source is not threatened, except for total xylenes reported in one sample at 17 $\mu\text{g}/\text{l}$, which is above the RBSL of 13 $\mu\text{g}/\text{l}$. However, BTEX concentrations reported in groundwater samples collected from completed monitoring wells were below the RBSL (Table 2a in Closure Plan).
- 1,1-Dichloroethene (1,1-DCE) was reported in two of six grab groundwater samples collected in 2001 (Table 5 in Closure Plan) at concentrations above the RBSL of 9.6 $\mu\text{g}/\text{l}$ for groundwater where a drinking water source is not threatened. However, concentrations reported in groundwater samples collected from completed monitoring wells were below the RBSL (Table 2b in Closure Plan).
- Total VOC concentrations in groundwater were below 500 $\mu\text{g}/\text{l}$ and have remained constant or have decreased since 1995 (Tables 2a, 2b, 5, and 6 in Closure Plan and

Tables 2a and 2b in the May 6, 2002 letter). In addition, VOC concentrations in groundwater are similar to concentrations reported at surrounding sites that have been closed by Alameda County and/or the RWQCB (e.g., Liquid Sugars at 1274 65th Street and 1269 66th Street; former RIX Industries Property at 6460 Hollis Street; Former Capital Refining Company / Lowenberg Property at 65th and Hollis Streets).

PROPOSED SITE DEVELOPMENT PLAN

Opus West Corporation proposes to construct five 4-story apartment buildings clustered together with central landscaped courtyards and a swimming pool on the northern part of the site, and an above ground multi-story parking garage on the southern part of the site (Figure 3 in Closure Plan). For the apartment buildings and garage, spread footing foundation excavations will extend to approximately 3 feet below existing site grade except in the southwest corner of the site where they will extend to approximately 6 feet below existing site grade. Excavations for the swimming pool and elevator pits will extend to approximately 6 to 8 feet below existing site grade. Approximately 70,000 square feet of area between the apartment buildings will be constructed as courtyards. An approximately 20-foot by 20-foot square "tot lot" is planned in the western courtyard area.

The courtyards areas, including the tot lot area, will have the top 2 feet of existing soil replaced with clean fill from an off-site source. A concrete slab will be poured over the imported soil in the tot lot, a rubber mat will be placed on top of the slab, and typical playground bark or finish mats will be placed over the rubber mat. Any sand box or dirt area where digging may occur will be entirely contained within the limits of the tot lot, above the concrete slab and imported clean fill. For geotechnical purposes, select non-expansive fill may be imported and placed beneath portions of the building pads on the eastern side of the site.

In addition, a vapor barrier that conforms to ASTM Standard E-1643 will be installed beneath the apartment buildings. Although a conceptual design is presented in the June 18, 2002 Closure Plan Final Addendum, a design plan for the vapor barrier, including specifications, will be prepared for review and approval by the City or its designee.

RISK EVALUATION

To assess the potential adverse health effects resulting from the constituents of concern in soil and groundwater beneath the site, T&R estimated excess cancer risks and noncarcinogenic hazard quotients for the future site construction workers and occupants. To estimate these risks, they used the RBSL process established by the RWQCB (December 2001). This process was developed to estimate risks based on indoor air quality for a residential exposure scenario, and direct dermal contact and vapor inhalation for the construction worker exposure scenario assuming site-specific data. These data include a fine-grained soil and exposure point or maximum detected concentrations for each constituent detected at the property (Tables 8, 9, 10, and 11 in Closure Plan).

For the future residential exposure scenario, using the above site-specific data on the Tier 1 Lookup Tables of the RBSL process (Table 10 in Closure Plan), the excess cancer risk for future site occupants was calculated to be 8.10×10^{-7} or 8.10 chances in 10 million. The noncancer hazard index was calculated to be 8.18×10^{-4} . These values are both below the

target or regulatory accepted cancer risk of 1×10^{-6} and target hazard index of 1, as recommended by the U.S. Environmental Protection Agency (U.S. EPA) (RWQCB, 2001).

For the future unprotected construction worker exposure scenario, the excess cancer risk was calculated to be 4.20×10^{-6} or 4.20 chances in 1 million. The noncancer hazard index was calculated to be 4.35×10^{-2} . The excess cancer risk for the construction worker was calculated to be greater than the risk of 1×10^{-6} recommended by the U.S. EPA. (RWQCB, 2001). Chromium contributes the greatest risk (3.46×10^{-6}) to the total excess cancer risk because the chromium soil screening level assumes chromium exists as a 1/6 ratio of chromium VI to chromium III. However, the construction worker risk evaluation will be an over-estimate of risk due to the implementation of site-specific health and safety protocols and engineering controls to reduce potential dust emissions and direct worker contact with soil (see next section). These protocols and controls, including worker protective clothing, dust control and personal hygiene control, will reduce construction worker exposures. Chemicals detected in the groundwater were not evaluated in the risk evaluation of the construction worker as the exposure duration would be too short for risk estimation using the RBSL process. As with the soil, site-specific health and safety protocols and engineering controls will be implemented to reduce potential worker contact with groundwater.

SITE MITIGATION MEASURES

Potential risks at the site will be mitigated using the following mechanisms:

- Containers of oils and drums of groundwater and soil stored at the property will be properly disposed. Also, several areas of accumulated dry oil stains (approximately 15,000 square feet) observed on the building concrete floor slab will be separated from the slab prior to slab demolition. The containers and accumulated oil stains will be removed prior to building demolition to prevent these materials from being disposed with the debris resulting from the building demolition. Copies of disposal documentation will be provided to the City.
- A Construction Risk Management Plan (RMP) will be prepared to outline soil and groundwater handling procedures to reduce worker and public exposure to constituents detected at the property during construction. The Construction RMP will be provided to the City for review prior to building demolition and other site work. Opus will reimburse the City for the costs for reviewing the Construction RMP. The Construction RMP will include the items listed in Section 4.2 of the Closure Plan (T&R, March 26, 2002) and additional items included here. It will describe contingency procedures for unexpected hazardous materials found during construction, including notification of the City within 48 hours of discovery and procedures for soil sampling, analysis, and removal, if warranted. The Construction RMP will describe site capping (i.e. building slabs, asphalt paved parking lots, clean imported fill, and concrete slab beneath the tot lot) to isolate the affected soil from the future site occupants. A concrete slab will be poured over the imported soil in the tot lot, a rubber mat will be placed on top of the slab, and typical playground bark or finish mats will be placed over the rubber mat. Any sand box or dirt area where digging may occur will be entirely contained within the limits of the tot lot, above the concrete slab and imported clean fill. For excavated soil not used on site, the plan will include proper soil profiling and disposal procedures. In addition, the

Construction RMP will include dewatering procedures to properly handle and dispose of the groundwater that is encountered in excavations. The groundwater will likely require some degree of pre-treatment prior to disposal into the East Bay Municipal Utility District (MUD) sewer system under a Special Discharge Permit or the storm water system under an existing NPDES permit for the Emeryville area.

