

- 10/11/96 lm for Tom: my response has not been sent to State yet bec I'm waiting for DA's office to respond.
- 10/18/96 Revised State correspondence.
- 12/20/96 Attended community mtg in place of Gordon. 800 Pine St. 2 to 4:30 pm. Community is outraged at DTSC and their plans to go forward w/project next Mon, right before Xmas. No process for appeal to DTSC's decision.
- 1/9/97 spoke w/Andrew CC: Nancy Nadel is new councilmember and also works for EPA. She has West Oakland and downtown, and has been involved in DC Metals fiasco. She didn't go to the 12/20 mtg, though. But she's been to most other mtgs. She thinks everything should be cleaned up to res standards. She worked w/EPA's RCRA program and has been involved w/Env Justice program. She lost EBMUD board position.
- 3/19/97 mess fm Lori Casias: They are still working on the petition from DC Metals. She needs to know which side of the street the UST is located on. She understands from the City that they do not own the street or sidewalk; only has easement for sidewalk. Phoned Lori: The heating oil UST is on the N side of 3rd St. That is the side of the street adjacent to petitioner's property. I don't know if EPA already removed the UST when they looked for the other 2 USTs. I have not received any reports from EPA. She spoke w/Andrew CC yesterday; he said that City does not own that sidewalk or street.



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8/27/96 Reviewed letter from City Attorney, dated 8/23/96. Looks good. Spoke w/Tom. Began to draft ltr to SWRCB. Lm again for Jamey Ramey: where is the Streets and Hwy Code?

8/29/96 Received and reviewed lab report fm DTSC: this was the sampling done in 1988 by DTSC. They ran 8270, 8040, PCBs, total metals. Results indicated 130 ug/g (ppm) phenol, 28% O&G (HML Method) . . . and some other stuff like "sonication extraction." Also got ND for PCBs. Anyway, there is no site sample map. VC not tested.

Phoned Eric Sramek of CET: they will be doing excavation for their client, PG&E, in the street, and want info for H&S reasons. PG&E is laying power lines for CalTrans, which may go onto the DC Metals site. CET already did some work about a year ago out there. Told him about the high concs of VC. He knows. He's also seen the BSK workplan. They did some air monitoring last year. Told him there is sparse data re chemical concs. He thinks he will want to review file anyway just to show them they have done the work requested.

8/30/96 **WROTE LETTER TO DTSC** re workplan deficiencies.

10/3/96 mess fm Lori Casias: where is the response to their lawyer? When will she get it? Mess to Lori: told her about the VC mess, and DTSC and EPA involvement. I'm not sure how this little heating oil UST fits in w/the rest. Spoke w/Tom: heating oil UST is low priority, but if EPA is going in to do work, they should also know the UST is a problem. Although it's a low priority, it's sure taking a lot of time to respond to the lawyer.

**Worked on the response.**

Phoned Bob Chambers (DA's office) for help on items 1 and 3. Can he get copy of Assessor's record? And doc showing lm for Eric re this; **faxed him the State memo.**

10/7/96 Boyd Sprehn phoned: please fax him 238-6500 a copy of the petition to SWRCB. If DC Metals does not vacate the site, then EPA will remove them by getting an inspection warrant, and another warrant to vacate them. Faxed it. (Starts w/1/24/96 letter from C. Judson)

Phoned DA's office: Eric supposed to be back fm vacation 10/7. Did he get my 10/3 fax? Status? Lm for Eric.

10/10/96 mess fm Eric N: has been swamped; hasn't gotten to it yet.

8/13/96 Reviewed the big 7/24/96 "Draft Remedial Invest/Feasibility Study Work Plan" by BSK. This is a Draft, and unsigned. There is a MW across 3rd St. from DC site, installed 12/95 by APEX, as per Figure 2. **They plan to do a geophysical survey (electromagnetic and ground penetrating radar methods) and 24 CPT/Hydropunch locations for soil and gw sampling. Good!**

QUESTIONS:

1) did DC Metals pay for this? YES. Why didn't DC Metals go after Amco to pay for this? Or are they indeed suing Amco?

2) Did Caltrans install that APEX MW (CR23R)? Apparently. Susan Hugo may have the reports. See reference list.

3) page 11 says BSK anticipates analyzing only 10% of the soil and gw samples collected. Why? Is this their way of worming out of it? Page 9 says they propose 24 sampling locations. Page 10 says they will sample soil from 3', 7' and 10'bgs, and analyze samples based on headspace readings. Does not indicate total # of soil samples. Page 10 also says they will sample shallow gw at EACH sampling location (that's 24 gw samples), and deep gw at 3 locations.

4) their sampling matrix on pg 11 does not include VC! VC is via 8010 or 8240, not 8270. It should also include metals, based on Eng Sci 1986 invest (540 mg/kg As and 1300 mg/kg Pb). Also HVOCs, based on same invest (25.5 mg/kg 111 TCA, and 2.1 mg/kg 11 DCA). Also TOG based on same invest (up to 170,000 mg/kg). See Table 1.

