

1/21/97 MTG W/SHELL (JEFF GRANBERRY) AND ENVIROS (DIANE LUNDQUIST).

1/22/97 Received ltr fm Kim Johansen, saying he is no longer employed by Acme Western Ambulance, and that the company was sold 12/5/95 (possible typo)? But it doesn't say who the company was sold to. Ltr was cc'd to "Richard Angotti, past pres and owner, Acme Western Ambulance Service." Called info and got # for Richard Angotti: (707) 578-1194. Left message. His wife picked up: Does she know who the company was sold to? No. She said he was formerly the pres of Acme. Right. Lm for Jeff Granberry re this letter.

1/23/97 phoned Richard Angotti: AMR (American Medical Response) bought them out on 12/5/95, but the property was not included. Does Acme exist anymore? No. They assumed the name and changed it to AMR. They are in Fremont on Christie Dr. When he bought prop fm Shell, he was there for 4-5 yrs. Then he sold it to Andy Kwan and his brother. He will get back to me w/contact name, phone #, and address. OK. I wonder if this even affects Shell. Shell has an arrangement w/Rod Kwan for Cleanup Fund. So it shouldnt affect them.

2/27/97 Reviewed 2/3/97 ltr fm enviros. Potentiometric map for 10/17/96 shows a strange flow regime, towards a low point in the middle. Very weird. **What is their explanation?** If I write another ltr and do not include Acme, it should be ok. It does not necessarily mean that Acme is not a RP anymore.

5/29/97 Reviewed 2/28/97 "First Q 97" rpt by enviros. **GW sampled on 1/8/97 flowed S-SE at 0.03 ft/ft. They sampled V1 and V2 this time, and got 1200 and 4800 benzene, respectively, and <50 and 750 MTBE. DG well MW2 was ND.**

Lm for Diane Lundquist: are we just doing QM? (Looks like it).

5/30/97 mess fm DL: yes; monitoring wells.

7/9/97 Reviewed 6/25/97 letter re non-purge sampling. Lists their reasons for going to non-purge.

Phoned D. Lundquist: lm that I got her 6/25 letter. Non-purging looks ok. 707-935-4852 -> Joe Noddy out-t Monday

*Michelle
John 325-5028*

3/19/98 (PE) Reviewed all recent documents (up to 11/30/97 QMR) MW-1 + MW-2 continue a) ND. They forgot to include site diagram w/ last¹³ QMR - must call them if happens again. They have 2 vapor extraction wells, but their reports don't explain what site remediation (if any) is being done thru these wells. Also, JE asked in 1/97 for more investigation upgradient - no new wells since (N+W)

*Are the V-wells screened?
The upgradient borings indicate contamination exists that direction*

12/26/96 **Began writing ltr to Rps.** Reviewed 9/6/95 Phase I by enviros. They did not gain access to the NW portion of the site, due to guard dogs. So there may be a waste oil UST onsite.

Lm for Diane L.

lm Jeff G: see page 2 on the 9/6/95 Phase I by enviros. They did not gain access to the NW portion of the site, due to guard dogs. Told him I'm still not convinced there is no waste oil UST onsite. We must talk, and maybe make a new approach. After all, this is new info. They didn't even survey the entire subject site.

1/2/97 Etta Litterini from Signa Insurance phoned: she is insurer for SF Ambulance. They made a claim in case they were responsible. She reviewed docs at RWQCB in 5/96, but they didn't have many docs.

Reviewed 12/13/96 QR by enviros. **GW sampled on 10/17/96 flowed ??? There is no site/potentiometric map!** They gauged MW1, MW2, V1, and V2. They only sampled MW1 and MW2, both of which were ND for TPHg, MTBE, and BTEX. **No tabulated data!**

Lm for Diane L. She is out until Mon 1/9. No site/potentiometric map. **No tabulated data.**

Lm for Jeff G: pls call me.

I MUST FINISH MY LETTER asap!

1/8/97 spoke w/Jeff Granberry: Told him it's all residential to the N and W of the site. He still thinks we should do a Phase I. Fine, but not to the exclusion of other work. What about gaining access to the site in order to finish the site survey? I will request that also. He will talk to Diane.

Spoke w/Diane Lundquist: **When they went back to do the drilling, they had access to entire property, and didn't see any waste oil UST back there.** Re gw data: Blaine Tech weren't supposed to do QM, but she provided the data to me anyway. Not tabulated bec agency did not yet request QM/QRs. **I should also ask for pot map for 10/96 samplg.**

FINISHED LETTER.

12/13/96 Reviewed 10/30/96 "Soil Boring and Well Installation Rpt" by enviros. Six SBS drilled in July 96. They put in 2 Mws and 2 vapor extraction wells. They defined gw plume in S and E directions, but not N and W directions. GW flowed generally SE. Max gw concs were 290,000 ppb TPHg and 34,000 ppb benzene (B13 grab sample). Max soil concs were 110 ppm TPHg and 0.29 ppm benzene (V2). Note soil samples were taken from vadose zone around 5'bgs, not cap fringe. **Bore logs indicated high OVM readings in B13 (1,224 ppm) and V2 (474 ppm) at 10'bgs. They should have analyzed those two.** They did bulk density (1.80gm/cc dry and 2.12 gm/cc natural), foc, permeability (0.022 md and 1.86 x 10⁻⁸ hydraulic cond) and porosity (32.4 %) on sample V2 (sand tan vf-cgr v silty clay) at 10.5'bgs. **Anyway, it is mainly a gw problem here. Now what? No recommendations.**

Phoned Jeff Granberry at Shell left mess.