- Opus West Corporation has agreed and is required to install a vapor barrier beneath the apartment buildings. Although a conceptual design is presented in the June 18, 2002 Closure Plan Final Addendum, the vapor barrier will conform to ASTM Standard E-1643. The design plan, including specifications, for the vapor barrier will be reviewed and approved by the City or its designee.
- A deed restriction will be recorded that prohibits single-family residential use of the property and includes a Site Operations and Maintenance Hazardous Materials RMP, which will be prepared. The Site Operations and Maintenance Hazardous Materials RMP will include the items listed in Section 4.3 of the Closure Plan (T&R, March 26, 2002) and additional items included here. It will outline inspection requirements for the future owner/operator to ensure that the integrity of long-term site mitigation measures, specifically soil and concrete caps and vapor barrier, will remain effective during the site's use and occupancy period, including inspections at least every two years and after any emergency situation (e.g., seismic activity, fire) and penetration of the cap for utility repair or other purpose. The Site Operations and Maintenance Hazardous Materials RMP will also include disclosure statements for persons who may occupy or purchase the property. The owner and operator will sign and maintain this RMP and will be responsible for informing prospective owners/occupants, and any employee or contractor performing below grade construction, of the environmental conditions, soil management concerns, and health and safety requirements stipulated in this plan. As previously mentioned, the site will be capped with concrete foundations, asphalt parking areas, and 2 feet of existing soil will be replaced with clean soil in courtyard areas, including the tot lot area. The Site Operations and Maintenance Hazardous Materials RMP and deed restriction will be reviewed and approved by the City or its designee. Opus will reimburse the City for the costs for reviewing the Site Operations and Maintenance Hazardous Materials RMP.
- Opus will submit all soil and groundwater data to the City in electronic format, including, geographic position system (GPS) coordinates for groundwater monitoring wells (including closed wells, if any), grab groundwater sampling locations, and soil boring locations; soil and groundwater data in Excel format; and pertinent reports and maps in pdf format. Opus will reimburse the City for costs to incorporate the electronic information into the City's database system (approximately \$500; additional cost will be incurred for non-electronic submissions)

SUMMARY AND RECOMMENDATION

The cumulative risk associated with constituents in soil and groundwater is below the 1×10^{-6} cancer threshold and below the noncancer hazard index of 1. ACM and LBP and containers of hazardous materials will be removed prior to demolition of the building. A vapor barrier will be installed beneath the apartment buildings, and 2 feet of existing soil will be replaced with clean fill in courtyard areas, including the tot lot area. A deed restriction and risk management plans will be prepared to guide construction and long-term maintenance of site controls. The risk management plans and vapor barrier design plan will conform to ASTM Standard E-1643 and will be reviewed and approved by the City or its designee. The City's designee will be on site periodically to observe site and soil conditions during demolition and construction.

Based on the discussion above, the City of Emeryville recommends that the Closure Plan and addenda be approved. This conditional approval is based on the data submitted to date for the subject property and with the provision that all information provided to the City are accurate and representative of site conditions. If this assumption is determined to be erroneous at some point in the future or additional information indicates that the data included herein are not representative of site conditions, the City, RWQCB, DTSC, or other appropriate regulatory agency shall reopen the site for regulatory review and action, including requiring additional mitigation measures, as warranted. This conditional approval applies only to the planned development included herein and not to any other site development. The recommendation for closure does not pertain to the former UST, which is under the jurisdiction of Alameda County.

REFERENCES

California Regional Water Quality Control Board, San Francisco Bay Region. December 2001. Application of Risk-Based Screening Levels and Decision Making to Sites with Impacted Soil and Groundwater. Volume 1: Summary Tier 1 Lookup Tables. Volume 2: Background Documentation for the Development of Tier 1 Soil and Groundwater Screening Levels.

Lawrence Berkeley National Laboratory (LBNL), August 1995, Protocol for Determining Background Concentrations of Metals in Soil at Lawrence Berkeley National Laboratory.

Secor, November 2001, Phase I Environmental Site Assessment, Ryerson-Tull Steel Property, 1465 65th Street, Emeryville, California.

Treadwell&Rollo, January 2002, Phase II Environmental Assessment, Ryerson-Tull Steel Property, 1465 65th Street, Emeryville, California.

Treadwell&Rollo, March 2002, Closure Plan, Ryerson-Tull Steel Property, 1465 65th Street, Emeryville, California.

Treadwell&Rollo, May 6, 2002, Closure Plan Addendum, Ryerson-Tull Steel Property, 1465 65th Street, Emeryville, California.

Treadwell&Rollo, June 18, 2002, Closure Plan – Final Addendum, Ryerson-Tull Steel Property, 1465 65th Street, Emeryville, California

Treadwell & Rollo

24 June 2002
Project 3212.02

Opus West Corporation
c/o Jon K. Wactor, Esq.
Wactor & Wick LLP
180 Grand Avenue, Suite 950
Oakland, California 94612

Subject: Methane Issues
Ryerson-Tull Steel Property
1465 65th Street
Emeryville, California

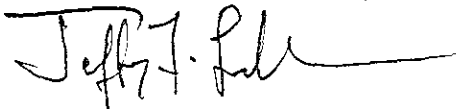
Dear Mr. Wactor:

Per your request, Treadwell & Rollo, Inc. presents this letter regarding potential methane issues at the Ryerson-Tull Steel facility at 1465 65th Street in Emeryville, California ("site"). We understand that Opus West Corporation intends to purchase the site and construct apartment buildings and a parking garage at the site. Previously, SECOR completed a Phase I Environmental Site Assessment (ESA) dated 9 November 2001 and we completed a Phase II ESA, dated 21 January 2002, and a Closure Plan for the site, dated 26 March 2002. In the Phase I ESA, SECOR identified a potential environmental concern related to the generation of methane gas resulting from the anaerobic degradation of organic material below the fill layer beneath the site.

Treadwell & Rollo drilled 16 soil borings to total depths of 5.5 to 13 feet below ground surface (bgs) during the Phase II ESA. Below the fill layer, at approximately 1 to 4 feet bgs, dark grey to greenish brown clay, clayey sand and sandy clay were generally observed to the total depths drilled. Groundwater was encountered at approximately 3 to 5 feet bgs in the site monitoring wells. Based on our extensive experience with similar near bay shore development projects, it is our opinion that the site conditions observed in our Phase II ESA show that the site does not likely contain sufficient organic materials that could generate methane gas in quantities or concentrations that would cause a concern to human health or site development.

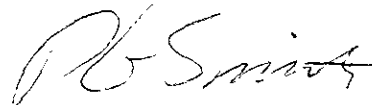
If you have any questions or comments, please call.

Sincerely yours,
TREADWELL & ROLLO, INC.



Jeffrey F. Ludlow, R.G.
Senior Project Manager

32120215 JFL



Philip G. Smith, R.E.A. II
Principal Geologist

cc: Randy Ackerman – Opus West Corporation

Joseph T. Ryerson & Son, Inc.
1465 - 65th Street Emeryville, California 94608
Mail Address: Box 70
Oakland, California 94623

510 653 2933 FAX: 510 428 2985

EMERYVILLE
95 AUG 21 PM 3:58



Ryerson

8/23/95
talked to
Catherine
need to
write up
closure
letter
requirements
letter.95

August 8, 1995

Susan I. Hugo
Senior Hazardous Materials Specialist
UST Local Oversight Program
80 Swan Way Room 200
Oakland, CA 94621

Subject: **Removal Underground Tank - 1465 65th Street, Emeryville, CA**

Dear Ms. Hugo:

Ryerson would like to conclude the environmental site investigation for removal of the above referenced tank. I would like you or someone in your office to call me to set up a meeting in August/September to discuss the procedures to enable us to close the file in 1995. I have been unable to reach your office by phone.

Thank you for your time and consideration, I look forward to hearing from you.

Sincerely,

Catherine A. Gentiluomo

Catherine A. Gentiluomo
Administrative Assistant

cg

cc D. Mammini
A. Pickens
J. Bruno - Sybase

P.S. this letter is for...



Underground Contamination Investigations, Groundwater Consultants, Environmental Engineering

June 22, 1995

Ms. Susan Hugo
Alameda County Environmental Health Department
Hazardous Materials Division
1131 Harbor Bay Parkway, Room 250
Alameda, California 94502

Re: Request for File Review - Ryerson Steel & Aluminum
1465 65th Street, Emeryville, California

Dear Ms. Hugo:

In response to your request, Hageman-Aguiar would like to set-up an appointment to review reports on file with the County regarding any Preliminary Site Assessment and/or Quarterly Groundwater Monitoring episodes performed at the above referenced Ryerson Steel & Aluminum facility. This research is being conducted on behalf of our client, Rix Industries, located at 6460 Hollis Street in Emeryville, California.

Hageman-Aguiar requests that file review be conducted under the supervision of non-technical staff personnel. We understand that a fee of \$16 per hour will be charged by the County for non-technical staff supervision during the review time.

Please contact Gary Aguiar or myself at (510) 284-1661 as soon as possible to set-up this file review appointment.

Thank You!

HAGEMAN-AGUIAR, INC.

Gerard F. Aaron
Gerard F. Aaron

Hageman - Aguiar, Inc.