Phoned Lyn Nakashima to tell her my concerns. They left out some basic stuff, esp sampling parameters. Did she see front page article in 8/10 Tribune?

8/21/96 4:03 pm mess fm Robin Nadonna (?) (238-6344) From City Planning: was involved w/variance for DC Metals to expand operations in residential area. Planning Commission denied the variance, but thinks DC will appeal it. Is aware of neighborhood issue re contam. Expanding into 324-326 Center St. Is this prop contam? Did contam come from DC Metals? Gave this message to Gordon and Tom for their comment before returning her call.

8/22/96 Gordon said: the public comment period has been extended to 9/6. He returned call to Robin Nadonna (?); just got her machine. Lm for Lyn: did you get my 8/13 message? Mess fm Lyn: they will not be approving it. There's much to comment on. Wants my concerns in writing.

8/9/96

spoke w/Boyd Sprehn, City Attorney, 238-2962. He's relatively new at the City, since April, but has worked in env. issues before; worked as AG as American citizen employed by foreign, independent govt. The Sanborn map indicates "boiler room" and date looks like 40's or 50's, but that would actually predate Amco, who began operations in the 60s.

He said the City sometimes take title to the street, but most streets are done as an easement in most municipalities, which is a right to use land, but not a right of ownership. Andrew is checking on this particular block. Do we know who insures Amco? Did DC buy Amco business or just the property? The deed wouldn't have the terms of the process. Is there any hearing date set re petition to SWRCB?

Jonathan Schorr from Oakland Tribune met w/Gordon today. He reviewed our LOP and generator files. He copied only one page, a letter from Tom (to DTSC?).

Spoke w/Lyn: Told her we only have the LOP and generator files. City should have the HMMP file. But their atty asked Brit for a file, and all they got was one page. Dr. Chin (County Health Officer), Ravi, and Sum Arigala went to the site yesterday bec Dr. Chin had to report back to County Supervisor. DC Metals was operating next to Amco at the same time. Any mtgs scheduled? Chris Noma wants to meet w/Caltrans and SP and DTSC. If that's the case, the mtg will be full of lawyers, and will take a long time. PG&E was out doing five Geoprobe borings 2 days ago, bec workers wanted to know what they were exposed to last year when they dug the trenches. Consultant wouldn't talk to her, said to talk to PG&E contact (John Robinson cellular 510-816-6810, messages 534-3265, no address). She asked if they did some air monitoring. She thinks Caltrans did the original sampling last year, not PG&E. So that's why PG&E did it. Caltrans wants a copy of the results. Lyn wants a copy as well. She heard that PG&E's and Caltrans' IH were out there. . . .Did she ever review the wp? No. She called SP, and they said they never had rights to use that spur going into Amco and just never used that spur (see 1970 Sanborn map). As of 1962, Amco owned the spur. Tom said contact County Assessor office and City's Bs License office, and get info on the "Walter R. Cole and Co. Tank Works" site, seen on the Sanborn maps (1951, 1952, 1957, 1958).

8/12/96

lm for Jamey Ramey bec I did not receive her fax last Friday.

Read newspaper article from 8/10 (front page Tribune).

8/8/96

calls w/Andrew CC from the city. I need a written "policy" (letter) from City attorney re their policy on USTs found below sidewalks. Donnell Choy is on vacation, so Boyd Spring is in charge (238-2962). Spoke w/Andrew CC: he sent Boyd Spring a copy of my message. They had been speaking re the sidewalks in this particular area just recently. He was at the last public mtg. DC's attorneys spoke at the last public mtg, and contend that it's DTSC's fault bec they didn't require cleanup in 1988 when they had a spill. He doesn't think it's necessary that EPA take over this site. But there's a big lack of credibility (DTSC).

Phoned Jamey Ramey, utility supervisor at City, Public Works, Sidewalks: 238-7455. . . Im, asking her to fax me the State Highway Code re USTs in sidewalks.

Tom wants us to name Amco Chemical as another RP re tank in sidewalk.

Received and reviewed 2 letters (sent from DA's office): 8/5/96 from C. Noma to Gil Jensen, and 7/29/96 ltr from C. Noma to ~~EPA~~/DTSC w/their update. DC maintains that they are not responsible for the soil/gw contam, which was ID'd when Amco operated. And that DTSC was negligent for not going after Amco other than removal of ASTs and fencing.

Spoke w/Gordon; he's getting calls fm the City. Wants to look at the file.