Phoned D. Lundquist: left mess.

12/16/96 spoke w/D. Lundquist: It looks to her like next step would be to delineate the plume to the N and NW. She said that V2 at 10'bgs was below gw. And B13 hit gw at 10'bgs. They usually dont analyze samples at or below gw. I need to speak w/Jeff Granberry.

12/18/96 mess fm Michelle: she is returning my call to J. Granberry

12/19/96 lm for Jeff and Michelle. Is she my Shell contact now?

Spoke w/Jeff Granberry: He now handles all of N. California. Michelle is not new PM, just helping him out. Gradient at 554-27th St. ranged from S-SW to S-SE over 4 Qs (generally south). Conference call w/Diane Lundquist (and Jeff). They wonder if there is an UG source. He wants to do another Phase 1 for UG parcels. That would take less time than getting right of entry to go UG and do more investigation. We can use the vapor wells to do GWs. They should be sampled next Q. They only sampled the Mws in the past Q. Is there a waste oil Ust behind the office? Diane doesnt think so. Also, Jeff will E mail Scott MacLeod today re our 1/14 mtg; Jeff cannot make it. Strange how Scott set up that mtg w/out Jeffs knowledge. Im still waiting for list of sites he wants to discuss.

Must write RP a letter and request these items: sampling of V1 and V2 (along w/MWs) for 1st Q (and then review the data); and UG site history review (phase 1).

- 3/5/96 mess fm Joe Neely of enviros: Plans to do overex soon. Maybe wk of 3/18. Has to remove cars parked onsite first. They want to ex to gw, approx 14'bgs. Then backfill immediately. Then implement the wp. He is mtg w/ex contractor and tenant this Friday (3/8). I asked him to let me know 2-3 bs days ahead of time.
- 3/19/96 **Site visit for overex of former UST pit.** See field report. Lm for Joe Neely: gw flows S to SW at 554-27th St. (Corner of on ramp for 980).
- 5/10/96 Reviewed 5/7/96 letter fm enviros (update). Phoned enviros: spoke w/Joe Neely: drilling will be done in 2nd Q. This means within the next 6 weeks, si? Draft copy of overex report to Shell today. Another report for the drilling.
- 5/21/96 Reviewed 5/10/96 letter from enviros, re overex and sampling. Soil results from pit: 560 and 2700 mg/kg Tphg, 3.1 and <3.0 mg/kg benzene. So, what next? They will implement site invest.
- 7/15/96 Reviewed 6/30/96 ltr fm enviros. It says that **"site assessment activities will be performed during July 1996."** Phoned enviros: lm for Joe Neely: asked him when the site investigation would occur? Lm for Diane Lundquist. Spoke w/Joe: if gw is contaminated, they will grout borings and go out more to find gw that is less contaminated or ND, then install wells. Start work on 7/17, get 24 hr TAT on gw samples, then continue on Fri 7/19. Two SVE wells to be installed on Wed.
- 7/18/96 Joe Neely phoned: Got gw in 3 of 4 samples; pretty hot concs: so they will not be putting wells in those hot locations. They will put a MW in where they didnt get the water. Its tight clay; open for 4 hrs, but no recharge. The borings were all onsite at prop borders. Will step out to install wells; probably have to go offsite. Gradient will be done w/2 onsite SVE wells plus one MW going in tomorrow. Does he think that 2 SVE wells will be enough, given the extent of the contam? But its private residential properties to the NE and NW. The MW will go in East of the bldg, as pictured N of B8 on Plate 5 of wp. Told him gw info from Schoonbrood (554-27th St.) For last 4 Qs: S, W-SW, S-SE, and S-SE. They thought the NW boring (behind bldg) was the hottest.

11/21/95 Reviewed file and Dale's notes. Mess fm and to Lyn Walker: ok to extend deadline for SWI wp to 1/2. Please write me a letter to confirm this. Has the agreement been signed? Who will the consultant be? Lyn is being transferred to Houston. New contact is Jeff Cranberry at 675-6168, as of 12/4.

11/27/95 Rod Kwan phoned: Is there a mtg today? No. PERP is postponed indefinitely while "progress" is being made.

1/8/96 Reviewed 1/2/96 "Site Invest. Workplan" by enviros. Four Hps/MWs (if ND), and two SVE wells. They plan to install wells only where there is ND contam. Questions: 1) why do SVE when there is FP? Why not remove the FP first? Dale's letter dated 10/6/95 specifically requested they recover the FP, (and do a feasibility study for type of remediation). There was 1-2" FP on gw. Soils are sandy clays to clayey sands.

Phoned enviros: spoke w/Joe Neely (project geologist): he said that Diane Lundquist put together the wp. Left mess DL

1/9/96 mess fm DL: Looking at ACC's bore logs, although some have low sand content, some also have significant sand (B7 and B8). Heterogeneous soils. SVE has been successful at other sites w/similar soil conditions. SVE is THE most effective treatment for FP removal. They will run a pilot test, and attempt SVE as an option. One MW is proposed within former UST backfill area, which will be more permeable than other areas. Radius of influence may be limited, but she still thinks SVE will be effective.