3732 Mt. Diablo Blvd., Suite 372 Lafayette CA 94549 (510) 284-1661 FAX (510) 284-1664

FAX TRANSMISSION SHEET

ATTN: Susan Hugo

COMPANY: Alameda County ENVIRO. Health

FAX: () 337-9335

FROM: Jenny Carrows

COMMENTS:

This transmittal is page 1 of 2

Joseph T. Ryerson & Son, Inc.
1465 - 65th Street, Emeryville, California 94608
Mail Address: Box 2300
Oakland, California 94623

510 653 2933 FAX: 510 428 2985

ALCO
HAZMAT
SA 10/1-8 11: 7: 19



Ryerson

STIP 799

DM028.94

November 1, 1994

Susan L. Hugo
Senior Hazardous Materials Specialist
UST Local Oversight Program
80 Swan Way - Room 200
Oakland, CA 94621

Dear Ms. Hugo,

I have been unsuccessful in my attempts to contact you at your office using the (510)271-4530 number that appears on your letterhead.

I would like to arrange a meeting that would include Ryerson management to discuss our current situation regarding the investigation/remediation of the former underground storage tank at our facility in Emeryville, California.

Please contact me at your earliest convenience to arrange a meeting time and location.

Sincerely,

Don Mammini
Service Manager

DM:cg

cc: A. Pickens
R. Cowger

Joseph T. Ryerson & Son, Inc.
1465 - 65th Street, Ryerlyville, California 94608
Mail Address: Box 2300
Oakland, California 94623

510 653 2933 FAX: 510 428 2985



DM017.94

July 15, 1994

SUSAN I .HUGO
Senior Hazardous Materials Specialist
UST Local Oversight Program
80 Swan Way Room 200
Oakland, CA 94621

Dear Ms. Hugo:

The purpose of this letter is to communicate our progress concerning your letter of May 26, 1994.

We are currently in the process of interviewing several environmental consulting firms to determine the most prudent and cost-effective approach to address the issues contained in you letter. We should conclude our efforts shortly and communicate our work plan to your office subsequent to our decision.

In the meantime, we will conduct a quarterly groundwater monitoring sample and submit the results to your department. If you should have any questions, please do not hesitate to contact me at your convenience.

Sincerely,

Don Mammini
Service Manager

DM:cg

cc: R. Cowger
A. Pickens

**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

May 26, 1994
STID# 799

Mr. Don Mammini
Ryerson Steel and Aluminum
1465 65th Street
Emeryville, CA 94608

**Subject: Investigation / Remediation Related to the Former
Underground Storage Tank at Ryerson Steel and Aluminum
1465 65th Street, Emeryville, CA 94608**

Dear Mr. Mammini:

This office has completed review of the Phase I Subsurface Investigation Report (September 14, 1993) and the Quarterly Monitoring Report (December 21, 1993) prepared by Hydro Environmental Technologies for the referenced site.

Based on this review, the following issues must be addressed regarding the on going investigation at this site:

- 1) Free floating product has been detected in monitoring well MW-3 which is upgradient of the former tank excavation. The source of this floating free-phase hydrocarbon must be identified.
- 2) All monitoring wells should be continuously sampled every quarter and analyzed for the following target compounds: TPH gasoline, TPH diesel, benzene, toluene, ethyl benzene and xylene. Groundwater elevation readings must be incorporated in the quarterly monitoring program.
- 3) The vertical and lateral extent of soil and groundwater contamination must be delineated. The isoconcentration line of the contaminant plume must be determined.
- 4) The free floating product detected in MW-3 should be characterized. The free product should be analyzed for TPH gasoline, TPH diesel, benzene, toluene, ethyl benzene, xylene and total oil and grease.

Please submit a work plan which addresses all the issues listed above. Your work plan should be submitted to this office **no later than June 30, 1994.**

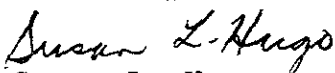
Mr. Don Mammini
RE: 1465 65th Street, Emeryville, CA 94608
May 26, 1994
Page 2 of 2

Until cleanup is complete, you will need to submit reports to this office every three months or at a more frequent interval, if specified at any time. In addition, the following items must be incorporated in your future reports or workplans:

- a cover letter from the responsible party or tank owner stating the accuracy of the report and whether he/she concurs with the conclusions and recommendations in the report or workplan
- site map delineating contamination contours for soil and groundwater based on recent data should be included and the status of the investigation and cleanup must be identified
- proposed continuing or next phase of investigation / cleanup activities must be included to inform this department of the responsible party or tank owner's intention
- any changes in the groundwater flow direction and gradient based on the measured data since the last sampling event must be explained
- historical records of groundwater level in each well must be tabulated to indicate the fluctuation in water levels
- tabulate analytical results from all previous sampling events; provide laboratory reports (including quality control/quality assurance) and chain of custody documentation

Please contact me at (510) 271-4530 if you have any questions concerning this letter.

Sincerely,



Susan L. Hugo
Senior Hazardous Materials Specialist

cc: Rafat A. Shahid, Asst. Agency Director, Environmental Health
Kevin Graves, San Francisco Bay RWQCB
Edgar B. Howell, Chief, Hazardous Materials Division - files
Markus Niebanck, Hydro Environmental Technologies,
2363 Mariner Square Dr., Suite 243, Alameda, CA 94501