1/10/96 Yes, B7 is actually pure sand. But B8 has less sand. I mentioned that I think the Ust pit has not been backfilled. I will write a letter.

Wrote acceptance letter.

1/22/96 mess fm D. Lundquist: she wants to overex the hot spot (18,000 ppm Tphg and 100 ppm benzene) in tank pit (TP-1-N) prior to backfilling. Any objection? No. Left her that message: it's ok. I'm going on vacation 2/9 for 2 wks.

1/26/96 spoke w/Diane Lundquist: she is getting a contractor to do the overex. Should be in Feb. Told her I'm on vac from 2/9 thru 2/23. She will wait til I'm back fm vac.

Dale K's notes

0454 Former Shell Service Station, 2703 Martin Luther King Jr. Way (formerly Grove St.)
Oakland, CA 94612

10/4/95 Review file and JE's site summary. Review Enviro's "Phase I Environmental Site Assessment"-dated September 6, 1995, prepared on behalf of Shell Oil. Previous ACC Environmental Consultants (ACC) Phase II - Environmental Site Investigation"- dated June 1995, prepared for ACME ambulance Company.

Enviro's report details the use of the property, according to information gathered from various sources. Shell Oil obtained a building permit to erect a building in February 1959. In addition, Shell Oil obtained several building permits/applications between January 1959 and July 1976. Acme West Ambulance also had obtained several building permits/applications between September 1979 and January 1984.

Talked with Tom concerning 30 day continuance for PERP tentatively scheduled for October 17, 1995. Tom requested that I send a NOR to Shell Oil to officially name them as an RP. I'll send notice to Shell Oil Products Company, P. O. Box 4023, Concord CA 94524, Attn: D Lynn Walker (510)767-1414

10/5/95 Edited database and printed NOR letters for the three responsible parties. Call to Lynn Walker of Shell Oil to determine direction of project remediation. Is ACC going to do the work? Left message for him to call.

Review ACC Phase II Report-dated June 1995. In October 1994, KTW & Associates, removed the 2000-gallon unleaded gasoline UST. The tank was reportedly in good condition with no observable holes or corrosion. During the UST removal, additional piping, concrete, and debris was observed within the tank excavation indicating that the tank was installed within the vicinity of the former Shell fuel tank excavation. Observations made during the tank removal by KTW & Associates indicated that odor and discoloration of the soil increased with depth. The tank excavation remains open and stockpiled soil currently exists onsite.

On May 23, 1995, nine (9) borings (B1 through B9) were drilled onsite around the existing excavation. Soil samples were collected every five feet to a total depth of 10 to 15 feet below ground surface (bgs). Field indications using a HNu photoionization detector (PID) were detected in soil samples taken at approximate depths of 5 and 10 feet bgs. Water was encountered within each boring at approximately 9 feet bgs in borings B1 and B2 and at 14 feet bgs in the additional borings except borings B3 and B4, in which no groundwater was encountered. Elevated groundwater within borings B1 and B2 indicate possible perched saturated soils in the area of the former Shell tanks and dispenser island, possibly from the fill acting as a conduit for subsurface water. Non-aqueous phase liquid (free product) was encountered in borings B1, B5, B6 and B9 (0.5-0.75"; 0.25-0.5"; 1-2"; 0.5-1.0"), respectively. Analytical results of the soil samples collected

Dale's notes

from the borings reveals that borings B2, B3, B5 and B6 were found to contain the highest levels of TPHg and BTEX contamination. The groundwater sample collected from boring B7 showed the highest concentrations of TPHg and benzene, at 89,000 ppb and 21,000 ppb, respectively.

During an investigation of previous activities concerning the former Shell tanks, five vent pipes were located, four behind the building which are believed to be associated with the former Shell USTs, and the fifth vent located in the front of the building which is adjacent to the 2000-gallon Acme UST excavation. ACC contends that this fourth vent pipe located behind the building is likely associated with a waste oil tank. No additional information or physical evidence was found to indicate the presence or location of the waste oil tank. ACC also concludes that the majority of the soil and especially groundwater contamination present is associated with the storage and dispensing of leaded fuels manufactured before 1984. Since the ACME UST reportedly held only unleaded gasoline, the onsite impact to groundwater appears to be associated with the former Shell USTs and dispenser islands.

Draft SWI letter to define extents of contamination and to prepare feasibility study for remediation (SVE/air sparging?) system(s) to be installed. Free product removal is a priority.

- 10/11/95 Final draft of SWI letter sent.
- 10/16/95 Call from/to Paul Caleo (444.6800) of the law firm Larson and Bruno?. He left message confirming PERP which was tentatively scheduled for 10/17/95. I informed him that since Shell was cooperating in this matter, that he PERP was not necessary at this time, as long as progress was being made in the remediation at the site.
- 10/17/95 Review draft of proposed settlement for above referenced site-dated September 27, 1995 (Shell Oil). Shell is assuming responsibility for oversight by administering the corrective action and remediation phases of the cleanup, through its own environmental engineers. Mr. Kwan shall bear primary responsibility to take corrective action under our direction and oversight. Acme shall assist Mr. Kwan in applying for reimbursement of the cleanup costs through the "UST Fund". Mr. Kwan grants to Shell and its representatives a temporary license to enter the property without costs. Mr. Kwan is to name Shell Oil a co-payee of the "UST Fund".
- 10/20/95 Call to/from Lynn Walker concerning SWI letter and timeframe.
- 10/31/95 Call to Tony Lehnen (pronounced lennon) of ENSR concerning ACHCSA visit. Left message to call me back with scheduling information.