UNDERGROUND STORAGE TANK UNAUTHORIZED RELEASE (LEAK) / CONTAMINATION SITE REPORT

EMERGENCY <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		HAS STATE OFFICE OF EMERGENCY SERVICES REPORT BEEN FILED? <input type="checkbox"/> YES <input type="checkbox"/> NO		FOR LOCAL AGENCY USE ONLY. I HEREBY CERTIFY THAT I HAVE DISTRIBUTED THIS INFORMATION ACCORDING TO THE DISTRIBUTION SHOWN ON THE INSTRUCTION SHEET ON THE BACK PAGE OF THIS FORM.		
REPORT DATE 05/10/93		CASE #		SIGNED: <i>Blair P. Olson</i> DATE: 5-17-93		
REPORTED BY	NAME OF INDIVIDUAL FILING REPORT DON MAMMINI		PHONE (570) 653-2933		SIGNATURE <i>DM</i>	
	REPRESENTING <input type="checkbox"/> LOCAL AGENCY <input checked="" type="checkbox"/> OWNER/OPERATOR <input type="checkbox"/> REGIONAL BOARD <input type="checkbox"/> OTHER		COMPANY OR AGENCY NAME JOSEPH T. RYERSON & SONS, INC			
	ADDRESS 1465 STREET 65TH ST CITY EMERYVILLE STATE CA ZIP 94608					
RESPONSIBLE PARTY	NAME DON MAMMINI <input type="checkbox"/> UNKNOWN		CONTACT PERSON DON MAMMINI		PHONE (570) 653-2933	
	ADDRESS 1465 STREET 65TH ST CITY EMERYVILLE STATE CA ZIP 94608					
SITE LOCATION	FACILITY NAME (IF APPLICABLE) ALAMEDA COUNTY STEEL		OPERATOR		PHONE (570) 653-2933	
	ADDRESS 1465 STREET 65TH ST CITY EMERYVILLE COUNTY ALAMEDA ZIP 94608					
	CROSS STREET HOLLIS ST					
IMPLEMENTING AGENCIES	LOCAL AGENCY ALAMEDA COUNTY HEALTH CARE SERVICES		AGENCY NAME		CONTACT PERSON SUSAN HUGO	
	REGIONAL BOARD				PHONE (570) 271-4530	
SUBSTANCES INVOLVED	(1) NAME GROUNDWATER SAMPLE: 850PPB OF TPH DIESEL				QUANTITY LOST (GALLONS) <input type="checkbox"/> UNKNOWN	
	(2) NAME STOCKPILED SOIL: 26 PPM TPH DIESEL, 7 PPB TOLUENE				<input type="checkbox"/> UNKNOWN	
DISCOVERY/ABATEMENT	DATE DISCOVERED 03/25/93		HOW DISCOVERED <input type="checkbox"/> TANK TEST <input checked="" type="checkbox"/> TANK REMOVAL <input type="checkbox"/> INVENTORY CONTROL <input type="checkbox"/> SUBSURFACE MONITORING <input type="checkbox"/> NUISANCE CONDITIONS			
	DATE DISCHARGE BEGAN <input checked="" type="checkbox"/> UNKNOWN		METHOD USED TO STOP DISCHARGE (CHECK ALL THAT APPLY) <input type="checkbox"/> REMOVE CONTENTS <input checked="" type="checkbox"/> CLOSE TANK & REMOVE <input type="checkbox"/> REPAIR PIPING			
	HAS DISCHARGE BEEN STOPPED? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO IF YES, DATE 03/25/93		<input type="checkbox"/> TANK RENEWAL DATE <input type="checkbox"/> REPAIR TANK <input type="checkbox"/> CLOSE TANK & FILL IN PLACE <input type="checkbox"/> CHANGE PROCEDURE <input type="checkbox"/> REPLACE TANK <input type="checkbox"/> OTHER			
SOURCE/CAUSE	SOURCE OF DISCHARGE <input checked="" type="checkbox"/> TANK LEAK <input checked="" type="checkbox"/> UNKNOWN <input type="checkbox"/> PIPING LEAK <input type="checkbox"/> OTHER		CAUSE(S) <input type="checkbox"/> OVERFILL <input type="checkbox"/> RUPTURE/FAILURE <input type="checkbox"/> SPILL <input type="checkbox"/> CORROSION <input checked="" type="checkbox"/> UNKNOWN <input type="checkbox"/> OTHER			
	CHECK ONE ONLY <input type="checkbox"/> UNDETERMINED <input type="checkbox"/> SOIL ONLY <input checked="" type="checkbox"/> GROUNDWATER <input type="checkbox"/> DRINKING WATER - (CHECK ONLY IF WATER WELLS HAVE ACTUALLY BEEN AFFECTED)					
CURRENT STATUS	CHECK ONE ONLY <input type="checkbox"/> NO ACTION TAKEN <input type="checkbox"/> PRELIMINARY SITE ASSESSMENT WORKPLAN SUBMITTED <input checked="" type="checkbox"/> POLLUTION CHARACTERIZATION					
	<input type="checkbox"/> LEAK BEING CONFIRMED <input type="checkbox"/> PRELIMINARY SITE ASSESSMENT UNDERWAY <input type="checkbox"/> POST-CLEANUP MONITORING IN PROGRESS					
REMEDIAL ACTION	<input checked="" type="checkbox"/> REMEDIATION PLAN <input type="checkbox"/> CASE CLOSED (CLEANUP COMPLETED OR UNNECESSARY) <input type="checkbox"/> CLEANUP UNDERWAY					
	CHECK APPROPRIATE ACTION(S) (SEE BACK FOR DETAILS) <input type="checkbox"/> CAP SITE (CS) <input type="checkbox"/> EXCAVATE & DISPOSE (ED) <input type="checkbox"/> REMOVE FREE PRODUCT (FP) <input type="checkbox"/> ENHANCED BIO-DEGRADATION (BT) <input type="checkbox"/> CONTAINMENT BARRIER (CB) <input type="checkbox"/> EXCAVATE & TREAT (ET) <input type="checkbox"/> PUMP & TREAT GROUNDWATER (GT) <input type="checkbox"/> REPLACE SUPPLY (RS) <input type="checkbox"/> VACUUM EXTRACT (VE) <input type="checkbox"/> NO ACTION REQUIRED (NA) <input type="checkbox"/> TREATMENT AT HOOKUP (HJ) <input type="checkbox"/> VENT SOIL (VS) <input type="checkbox"/> OTHER (OT)					
COMMENTS	COMPANY IN PROCESS OF SECURING BIDS TO SATISFY ALL COUNTY REQUIREMENTS					
	REMEDIAL ACTION - WE ARE IN THE PROCESS OF EVALUATING STOCKPILED SOIL AND SECURING BIDS FOR MONITORING WELLS WORK PLAN DUE 6-18-93					

INSTRUCTIONS

EMERGENCY

Indicate whether emergency response personnel and equipment were involved at any time. If so, a Hazardous Material Incident Report should be filed with the State Office of Emergency Services (OES) at 2800 Meadowview Road, Sacramento, CA 95832. Copies of the OES report form may be obtained at your local underground storage tank permitting agency. Indicate whether the OES report has been filed as of the date of this report.

LOCAL AGENCY ONLY

To avoid duplicate notification pursuant to Health and Safety code Section 25180.5, a government employee should sign and date the form in this block. A signature here does not mean that the leak has been determined to pose a significant threat to human health or safety, only that notification procedures have been followed if required.

REPORTED BY

Enter your name, telephone number, and address. Indicate which party you represent and provide company or agency name.

RESPONSIBLE PARTY

Enter name, telephone number, contact person, and address of the party responsible for the leak. The responsible party would normally be the tank owner.

SITE LOCATION

Enter information regarding the tank facility. At a minimum, you must provide the facility name and full address.

IMPLEMENTING AGENCIES

Enter names of the local agency and Regional Water Quality Control Board involved.

SUBSTANCES INVOLVED

Enter the name and quantity lost of the hazardous substance involved. Room is provided for information on two substances if appropriate. If more than two substances leaked, list the two of most concern for cleanup.

DISCOVERY/ABATEMENT

Provide information regarding the discovery and abatement of the leak.

SOURCE/CAUSE

Indicate source(s) of leak. Check box(es) indicating cause of leak.

CASE TYPE

Indicate the case type category for this leak. Check one box only. Case type is based on the most sensitive resource affected. For example, if both soil and ground water have been affected, case type will be "Ground Water". Indicate "Drinking Water" only if one or more municipal or domestic water wells have actually been affected. A "Ground Water" designation does not imply that the affected water cannot be, or is not, used for drinking water, but only that water wells have not yet been affected. It is understood that case type may change upon further investigation.

CURRENT STATUS

Indicate the category which best describes the current status of the case. Check one box only. The response should be relative to the case type. For example, if case type is "Ground Water", then "Current Status" should refer to the status of the ground water investigation or cleanup, as opposed to that of soil. Descriptions of options follow:

No Action Taken - No action has been taken by responsible party beyond initial report of leak.

Leak Being Confirmed - Leak suspected at Preliminary Site Assessment. Workplan Submitted requested of/submitted by responsible party. water has been, or will be, impacted as a Preliminary Site Assessment Underway - Imp Pollution Characterization - responsible party defining the extent of contamination in soil impacts on surface and/or ground water. Remediation Plan - remediation plan submitted. remediation options. Proposal and implemented remediation options also submitted. Cleanup Underway - implementation of remediation. Post Cleanup Monitoring in Progress - per monitoring at site, as necessary, to verify of remedial activities. Case Closed - regional board and local agency further work is necessary at the site.

IMPORTANT: THE INFORMATION PROVIDED ON THIS FORM IS FOR STATISTICAL PURPOSES ONLY AND IS NOT TO BE CONSIDERED AN OFFICIAL POSITION OF ANY GOVERNMENTAL AGENCY.

REMEDIATION ACTION

Indicate which action have been used to clean up. Descriptions of options follow:

Cap Site - install horizontal impermeable barrier to prevent infiltration.

Containment Barrier - install vertical diaphragm wall to contain contaminant.

Excavate and Dispose - remove contaminated soil to off-site.

Excavate and Treat - remove contaminated soil (or land farming).

Remove Free Product - remove floating product from surface. Pump and Treat Groundwater - generally used for dissolved contaminants.

Enhanced Biodegradation - use of any available bacteria to enhance natural decomposition of contaminants.

Replace Supply - provide alternative water supply.

Treatment at Backup - install water treatment system at other place of use.

Vacuum Extract - use pumps or blowers to extract soil.

Vent Soil - bore holes in soil to allow soil to dry.

No Action Required - incident is minor.

COMMENTS - Use this space to elaborate on any other information.

SIGNATURE - Sign the form in the space provided.

DISTRIBUTION

If the form is completed by the tank owner or other responsible party, forward the remaining copies intact to the following:

1. Original - Local Tank Permitting Agency
2. State Water Resources Control Board, Div. of Underground Storage Tank Program, P.O. Box 2120, Sacramento, CA 95832
3. Regional Water Quality Control Board
4. Local Health Officer and County Board of Supervisors to receive Proposition 65 notifications.
5. Owner/responsible party.