8/16/95 Set tentative date for next PERP for 10/17 at 9 am.
Then give 15 more days for comments between the Rps.
Changed his mind. If Rps are cooperating, then no
reason to have another PERP. Just have a mtg (without
Gil) here with AlCo and RPs.

7/5/95 BC spoke w/the lab. Friedman and Bruya lab said that 0.1 gram per gallon is max conc for unleaded gasoline. Therefore, since they had 4 grams per gallon, they concluded it appears to be leaded gasoline, aged prior to 1984. So the data is legally defensible.

Spoke w/Gil time to call Shell in for a Further PERP.

7/6/95 **Wrote Notices of Further PERP.**

7/18/95 mess fm and to Trish Fusezy: what's the structure or format of the mtg? Same as last time, only this time we've included Shell. Spoke w/Gil: it's an open hearing with open discovery. All info should be shared w/all parties. We'll give them 30 days after the "hearing" to submit other info. Maybe hearing should be 1.5 hours. Spoke w/Trish Fusezy: do we apportion responsibility in %s? I told her my understanding is that each RP is 100% responsible. ACC told her that we apportion %s. I recommended she call Gil.

8/8/95 Kathy Kelly phoned and lm: shes a Shell engineer from Houston (713-241-1796) Whats the purpose of this Continued PERP? She has no file on this site. Left mess for KK: the Notice was sent to Lyn Walker in Concord, so I dont understand why you are involved. The Notice explains the purpose of the mtg: to establish Rps and cleanup strategy. Shell is being invited bec they operated the site for 25+ years.

8/16/95 Continued Pre-Enforcement Review Panel: attendees: Lyn Walker of Shell, Kim Johansen of Acme, Mike Reiser (his lawyer), Rod Kwan, and us regulators. Gil: you must submit info within 30 days of today not only to JE, but to each other (all parties). Mike: Shell had 30,000 gallons of petroleum, vs Acmes 2,000 gallons. Shell had 3 types gas: super, regular, and ethyl. They can give doc (sworn declaration) that Acmes vehicles were all unleaded (Fords). Lyn: leaded gas was used until 1986. Gil: (to Lyn): do you want to get your own samples? Lyn: probably, and send the FP to our lab in Houston. Gil: how soon can you do it? Lyn: within 30 days. Gil: any access problems? Rod: no. Lyn: will submit something in writing and let us decide if another PERP is necessary. "Unleaded" fuel contained lead til approx 1986. Federal regulations limited the amt of lead to 0.1 g/gal. Kim: they used Chevron gas the whole time. Jen: but Friedman and Bruya found 4 g/gal organic lead, which is an order of magnitude greater than 0.1 g/gal. Lyn: were not disputing that Shell is somewhat responsible. To Acme and/or Rod Kwan: do you qualify for the Fund? Gil: wants response fm Shell in 30 days.

1 waste oil UST. Someone who worked at Acme said that Shell offered 3 types gasoline; hence 3 gas USTs.

- 5/25/95 Discussed w/BC: he thinks it's valid to use organic lead as an indicator. It starts out as tetra-ethyl (organic) lead, then degrades over time to inorganic (total) lead. The ethyl groups may come off one at a time: tetra, tri, di, and then mono-ethyl lead. Not sure. But to do age-dating, ie weathered vs fresh gasoline, is difficult to discern 2 sources. Phoned Gil: lm Phoned ACC: lm Misty
- 5/26/95 spoke w/Misty: another issue: if this goes to court, would these samples be valid, ie HP (not Mws). That's another question for Gil. She plans to send one sample of FP to the lab in Washington (Friedman and Bruya). There were something like 4 samples w/FP. It costs another \$150. **The 14 day holding time expires on 6/6.**
- 6/6/95 spoke w/Gil: Is it enough evidence? Yes, if the judge agrees to accept the evidence. It's up to the judge, if it comes to court. If there's organic lead, we can pull in Shell by having another PERP, then amending RB order to include Shell. Spoke w/Misty: told her what Gil said. She sent the sample off to Washington.
- 6/29/95 mess fm Trish Fusezy: she knows the deadline for report submittal is 6/30, but they just got it yesterday. Is it ok to hand-deliver it? Spoke w/her. Yes, ok, she'll deliver it tomorrow.
- 6/30/95 Received June 95 "Phase II Env. Site Invest." by ACC.
- 7/5/95 Reviewed it. There are copies of 3 aerial photos, showing the Shell station layout: 1969, 1975, and 1977. Its still guesswork as to where EXACTLY the USTs were. **There may be an existing waste oil UST; there was an extra (5th) vent pipe, which could not be accounted for.** Nine Sbs were drilled on 5/23/95, around the existing excavation, using a pneumatic sampling tool. **They got up to 1-2 inches of FP on gw; FP found in 4 borings.** Dissolved gw concs: up to 89,000 ppb TPHg and up to 21,000 ppb benzene. Soil results: up to 830 ppm TPHg and up to 1.8 ppm benzene (B5 at 8'bgs). **They did a fuel fingerprint characterization, and found the product is leaded gasoline mfd prior to 1984.** The ND gw results in B8 indicate the extent of gw contam in the Eastern direction is known. What now? Must speak with Gil.

disputes its validity. GJ: He wants info search and SBs completed in 45 days (by 5/13/95). Acme will contact me.

- 4/7/95 phoned Michael Reiser (lawyer for Acme Western): told him about the KFC Western vs Mehgrig case, in hopes it may help him. He just heard about it yesterday. Faxed him the McCutchen update and the Env. Law Update. He said they've contacted SCI (Jeriann Alexander), and are planning on doing the work. He said it may take longer than the 45 days the DA gave them. I said I wasn't sure if DA wanted a report by 45 days, or for field work to be completed in 45 days.
- 5/8/95 mess fm M. Reiser: they're now working w/ACC, but don't think they can get a report to me by 5/13/95 (the 45-day deadline Gil gave them).
- 5/9/95 left mess Gil: phoned M. Reiser: the earliest that ACC can start field work is next week. I noted that standard TAT is 2 wks, then comes data compilation and report writing. So we're probably talking 1-2 months for report submittal. It's costing them \$6,000 for this phase.
- 5/10/95 spoke w/Gil Jensen: get a written request from Acme Western, requesting more time, and cc the other parties, but not Shell. Include Rod Kwan, Gil and John Kaiser. Specify the work being done, and the deadline for report submittal. Spoke w/Misty of ACC: field work scheduled for 5/19 Friday. Phoned M. Reiser: he's out, so I spoke w/Trish: Rod Kwan is claiming he has no \$\$ to contribute.
- 5/18/95 Reviewed 5/15 letter fm M. Reiser: **new deadline for report submittal is 6/30/95.**
- 5/24/95 mess fm and to Misty K. Of ACC. She found FP on gw. How can we differentiate co-mingled plumes? Ie, what was from Acme and what was from Shell? Maybe do a fuel fingerprint. Shell used leaded gasoline, and Acme did not. Wants to do age-dating w/organic lead (aka tetra-ethyl lead). **Would this be acceptable/valid to the Agency? Would this be enough to name Shell as the RP, esp if we find lead in the gw sample?** Esp because there's a lot of sediment in the water sample. What kind of margin of error does the lab account? Shell removed their own USTs, and Acme installed their own UST. She found aerial photos, which pinpointed the dispensers; Shell's USTs are only approximate in location. She sampled on 5/23; max holding time is 14 days. She found 4 vent pipes together, and a fifth in another location (Acme's?). Maybe 3 gasoline USTs, and

3/14/95 Spoke w/Rod Kwan. He cleaned oil spill up w/some rags. Spilled on asphalt, not soil. He wants to move the AST to the side of the bldg, away from MLK, but he's using a drum in the meantime. Oil was removed 11/2/94. He sent a copy of the disposal receipt in November. . . . He bought property from Mr. Richard F. Angotti, not from Acme Western. Acme Western installed the UST. It's on his deed. So maybe Acme Western leased site from Angotti. He has a covenant and restriction (C&R), which does not allow gasoline use for 20 years. Shell wrote this, but Shell sold it to Angotti. Angotti was in there 5-6 years. . . . We should do a deed search, to see the chain of ownership. Phoned Gil. He said to ask Eric Nunneman to run a check for property ownership. left mess Eric.

3/22/95 left mess Eric Nunneman . . . received fax fm Rod Kwan: it's a disposal receipt for 250 gal of waste oil, from Artesian Oil Recovery in Oakland, dated 11/2/94. Spoke w/Rod Kwan: he said the waste oil AST is situated on top of concrete, not earth. He plans to move it to the side of the bldg (away from MLK). He said he cleaned up the spill with rags.

Trish Fuzesy from Rankin, Sproat, and Pollack phoned: 465-3922. . .she's representing Acme Western Ambulance. Wants to know the nature of the PERP. She's a paralegal. One of their attorneys will be there w/RP.

3/28/95 prepared for PERP (reviewed & highlighted file). . . **PERP; see list of attendees.** KJ: Angotti owns Acme Western; corp; single shareholder. MR: Shell leased site from GE Pension Trust. Shell operated site 19 years. Acme's UST operated for 6 yrs. KJ: used detailed weekly inventory reconciliation. Can get the records. UST was permitted. GJ: needs inventory rec. records. KJ: soil directly below UST not as contaminated as soil deeper below UST. JE: we didn't actually sample from BOTH depths. KJ: Saw Shell remove USTs; 3 huge tanks; gasoline odor. GJ: where were USTs? any other info? doc of existence of Shell USTs? JKaiser: Resolution 92-49 says they can name RP under "good suspicion." GJ: Acme can go that way if they want, and involve RWQCB, but it's often ineffective, bec. Shell can appeal and hold up the process. We all discussed doing SBs in the areas of the former Shell USTs. If we get higher concs in those areas, and also show lead (Acme used only unleaded gasoline), then we have something to show why Shell should be included as a RP. Discussed whether wp should be submitted. Acme is afraid that it could be used against them if Shell