Joseph T. Ryerson & Son, Inc.
1465 - 65th Street, Emeryville, California 94608
Mail Address: Box 2
Oakland, California 94623

510 653 2933 FAX: 510 428 2985

STID 799



Ryerson

May 5, 1993

Ms. Susan Hugo
Alameda County Department of Environmental Health
80 Swan Way, Room 200
Oakland, CA 94621

RE: Joseph T. Ryerson & Son, Inc., 65th & Hollis Streets, Emeryville

Dear Ms. Hugo,

10,000

As you may be aware, on March 11, 1993 a 5,000 gallon underground diesel storage tank(UST) was removed at our facility in Emeryville. Mr. Brian Oliva of your office visited the site during the UST removal. Soil samples were taken from sidewalls of the excavation and forwarded to Superior Precision Analytical, Inc. for analysis of fuel hydrocarbon compounds. A grab ground water sample collected from the excavation was also forwarded to Superior.

No detectable concentrations were found to be present in either of the soil samples analyzed. 850 parts per billion (ppb) of Total Petroleum Hydrocarbons as Diesel (TPH-D) were detected in the ground water sample. Ryerson is aware of the site monitoring requirements established in Article 11, Title 23 of the California Code of Regulations. In an effort to comply with these statues, Ryerson proposes to install one monitoring well in the former UST excavation, and collect/analyze ground water samples quarterly for a period of one year. Quarterly reports of analysis will be forwarded to the ACDEH and the Bay Area Regional Water Quality Control Board. A proposal for case closure or other appropriate action will be submitted to the ADCEH following the end of the fourth quarter.

Approximately 25-30 cubic yards of backfill that was removed from above and around the UST is currently stockpiled around the former tank area. The excavation was backfilled to four feet below grade following tank removal in order to prevent the collapse of the sidewalls. Ryerson plans to contract the composite sampling of this stockpile in order to determine if it is free of residual hydrocarbons, and suitable for use as backfill. If no hydrocarbons are

Page Two
Tank Removal
May 5, 1993

detected in the composite samples Ryerson will contract to have the remainder of the excavation backfilled, compacted, and resurfaced.

We will move forward with this project upon receipt of a response to this proposal. Thank you for your assistance with this matter. I look forward to hearing from you soon.

Very truly yours,
JOSEPH T. RYERSON & SON, INC.



Donald P. Mammini
Service Manager

DM:cg

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

May 4, 1993
STID# 799

Mr. Don Mammini
Ryerson Steel & Aluminum
1465 65th Street
Emeryville, California 94608

**RE: Removal of a Diesel Underground Storage Tank at Ryerson
Steel & Aluminum - 1465 65th Street, Emeryville CA 94608**

Dear Mr. Mammini:

The Alameda County Department of Environmental Health, Hazardous Materials Division has reviewed the files concerning the removal of one diesel underground storage tank on March 11, 1993 at the referenced site. We are in receipt of the analytical results of the soil and groundwater samples collected during the tank removal activity as submitted by Semco.

Soil samples collected beneath the tank areas (approximately 8'6" to 9'6" bgs) showed non detectable levels of Total Petroleum Hydrocarbon as diesel, benzene, toluene, ethyl benzene and xylene. Groundwater sample collected from the excavation exhibited 850 ppb of TPH diesel and non detect for benzene, toluene, ethyl benzene and xylene. Stockpiled soil showed 26 ppm TPH diesel, 7 ppb toluene and non detect for benzene, ethyl benzene, and xylene. In addition, free floating product was observed in the groundwater and strong soil staining was visible from the excavation walls at 4 to 5 feet bgs. Because of the degree of contamination found at the site which exceeded regulatory threshold levels, an "Underground Storage Tank Unauthorized Release (Leak)/Contamination Site Report" must be submitted. Enclosed is a blank copy which must be completed and submitted to this office within 5 working days. In addition, further environmental assessment is required to determine the extent of the unauthorized release associated with the former tank at the site.

This office will be the lead agency overseeing the environmental investigation and cleanup activities at the site. The RWQCB has delegated this authority to our office. However, you must keep the Water Board apprised of all actions taken to characterize and remediate contamination at the site, because the Board retains the ultimate responsibility for ensuring protection of the waters of the state.

Mr. Don Mammini
RE: 1465 65th Street, Emeryville, CA 94608
May 4, 1993
Page 2 of 3

A preliminary assessment should be conducted to determine the extent of soil and/or groundwater contamination that has resulted from the former leaking tank. The information gathered by this investigation will be used to assess the need for additional actions at the site. The preliminary assessment should be designed to provide all of the information in the format shown in the attachment at the end of this letter, which is based on the RWQCB's guidelines. You should be prepared to install at a minimum, three monitoring wells to establish gradient direction of the groundwater at the site. One of the wells should be installed within 10 feet downgradient of the former tank location. Monthly water elevation reading for the first six months (reduced to every quarter) is necessary to determine groundwater flow direction and quarterly sampling for target compounds (TPH diesel, benzene, ethyl benzene, toluene & xylene) must occur to determine extent of the groundwater contamination.

Until cleanup is complete, you will need to submit reports to this office and to RWQCB every three months (or at a more frequent interval, if specified at any time by either agency). These reports must include information pertaining to further investigative results; the methods of cleanup actions implemented to date; and the method and disposal of any contaminated material. Copies of manifests for such disposal must be sent to this office. Stockpiled soil from the pit may not be used to backfill these holes without authorization from this office. Only clean fill can be used to backfill the excavation pit. Please provide our office with documentation of the stockpiled soil disposal and the manifest for the underground storage tank disposal.

Your work plan must be submitted to this office no later than **June 18, 1993**. 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. Copies of the reports and proposals must also be submitted to:

Rich Hiett
RWQCB, San Francisco Bay Region
2101 Webster Street, Fourth Floor
Oakland, California 94612

Because we are overseeing this site under the designated authority of the Regional Water Quality Control Board, this letter constitutes a formal requests for technical reports pursuant to California Water Code Section 13267(b). Any extensions of stated deadlines or changes in the workplan must be confirmed in writing and approved by this agency or RWQCB.

Mr. Don Mammini
RE: 1465 65th Street, Emeryville, CA 94608
May 4, 1993
Page 3 of 3

Enclosed is a copy of Appendix A (Workplan for Initial Subsurface Investigation - August 20, 1991) for your reference.

Should you have any questions regarding this letter, please contact me at (510) 271-4530.

Sincerely,



Susan L. Hugo
Senior Hazardous Materials Specialist

Enclosures

cc: Rafat A. Shahid, Asst. Agency Director, Environmental Health
Gil Jensen, Alameda County District Attorney's Office
Rich Hiett, San Francisco Bay RWQCB
Edgar B. Howell, Chief, Hazardous Materials Division / file

RP: DON MAMMINI

STID 799

DATE: 3/29/93

TO : Local Oversight Program

FROM: SUSAN

SUBJ: Transfer of Eligible Local Oversight Case

RYERSON STEEL @ ALUMINUM

Site name: Ryerson Steel

Address: 1465 65th ST city Emeryville zip 94608

TO BE ELLIGIBLE FOR LOP A CASE MUST MEET 3 QUALIFICATIONS:

- 1. Number of Tanks: 1 removed? Y N Date of removal 3-11-93
- 2. Samples received? Y N Contamination level: 850 ppb in Water (ppm and type of test)

Contamination should be over 100 ppm TPH to qualify for LOP

- 3. Petroleum Y N Types: Avgas Jet leaded unleaded Diesel fuel oil waste oil kerosene solvents

DepRef remaining \$ 0 Closed with Candace/Leslie? Y N (If no explain why?)