- 12/13/94 mess fm L. Walker: they could not find file, but site is on their database. They terminated involvement in Oct 1979. . . . spoke w/Ron Owcarz: he said RP said he can't clean up the surface spill near the waste oil AST until next spring. Oil spilled on the earth; I asked if there was concrete below the earth; he didn't know. Ron wants me to oversee this cleanup along w/the UST cleanup.
- Received site map from RP. Shows the site at the corner of 27th St. and Grove. I thought it was at the corner of W. Grand and Grove (aka MLK). Im RP re this.
- 12/14/94 Site visit; it IS 27th St. Corrected KTW's maps. left mess L. Walker re 27th St. as cross st. Reviewed file, **revised letter, and sent it out (requesting wp to define extent of contam).**
- 1/31/95 **The deadline has passed, and no wp has been submitted.**
- 2/2/95 Spoke w/Gil Jensen: hold off on Notice of PERP until **Mike O'Connor knows what's going on w/Shell at Sabek (1230-14th St.)**. Call Mike on 2/6 re this. We don't want to name Shell if they agree to fund the cleanup for Sabek (cause we don't want them to think we're taking advantage of them). But we may want to name Shell if they don't fund the Sabek cleanup.
- 2/8/95 Site visit to check condition of open excavation. It's covered w/visqueen, at an angle, to make rain runoff. Looks secure. Spoke w/Rod Kwan onsite.
- 2/27/95 spoke w/Gil: Forget NOV; just write the Notices to the 2 RPs. Let's see what they say. Send Shell a copy of the pleadings (Notices of PERP). Then decide whether to draw in SShell.
- 3/1/95 **Wrote Notices of PERP.**
- 3/13/95 Rod Kwan phoned. He still maintains he never used the UST. He got the Notice of PERP, and will be there. Reviewed UST file. **I must include the issue of waste oil spill cleanup during PERP.** What is the preferred method of cleanup? Simply excavating and then sampling. **Is sampling necessary?** If so, that means that they have to hire consultant, or at least a lab, to take the sample. And I should be there to witness the excavation (judgement call).

11/23/94 Reviewed package from Auto Tech West: 1) an approved application from City of Oakland for Shell Oil Co. to erect a service station at 2703 Grove St., dated 2/4/59! 2) KTW's 10/26/94 TR report: **no signature on p.4.** . .up to 18,000 ppm TPHg (heavier gasoline range compounds present) and up to 100 ppm benzene.

Discussed briefly w/TP and SOS. Phoned Acme Western (510-465-5379) Tim Veneck re site history. He is the Director of Operations. He was not in today, so I left mess for Tim Johansen (Chief Operating Officer) in SF today: 415-929-4759. Especially want to see site maps showing configuration of USTs during Shell's occupancy. Phoned Lyn Walker (675-6169) of Shell and left mess. I should go check the files of OFD and City Bldg Dept myself.

Drafted letter to RPs.

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2703 MLK Way
Oak 612

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ALAMEDA COUNTY
HEALTH CARE SERVICES



11/23/94 Reviewed package for Auto Tech West: 1) an approved application from City of Oakland for Shell Oil Co. to
DAVID J. KEARS, Agency Director BAFAT A. SHAHID, ASST. AGENCY DIRECTOR

erect a service station at 2703 Grove St., dated 11/15/94
2) KTW's 10/26/94 TR report: no signature on p. 4. Up
to 18,000 ppm TPHg (heavier gasoline range compounds
present) and up to 100 ppm benzene.

DEPARTMENT OF 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

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12/13/94 mess fm L. Walker: they could not find file, but site is on their database. They terminated involvement in Oct 1979. . . . spoke w/Ron Owcarz: he said RP said he can't clean up the surface spill near the waste oil AST until next spring. Oil spilled on the earth; I asked if there was concrete below the earth; he didn't know. Ron wants me to oversee this cleanup along w/the UST cleanup.

Received site map from RP. Shows the site at the corner of 27th St. and Grove. I thought it was at the corner of W. Grand and Grove (aka MLK). Im RP re this.

12/14/94 Site visit; it IS 27th St. Corrected KTW's maps. left mess L. Walker re 27th St. as cross st. Reviewed file, revised letter, and sent it out (requesting wp to define extent of contam).

1/31/95 The deadline has passed, and no wp has been submitted.

2/2/95 Spoke w/Gil Jensen: hold off on Notice of PERP until Mike O'Connor knows what's going on w/Shell at Sabek (1230-14th St.). Call Mike on 2/6 re this. We don't want to name Shell if they agree to fund the cleanup for Sabek (cause we don't want them to think we're taking advantage of them). But we may want to name Shell if they don't fund the Sabek cleanup.

2/8/95 Site visit to check condition of open excavation. It's covered w/visqueen, at an angle, to make rain runoff. Looks secure. Spoke w/Rod Kwan onsite.

2/27/95 spoke w/Gil: Forget NOV; just write the Notices to the 2 RPs. Let's see what they say. Send Shell a copy of the pleadings (Notices of PERP). Then decide whether to draw in SShell.

3/1/95 Wrote Notices of PERP.

3/13/95 Rod Kwan phoned. He still maintains he never used the UST. He got the Notice of PERP, and will be there. Reviewed UST file. I must include the issue of waste oil spill cleanup during PERP. What is the preferred method of cleanup? Simply excavating and then sampling. Is sampling necessary? If so, that means that they have to hire consultant, or at least a lab, to take the sample. And I should be there to witness the excavation (judgement call).

3/14/95 Spoke w/Rod Kwan. He cleaned oil spill up w/some rags. Spilled on asphalt, not soil. He wants to move the AST to the side of the bldg, away from MLK, but he's using a drum in the meantime. Oil was removed 11/2/94. He sent a copy of the disposal receipt in November. . . . He bought property from Mr. Richard F. Angotti, not from Acme Western. Acme Western installed the UST. It's on his deed. So maybe Acme Western leased site from Angotti. He has a covenant and restriction (C&R), which does not allow gasoline use for 20 years. Shell wrote this, but Shell sold it to Angotti. Angotti was in there 5-6 years. . . . We should do a deed search, to see the chain of ownership. Phoned Gil. He said to ask Eric Nunneman to run a check for property ownership. left mess Eric.

3/22/95 left mess Eric Nunneman . . . received fax fm Rod Kwan: it's a disposal receipt for 250 gal of waste oil, from Artesian Oil Recovery in Oakland, dated 11/2/94. Spoke w/Rod Kwan: he said the waste oil AST is situated on top of concrete, not earth. He plans to move it to the side of the bldg (away from MLK). He said he cleaned up the spill with rags.

Trish Fuzesy from Rankin, Sproat, and Pollack phoned: 465-3922. . .she's representing Acme Western Ambulance. Wants to know the nature of the PERP. She's a paralegal. One of their attorneys will be there w/RP.

3/28/95 prepared for PERP (reviewed & highlighted file). . . PERP; see list of attendees. KJ: Angotti owns Acme Western; corp; single shareholder. MR: Shell leased site from GE Pension Trust. Shell operated site 19 years. Acme's UST operated for 6 yrs. KJ: used detailed weekly inventory reconciliation. Can get the records. UST was permitted. GJ: needs inventory rec. records. KJ: soil directly below UST not as contaminated as soil deeper below UST. JE: we didn't actually sample from BOTH depths. KJ: Saw Shell remove USTs; 3 huge tanks; gasoline odor. GJ: where were USTs? any other info? doc of existence of Shell USTs? JKaiser: Resolution 92-49 says they can name RP under "good suspicion." GJ: Acme can go that way if they want, and involve RWQCB, but it's often ineffective, bec. Shell can appeal and hold up the process. We all discussed doing SBs in the areas of the former Shell USTs. If we get higher concs in those areas, and also show lead (Acme used only unleaded gasoline), then we have something to show why Shell should be included as a RP. Discussed whether wp should be submitted. Acme is afraid that it could be used against them if Shell

disputes its validity. GJ: He wants info search and SBs completed in 45 days (by 5/13/95). Acme will contact me.

- 4/7/95 phoned Michael Reiser (lawyer for Acme Western); told him about the KFC Western vs Mehgrig case, in hopes it may help him. He just heard about it yesterday. Faxed him the McCutchen update and the Env. Law Update. He said they've contacted SCI (Jerriann Alexander), and are planning on doing the work. He said it may take longer than the 45 days the DA gave them. I said I wasn't sure if DA wanted a report by 45 days, or for field work to be completed in 45 days.
- 5/8/95 mess fm M. Reiser: they're now working w/ACC, but don't think they can get a report to me by 5/13/95 (the 45-day deadline Gil gave them).
- 5/9/95 left mess Gil; phoned M. Reiser: the earliest that ACC can start field work is next week. I noted that standard TAT is 2 wks, then comes data compilation and report writing. So we're probably talking 1-2 months for report submittal. It's costing them \$6,000 for this phase.
- 5/10/95 spoke w/Gil Jensen: get a written request from Acme Western, requesting more time, and cc the other parties, but not Shell. Include Rod Kwan, Gil and John Kaiser. Specify the work being done, and the deadline for report submittal. Spoke w/Misty of ACC: field work scheduled for 5/19 Friday. Phoned M. Reiser: he's out, so I spoke w/Trish: Rod Kwan is claiming he has no \$\$ to contribute.
- 5/18/95 Reviewed 5/15 letter fm M. Reiser: **new deadline for report submittal is 6/30/95.**
- 5/24/95 mess fm and to Misty K. Of ACC. She found FP on gw. How can we differentiate co-mingled plumes? Ie, what was from Acme and what was from Shell? Maybe do a fuel fingerprint. Shell used leaded gasoline, and Acme did not. Wants to do age-dating w/organic lead (aka tetraethyl lead). **Would this be acceptable/valid to the Agency? Would this be enough to name Shell as the RP, esp if we find lead in the gw sample?** Esp because there's a lot of sediment in the water sample. What kind of margin of error does the lab account? Shell removed their own USTs, and Acme installed their own UST. She found aerial photos, which pinpointed the dispensers; Shell's USTs are only approximate in location. She sampled on 5/23; max holding time is 14 days. She found 4 vent pipes together, and a fifth in another location (Acme's?). Maybe 3 gasoline USTs, and

1 waste oil UST. Someone who worked at Acme said that Shell offered 3 types gasoline; hence 3 gas USTs.