IF YOUR SITE MEETS ALL OF THE ABOVE QUALIFICATIONS YOU SHOULD DO THE FOLLOWING TO TRANSFER THE SITE:

- 1. YOU MUST CLOSE THE DEPOSIT REFUND CASE AT THIS TIME. YOU MUST ACCOUNT FOR ALL TIME YOU HAVE SPENT ON THE CASE AND TURN IN THE ACCOUNT SHEET TO LESLIE. IF THERE ARE FUNDS STILL REMAINING IT IS STILL BETTER TO TRANSFER THE CASE TO LOP AS THE RATE FOR LOP ALLOWS THE ADDITION OF MANAGEMENT AND CLERICAL TIME. DO NOT ATTEMPT TO CONTINUE TO OVERSEE THE SITE SIMPLY BECAUSE THERE ARE FUNDS REMAINING!
- 2. COMPLETE THE A AND B PERMIT APPLICATION FORMS AND GIVE TO CONNIE/ELAINE
- 3. GIVE THE ENTIRE CASE TO THE PROPER LOP STAFF UPSTAIRS FOR THEM TO DO THE REST OF THE TRANSFER AND YOU ARE DONE!

white -env.health
 yellow -facillity
 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 # _____ Site Name Ryerson Steel Today's Date 3/15/93

Site Address ~~6305 #101~~ 65th ST

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:

Note to file
 On site for observations relative to removal of UST - The pit was contaminated, had floating product. The sides of the excavation had stained soil - any investigation should include the remaining contamination in the pit and any removal of free product in the ground water.
 < several photographs taken >

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. Precis Tank Test Date: 2643
- 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 Date: 2711
 - 14. As Built Date: 2635

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Contact _____

Title _____

Signature _____

Inspector [Signature]

Signature _____

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 Division Inspection Form

Site ID# 799 Site Name Ryerson Steel Today's Date 3/11/93
 Site Address 1465 65th St EPA ID# _____
 City Emeryville Zip 94606 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 removal 92808764

The marked items represent violations of the Calif. Administration Code (CAC) or the Health & Safety Code (HS&C)

- | | |
|-----------------------------------|---------|
| LA GENERATOR (Title 22) | |
| ___ 1. Waste ID | * 66471 |
| ___ 2. EPA ID | 66472 |
| ___ 3. > 90 days | 66508 |
| ___ 4. Label dates | 66508 |
| ___ 5. Biennial | 66493 |
| Manifest | |
| ___ 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 |
| Contingency | |
| ___ 19. Prepared | 67140 |
| ___ 20. Name List | 67141 |
| ___ 21. Copies | 67141 |
| ___ 22. Emg. Coord. Trng. | 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 |
| I.B TRANSPORTER (Title 22) | |
| ___ 32. Applic./Insurance | 66428 |
| ___ 33. Comp. Cert /CHP Ins. | 66448 |
| ___ 34. Containers | 66455 |
| Manifest | |
| ___ 35. Vehicles | 66525 |
| ___ 36. EPA ID #s | 66531 |
| ___ 37. Correct | 66541 |
| ___ 38. HW Delivery | 66545 |
| ___ 39. Records | 66544 |
| Conf's | |
| ___ 40. Name/ Covers | 66545 |
| ___ 41. Recyclables | 66500 |

Comments: Sewer 10 Craker
on site for removal of 10,000 g
UST - LEL @ #7 03 140 of June
of Renal removal approved by Emeryville
Fire Dept. (July), inserted with dry
ice, & readings at ^{the} progression, water
encountered in pit - at 2' 8-9 feet
Tank has no apparent holes - strong odor noted
upon removal of Tank observed stained soil
at 4'-5 feet there is a sheen of oil (Heavy
on the water in the pit - several
photographs taken of pit area.
* Test for BTEX, TPH-D
✓ 2 soil & water a
Required actions - at water/soil interface
(1) Submit unamalgamated release URF
(2) Provide a written report ^{within 3 days}
of material with the Service. When
report is received at the time of pit removal
is made other workers to be out of
area until completion
of the project. Sample papers for
removal of waste.

Rev 6/88
 Contact: _____
 Title: _____
 Signature: _____
 Inspector: _____
 Signature: _____

ALAMEDA COUNTY HAZARDOUS MATERIALS DIVISION
Acknowledgement of Refund Recipient for Site Account
DEPOSITOR FILLS OUT PER SITE
-- REQUIRED --

The depositor will use this form to acknowledge that the property owner or his or her designee will receive any refund due at the completion of all deposit/refund projects at the site listed below.

SITE NUMBER/ADDRESS:

REFUND RECIPIENT-PROPERTY OWNER

Site Number

Ryerson Steel & Aluminum

Company Name

1465 65th Street

Street Address

Emeryville, CA 94608

City

Zip Code

Owner's Name

Owner's Address

Owner's City

State

Zip

I have read the description of the project Deposit/Refund Procedure, and have had an opportunity to ask questions about it. I understand that regardless of who deposits money into the site account, any deposit money remaining at the completion of all projects being conducted at this site will be refunded solely to the property owner or his or her designee.

Chuck Kiper

Signature of Depositor

12/23/92

Date

Chuck Kiper

Depositor Name

SEMCO

Company Name

1471 Leslie Street

Street Address

San Mateo, CA 94402

City / Zip

RETURN FORM TO: Alameda County, Hazardous Materials Div.
80 Swan Way, Rm 200
Oakland, CA 94621-1439
Phone: (510) 271-4320

ALAMEDA COUNTY HAZARDOUS MATERIALS DIVISION
 Declaration of Site Account Refund Recipient
 SITE OWNER FILLS OUT PER SITE
 -- OPTIONAL --

The property owner will use this form to designate someone other than him- or her- self to receive any refund due at the completion of all deposit/refund projects at the site listed below. In the absence of this form, the property owner will receive any refund. Only one person at any one time may be designated to receive any refund.

SITE NUMBER/ADDRESS:

PROPERTY OWNER

Site Number

Ryerson Steel & Aluminum

Company Name

1465 65th Street

Street Address

Emeryville CA 94608

City

Zip Code

Ryerson Steel & Aluminum

Owner's Name

1465 65th Street

Owner's Address

Emeryville, CA 94608

Owner's City

State

Zip

I designate the following person to receive any refund due at the completion of all deposit/refund projects:

SEMCO

Name

1741 Leslie Street

Street Address

San Mateo CA 94402

City / Zip

Joseph T. Ryerson c/o Joseph T. Ryerson 12-22-92
 Property Owner Signature Date

Joseph T. Ryerson & Son, Inc, 1465 65th Street, Emeryville, CA 94608
 Property Owner Name

RETURN FORM TO: Alameda County, Hazardous Materials Div.
 80 Swan Way, Rm 200
 Oakland, CA 94621-1439

CERTIFICATE OF INSURANCE

October 5, 1992

This certificate is issued as a matter of information only and confers no rights upon the certificate holder. This certificate does not amend, extend or alter the coverage afforded by the policies listed below.

PRODUCER
 R. L. Stewart Ins. Agency
 P.O. BOX 1515
 OAKDALE, CA. 95361

C LETTER A HOME INS CO OF ILLINOIS
 O
 M LETTER B FAIRMONT INS. CO.
 P
 A LETTER C
 N
 I LETTER D
 E
 S LETTER E

INSURED
 TERRY & SHARON HAMILTON
 JAMES C. BATEMAN PETROLEUM
 SERVICES, INC, DBA: SEMCO
 431 W. HATCH RD.
 MODESTO, CA. 95351

This is to certify that policies of insurance listed below have been issued to the insured named above for the policy period indicated, notwithstanding any requirement, term or condition of contract or other document with respect to which this certificate 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. Limits shown may have been reduced by claims.

-----COVERAGES-----

Co Ltr	Type of Insurance	Policy #	Policy Effective	Policy Expiration		Limits
-----GENERAL LIABILITY-----						
A	(X) Commercial GL	SLM9259916	10/1/92	10/1/93	Gen Aggreg	\$2,000,000
	() () Claims Made				Prd-C/op Ag	\$1,000,000
	(X) Occurrence				Pers/Adv In	\$1,000,000
	(X) Owners & Contr				Each Occur	\$1,000,000
	()				Fire Damg	\$ 50,000
	()				Medical Ex	\$ 5,000
-----AUTOMOBILE LIABILITY-----						
()	Any Auto				CSL	\$
()	All Owned				B.I./Pers	\$
()	Scheduled				B.I./Accid	\$
()	Hired				P.D.	\$
()	Non-Owned					\$
()	Garage Liab					\$
-----EXCESS LIABILITY-----						
()	Umbrella Form				Each Occur	Aggregate
()	O.T. Umbrella				\$	\$
-----WORKERS COMPENSATION-----						
B	W.C. Employers Liab.	WCP80480741	9/5/92	9/5/93	STATUTORY	
					Each Accid	\$1,000,000
					Dis/Policy	\$1,000,000
					Dis/Employ	\$1,000,000
-----OTHER-----						

Description of Operations/Locations/Vehicles/Special Items
 ALL CALIFORNIA OPERATIONS

CANCELLATION: Should any of the above described policies be cancelled before the expiration date thereof, the issuing company will endeavor to mail 10 days written notice to the certificate holder named to the left, but failure to mail such notice shall impose no obligation or liability of any kind upon the company, its agents or representatives.

NAME AND ADDRESS OF CERTIFICATE HOLDER

COUNTY OF ALAMEDA

Roger Silan

80 SWAN WAY, ROOM 200
 OAKLAND, CA. 95621

Project Specialist (print) BLIAN P OLIVA

ALAMEDA COUNTY HEALTH CARE SERVICES AGENCY
DEPARTMENT OF ENVIRONMENTAL HEALTH
HAZARDOUS MATERIALS DIVISION
80 SWAN WAY, ROOM 200
OAKLAND, CA 94621
PHONE NO. 415/271-4320

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 in compliance with the requirements of State and Local Hazardous Materials laws and your closure plans indicated by this Department and in compliance with State and local laws. The permit is hereby issued subject to the following conditions of any required state or local construction/destruction. One copy of this permit must be on the job and another copy must be submitted with the removal. Any other specifications must be submitted to this Department and Building Inspections Department. All changes must meet the requirements of this Department. Notify this Department of any changes to the following: 1. Plans, specifications and piping. 2. Issuance of a permit to operate. 3. Permanent site closure is dependant on compliance with accepted plans and all applicable laws and regulations.

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

Contact Specialist OLIVA

① *fee change on page 4

② the health + safety plan must conform to the requirements set forth in 29 CFR 1910.120
Brian Oliva

UNDERGROUND TANK CLOSURE PLAN

* * * Complete according to attached instructions * * *

1. Business Name Ryerson Steel & Aluminum
Business Owner Joseph T. Ryerson
 2. Site Address 1465 65th Street
City Emeryville Zip 94608 Phone (510)653-2933x330
 3. Mailing Address 1465 65th Street
City Emeryville Zip 94608 Phone (510)653-2933x330
 4. Land Owner Ryerson Steel & Aluminum
Address 1465 65th Street City, State Emeryville, CA Zip 94608
 5. Generator name under which tank will be manifested Ryerson Steel & Aluminum
- EPA I.D. No. under which tank will be manifested CAL000005297

6. Contractor SEMCO
Address 1741 Leslie Street
City San Mateo, CA 94402 Phone (415) 572-8033
License Type A,B. & C-61 ID# 449864

7. Consultant N/A
Address _____
City _____ Phone _____

8. Contact Person for Investigation

Name Chuck Kiper Title Vice-President
Phone (415) 572-8033

9. Number of tanks being closed under this plan 1
Length of piping being removed under this plan undetermined
Total number of tanks at facility 1

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

**** Underground tanks are hazardous waste and must be handled **
as hazardous waste**

a) Product/Residual Sludge/Rinsate Transporter

Name Allied Petroleum EPA I.D. No. CAD 980675128
Hauler License No. 1168 License Exp. Date 4/30/93
Address P.O. Box 3551
City Modesto State CA Zip 95350

b) Product/Residual Sludge/Rinsate Disposal Site

Name Refineries Services EPA I.D. No. CAD083166728
Address 13331 West Highway 33
City Patterson State CA Zip 95363

c) Tank and Piping Transporter

✓ Name RHT Trucking EPA I.D. No. CAD982471591
Hauler License No. 2753 License Exp. Date 4/30/93
Address 1336 Pauline
City Modesto State CA Zip 95351

d) Tank and Piping Disposal Site

✓ Name Erickson EPA I.D. No. CAD009466392
Address 255 Parr Blvd.
City Richmond State CA Zip 94801

11. Experienced Sample Collector

Name Chuck Kiper
Company SEMCO
Address 1741 Leslie Street
City San Mateo State CA Zip 94402 Phone (415)572-8033

12. Laboratory

Name Superior Analytical
Address 1555 Burke Unit I
City San Francisco State CA Zip 94124
State Certification No. 1332 & 319

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

If yes, describe. _____

14. Describe methods to be used for rendering tank inert

~~High pressure hot water detergent wash.~~
~~20 lbs. per 1000 gallons dry ice.~~ *used 30 lbs of dry ice*
per 1000 gal of Volume of USI

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 plugged.

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

15. Tank History and Sampling Information

Tank		Material to be sampled (tank contents, soil, ground-water, etc.)	Location and Depth of Samples
Capacity	Use History (see instructions)		
10,000	Diesel	soil/water 2↑ 1	2 ft. below in native soil

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

Excavated/Stockpiled Soil	
Stockpiled Soil Volume (Estimated) Anywhere from approx. 25 to 100 cy	Sampling Plan Soil samples taken from the tank excavation will be collected, placed in brass tubes, sealed with foil, Teflon caps, sealed with approved tape, placed on ice, transported to state certified lab under chain of custody and analyzed for constituents of tank.

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

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.

Contaminant Sought	EPA, DHS, or Other Sample Preparation Method Number	EPA, DHS, or Other Analysis Method Number	Method Detection Limit
Diesel	TPH D GCFID(3550) BTX&E 8020 or 8240 TPH AND BTX&E 8260	TPH D GCFID(3510) BTX&E 602, 624 or 8260	

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

18. Submit Worker's Compensation Certificate copy

Name of Insurer Fairmont Insurance Company

19. Submit Plot Plan (See Instructions)

20. Enclose Deposit (See Instructions)

21. Report any leaks or contamination to this office within 5 days of discovery. The report shall be made on an Underground Storage Tank Unauthorized Leak/Contamination Site Report form. (see Instructions)

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

I declare that to the best of my knowledge and belief 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 an approval from the Department of Environmental Health 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 Alameda.

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.

Signature of Contractor

Name (please type) Chuck Kiper

Signature *Chuck Kiper*

Date 12/23/92

Signature of Site Owner or Operator

X Name (please type) Don Mammini

X Signature *Don Mammini*

X Date 12-22-92

INSTRUCTIONS

General Instructions

- * Three (3) copies of this plan plus attachments and deposit must be submitted to this Department.
- * Any cutting into tanks requires local fire department approval.
- * One complete copy of your approved plan must be at the construction site at all times; a copy of your approved plan must also be sent to the landowner.

Item Specific Instructions

2. SITE ADDRESS
Address at which closure is taking place.
5. EPA I.D. NO. under which the tanks will be manifested
EPA I.D. numbers may be obtained from the State Department of Health Services, 916/324-1781.
6. CONTRACTOR
Prime contractor for the project.
10. STATE REGISTERED HAZARDOUS WASTE TRANSPORTERS/FACILITIES
 - a) All residual liquids and sludges are to be removed from tanks before tanks are inerted.
 - c) Tanks must be hauled as hazardous waste.
 - d) This is the place where tanks will be taken for cleaning.
15. TANK HISTORY AND SAMPLING INFORMATION
Use ~~History~~ - This information is essential and must be accurate. Include ~~tank~~ installation date, products stored in the tank, and the date ~~when~~ the tank was last used.

Material to be sampled - e.g. water, oil, sludge, soil, etc.

Location and depth of samples - e.g. beneath the tank a maximum of two feet below the native soil/backfill interface, side wall at the high water mark, etc.