- 5/25/95 Discussed w/BC: he thinks it's valid to use organic lead as an indicator. It starts out as tetra-ethyl (organic) lead, then degrades over time to inorganic (total) lead. The ethyl groups may come off one at a time: tetra, tri, di, and then mono-ethyl lead. Not sure. But to do age-dating, ie weathered vs fresh gasoline, is difficult to discern 2 sources. Phoned Gil: lm Phoned ACC: lm Misty
- 5/26/95 spoke w/Misty: another issue: if this goes to court, would these samples be valid, ie HP (not Mws). That's another question for Gil. She plans to send one sample of FP to the lab in Washington (Friedman and Bruya). There were something like 4 samples w/FP. It costs another \$150. **The 14 day holding time expires on 6/6.**
- 6/6/95 spoke w/Gil: Is it enough evidence? Yes, if the judge agrees to accept the evidence. It's up to the judge, if it comes to court. If there's organic lead, we can pull in Shell by having another PERP, then amending RB order to include Shell. Spoke w/Misty: told her what Gil said. She sent the sample off to Washington.
- 6/29/95 mess fm Trish Fusezy: she knows the deadline for report submittal is 6/30, but they just got it yesterday. Is it ok to hand-deliver it? Spoke w/her. Yes, ok, she'll deliver it tomorrow.
- 6/30/95 Received June 95 "Phase II Env. Site Invest." by ACC.
- 7/5/95 Reviewed it. There are copies of 3 aerial photos, showing the Shell station layout: 1969, 1975, and 1977. Its still guesswork as to where EXACTLY the USTs were. **There may be an existing waste oil UST; there was an extra (5th) vent pipe, which could not be accounted for.** Nine Sbs were drilled on 5/23/95, around the existing excavation, using a pneumatic sampling tool. **They got up to 1-2 inches of FP on gw; FP found in 4 borings.** Dissolved gw concs: up to 89,000 ppb TPHg and up to 21,000 ppb benzene. Soil results: up to 830 ppm TPHg and up to 1.8 ppm benzene (B5 at 8'bgs). **They did a fuel fingerprint characterization, and found the product is leaded gasoline mfd prior to 1984.** The ND gw results in B8 indicate the extent of gw contam in the Eastern direction is known. What now? Must speak with Gil.

- 7/5/95 BC spoke w/the lab. Friedman and Bruya lab said that 0.1 gram per gallon is max conc for unleaded gasoline. Therefore, since they had 4 grams per gallon, they concluded it appears to be leaded gasoline, aged prior to 1984. So the data is legally defensible.
- Spoke w/Gil time to call Shell in for a Further PERP.
- 7/6/95 **Wrote Notices of Further PERP.**
- 7/18/95 mess fm and to Trish Fusezy: whats the structure or format of the mtg? Same as last time, only this time weve included Shell. Spoke w/Gil: its an open hearing with open discovery. All info should be shared w/all parties. Well give them 30 days after the "hearing" to submit other info. Maybe hearing should be 1.5 hours. Spoke w/Trish Fusezy: do we apportion responsibility in %s? I told her my understanding is that each RP is 100% responsible. ACC told her that we apportion %s. I recommended she call Gil.
- 8/8/95 Kathy Kelly phoned and lm: shes a Shell engineer from Houston (713-241-1796) Whats the purpose of this Continued PERP? She has no file on this site. Left mess for KK: the Notice was sent to Lyn Walker in Concord, so I dont understand why you are involved. The Notice explains the purpose of the mtg: to establish Rps and cleanup strategy. Shell is being invited bec they operated the site for 25+ years.
- 8/16/95 Continued Pre-Enforcement Review Panel: attendees: Lyn Walker of Shell, Kim Johansen of Acme, Mike Reiser (his lawyer), Rod Kwan, and us regulators. Gil: you must submit info within 30 days of today not only to JE, but to each other (all parties). Mike: Shell had 30,000 gallons of petroleum, vs Acmes 2,000 gallons. Shell had 3 types gas: super, regular, and ethyl. They can give doc (sworn declaration) that Acmes vehicles were all unleaded (Fords). Lyn: leaded gas was used until 1986. Gil: (to Lyn): do you want to get your own samples? Lyn: probably, and send the FP to our lab in Houston. Gil: how soon can you do it? Lyn: within 30 days. Gil: any access problems? Rod: no. Lyn: will submit something in writing and let us decide if another PERP is necessary. "Unleaded" fuel contained lead til approx 1986. Federal regulations limited the amt of lead to 0.1 g/gal. Kim: they used Chevron gas the whole time. Jen: but Friedman and Bruya found 4 g/gal organic lead, which is an order of magnitude greater than 0.1 g/gal. Lyn: were not disputing that Shell is somewhat responsible. To Acme and/or Rod Kwan: do you qualify for the Fund? Gil: wants response fm Shell in 30 days.

8/16/95 Set tentative date for next PERP for 10/17 at 9 am.
Then give 15 more days for comments between the Rps.
Changed his mind. If Rps are cooperating, then no
reason to have another PERP. Just have a mtg (without
Gil) here with AlCo and RPs.

*Tommy
Lester*