17. SITE HEALTH AND SAFETY PLAN

A site specific Health and Safety plan must be submitted. We advocate the site health and safety plan include the following items, at a minimum:

- a) The name and responsibilities of the site health and safety officer;
- b) Identification of health and safety hazards of each work task. Include potential fire, explosion, physical, and chemical hazards;
- c) An outline of briefings to be held before work each day to appraise employees of site health and safety hazards;
- d) Frequency and types of air and personnel monitoring to be used - along with the environmental sampling techniques and instrumentation. Include instrumentation maintenance and calibration methods and frequencies;
- e) Specific personal protective equipment and procedures to be used by workers to protect themselves from the identified hazards. Also state the contaminant concentrations in air - or other conditions - which will trigger changes in work or work habits to ensure workers are not exposed to high levels of hazardous chemicals or to other unsafe conditions;
- f) Confined space entry procedures (if applicable);
- g) Decontamination procedures;
- h) Measures to be taken to secure the site, excavation and stockpiled soil during and after work hours (e.g. barricades, caution tape, fencing, trench plates, security guards, etc.);
- i) Spill containment and emergency/contingency plan. Be sure to include emergency phone numbers, the location of the phone nearest the site, and directions to the hospital nearest the site;
- j) Documentation that all site workers have received the appropriate OSHA approved trainings and participate in appropriate medical surveillance per 29 CFR 1910.120; and
- k) Page ~~for~~ employees to sign indicating they have read and will comply with the site health and safety plan.

The safety plan must be distributed to all employees and contractors working in hazardous waste operations on site. A complete copy of the site health and safety plan along with any standard operating procedures shall be on site and accessible at all times.

NOTE: These requirements are excerpts from 29 CFR Part 1910.120, Hazardous Waste Operations and Emergency Response; Final Rule, March 6, 1989. Safety plans of certain underground tank sites may need to meet the complete requirements of this Rule.

19. PLOT PLAN

The plan should consist of a scaled view of the facility at which the tank(s) are located and should include the following information:

- a) Scale;
- b) North Arrow;
- c) Property Lines;
- d) Location of all Structures;
- e) Location of all relevant existing equipment including tanks and piping to be removed and dispensers;
- f) Streets;
- g) Underground conduits, sewers, water lines, utilities;
- h) Existing wells (drinking, monitoring, etc.);
- i) Depth to ground water; and
- j) All existing tanks and piping in addition to the ones being pulled.

20. DEPOSIT

A deposit, payable to Alameda County for the amount indicated on the Alameda County Underground Storage Tank Fee Schedule, must accompany the plans.

21. Blank Unauthorized Leak/Contamination Site Report forms may be obtained in limited quantities from our office and from the San Francisco Bay Regional Water Quality Control Board (415/464-1255). Larger quantities may be obtained directly from the State Water Resources Control Board at (916) 739-2421.

22. TANK CLOSURE REPORT

The tank closure report should contain the following information:

- a) General description of the closure activities;
- b) Description of tank, fittings and piping conditions. Indicate tank size and former contents; note any corrosion, pitting, holes, etc.;

- c) Description of the excavation itself. Include the tank and excavation depth, a log of the stratigraphic units encountered within the excavation, a description of root holes or other potential contaminant pathways, the depth to any observed ground water, descriptions and locations of stained or odor-bearing soil, and descriptions of any observed free product or sheen;
- d) Description of sampling methods;
- e) Description of any remedial measures conducted at the time of tank removal;
- f) To-scale figures showing the excavation size and depth, nearby buildings, sample locations and depths, and tank and piping locations. Include a copy of the plot plan prepared for the Tank Closure Plan under item 19;
- g) Chain of custody records;
- h) Copies of signed laboratory reports;
- i) Copies of "TSDf to Generator" Manifests for all hazardous wastes hauled offsite (sludge, rinsate, tanks and piping, contaminated soil, etc.); and
- j) Tabulation of the volume and final destination of all non-manifested contaminated soil hauled offsite.

EXPLANATION FOR TABLE #2: MINIMUM VERIFICATION ANALYSIS

1. OTHER METHODOLOGIES are continually being developed and as methods are accepted by EPA or DHS, they also can be used.
2. For DRINKING WATER SOURCES, EPA recommends that the 500 series for volatile organics be used in preference to the 600 series because the detection limits are lower and the QA/QC is better.
3. APPROPRIATE STANDARDS for the materials stored in the tank are to be used for all analyses on Table #2. For instance, seasonally, there may be five different jet fuel mixtures to be considered.
4. To AVOID FALSE POSITIVE detection of benzene, benzene-free solvents are to be used.
5. TOTAL PETROLEUM HYDROCARBONS (TPH) as gasoline (G) and diesel (D) ranges (volatile and extractable, respectively) are to be analyzed and characterized by GCFID with a fused capillary column and prepared by EPA method 5030 (purge and trap) for volatile hydrocarbons, or extracted by sonication using 3550 methodology for extractable hydrocarbons. Fused capillary columns are preferred to packed columns; a packed column may be used as a "first cut" with "dirty" samples or once the hydrocarbons have been characterized and proper QA/QC is followed.
6. TETRAETHYL LEAD (TEL) analysis may be required if total lead is detected unless the determination is made that the total lead concentration is geogenic (naturally occurring).
7. CHLORINATED HYDROCARBONS (CL HC) AND BENZENE, TOLUENE, XYLENE AND ETHYLBENZENE (BTX&E) are analyzed in soil by EPA methods 8010 and 8020 respectively, (or 8240) and in water, 601 and 602, respectively (or 624).
8. OIL AND GREASE (O & G) may be used when heavy, straight chain hydrocarbons may be present. Infrared analysis by method 418.1 may also be acceptable for O & G if proper standards are used. **Standard Methods" 17th Edition, 1989, has changed the 503 series to 5520.**
9. **PRACTICAL QUANTITATION REPORTING LIMITS are influenced by matrix problems and laboratory QA/QC procedures. Following are the Practical Quantitation Reporting Limits:**

	<u>SOIL PPM</u>	<u>WATER PPB</u>
TPH G	1.0	50.0
TPH D	1.0	50.0
BTX&E	0.005	0.5
O & G	50.0	5,000.0

Based upon a Regional Board survey of Department of Health Services Certified Laboratories, the Practical Quantitation Reporting Limits are attainable by a majority of laboratories with the exception of diesel fuel in soils. The Diesel Practical Quantitation Reporting Limits, shown by the survey, are:

ROUTINE	MODIFIED PROTOCOL
≤ 10 ppm (42%)	≤ 10 ppm (10%)
≤ 5 ppm (19%)	≤ 5 ppm (21%)
≤ 1 ppm (35%)	≤ 1 ppm (60%)

When the Practical Quantitation Reporting Limits are not achievable, an explanation of the problem is to be submitted on the laboratory data sheets.

- LABORATORY DATA SHEETS are to be signed and submitted and include the laboratory's assessment of the condition of the samples on receipt including temperature, suitable container type, air bubbles present/absent in VOA bottles, proper preservation, etc. The sheets are to include the dates sampled, submitted, prepared for analysis, and analyzed.
- IF PEAKS ARE FOUND, when running samples, that do not conform to the standard, laboratories are to report the peaks, including any unknown complex mixtures that elute at times varying from the standards. Recognizing that these mixtures may be contrary to the standard, they may not be readily identified; however, they are to be reported. At the discretion of the LIA or Regional Board the following information is to be contained in the laboratory report:

The relative retention time for the unknown peak(s) relative to the reference peak in the standard, copies of the chromatogram(s), the type of column used, initial temperature, temperature program is C/minute, and the final temperature.

- REPORTING LIMITS FOR TPH are: gasoline standard ≤ 20 carbon atoms, diesel and jet fuel (kerosene) standard ≤ 50 carbon atoms. It is not necessary to continue the chromatography beyond the limit, standard, or EPA/DHS method protocol (whichever time is greater).

EPILOGUE

ADDITIVES: Major oil companies are being encouraged or required by the federal government to reformulate gasoline as cleaner burning fuels to reduce air emissions. MTBE (Methyl-tertiary butyl ether), ETHANOL (ethyl alcohol), and other chemicals may be added to reformulate gasolines to increase the oxygen content in the fuel and thereby decrease undesirable emissions (about four percent with MTBE). MTBE and ethanol are, for practical purposes, soluble in water. The removal

Regional Board Staff Recommendations
Preliminary Site Investigation

10 August 1990

from the water column will be difficult. Other compounds are being added by the oil companies for various purposes. The refinements for detection and analysis for all of these additives are still being worked out. If you have any questions about the methodology, please call your Regional Board representative.