Spoke w/Gil Jensen: Yes, he went out there w/the OPD and OFD (ER van). They walked the whole site. He asked DC how long it wd take to remove the scrap metal pile over where the USTs were previously located. Kid said one day. EPA is unlikely to take over the case. He wants City and us to do an exhaustive search to determine if there's been a tank pull. Check the files again. City has HMMP file. Brit suggested checking Dep Ref files; if Ted Gerow or Ed Howell went out for tank pull there, Rafat insisted they get \$\$ . DTSC isn't going after SP or Occidental Petroleum (Best Fertilizers). He wants to be able to say that there is no indication that USTs were pulled. He thinks they buried something nasty. We have to get SP or Occidental involved.

Checked DepRef database, both electronic w/Norma under address, STID and name, and also hard copy under 3rd St., Cypress and Mandela. NOTHING.

Mess fm Jamey Ramey: 238-7455 she remembers speaking w/me last year. Wants to clarify that they use the Streets and Hwy Code for issues re po doing sidewalk work, not USTs. Spoke w/Jamey: City has public right of way, but po is responsible for making sidewalk repairs. It is a large section. Will send it on 8/9.

8/6/96

Received 8/5 fax from Lori Casias to Tom. It's a memo from Dorothy Jones, their legal counsel. She has 6 items that she wants from us: #1 Our Assessor's microfiche cannot be made into a hard copy from our office. She can contact the Assessor at 510-272-3787; #2 re State Highway Act: call Jamey Ramey; #3 look for it; #4 In the absence of other info, the date of leak was when it was discovered, which was just in 95. Therefore, we named po from 95 as RP. Is there any current entity known as Amco Chemical? Call DTSC: was Lou Nagy dba Amco? Or was Amco an Inc entity or limited partnership? Was Lou Nagy the sole proprietor? If so, there is no more Amco, since he died. Even if he operated the UST. Call City and ask for bs license (it should say type of bs). If partnership, do we name the wife? Just bec she was married to him? And had no interest in the site other than marriage? If Inc., we may have other Rps, but they may be very difficult to find. #5 She should contact the attorney for the City of Oakland (try Donnell Choy--atty for Redevpmt Agency) (or try Brit or Andrew CC)(ask why po's are responsible for USTs under sidewalks) #6 copy and paste my site summary.

Im DTSC (Lyn Nakashima): was Lou Nagy dba Amco? (Also: what is the cleanup level for O&G in surface soils? Ie 3'bgs This is for STID 250 Asbury Graphite)

Tom said D. Jones phone is 916-227-4421; D. Choy is 238-3493, or ask for Vivian O'Neal.

Susan said the RWQCB allowed 17,000 ppm O&G (Bunker C) around 5'bgs in Emeryville. Close to gw. But it doesn't solubilize in gw. But they did a gw invest. And asked for PNAs, but they were ND. PNAs not necessarily in O&G; more likely in Bunker C. Look for metals and semi-VOCs. She doesn't think DTSC has a cleanup level.

mess fm Lyn: County records showed Amco Chemical as a corp, June Nagy is president and registered agent of Amco in their articles of incorporation. Cypress St. Invest is a limited partnership associated w/DC Metals. Lm for Lyn: what is June Nagy's address? Is it the same for Amco at 2133 Pine Knoll Drive #7, Walnut Creek 94595? This address is on their Order. Does Amco still exist? Spoke w/Lyn: Monica Gam (540-3767) has been talking to June Nagy; June is in her 80's. She might have become Pres after her husband died, but says she didn't know too much about the business. She worked a bit in the office. She was Pres in 88 when DTSC did inspection. She thinks Amco still exists. It shows up on articles of incorporation in Sec of State's office. No other address for Amco, just June's home address.

Phoned Donnell Choy: left message.

7/30/96  
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news too. Mee Ling hasn't seen it. Faye lm for Arnold's secretary, Venus (?) They cannot find it in Arnold's office. Faye remembers it as being a simple letter, not a thick wp. LM for Lyn: please send me a copy, to MY attention.

**MTG W/GIL JENSEN, BRIT JOHNSON, AND TOM PEACOCK:** Gil: wants to separate the issue of bldg the freeway from complete remediation. Tom: can they make a bridge over Bobo's without footings on Bobo's. Gil: EPA told him it's very difficult to make a Superfund site. Brit: Gil called Mr. Terry Brubaker of EPA (415-744-2292). There was a mtg last night. Andrew CC involved bec OPW and CT are linked somehow. ACC thinks that there may be some \$\$ left over fm Verdese Park (EPA has the \$\$). It's a high profile project plus very toxic chemical. Gil: we support the freeway construction w/H&S protection. We've asked EPA for appropriate H&S protection. Brit: cmnt may mess this up. CT wants to pave site after freeway and forget about remediation. Gil: we have to insist on rem. We need EPA to state that they can do it. Do what? Gil: Supervise CT. BJ: Air sampling the res area for VC in the short term. City wants CT to write an ER/contingency plan if something goes wrong during freeway const. Gil: Rich Martin EPA 415-744-2288 is our main EPA contact. He is an on-scene coordinator. Jen: we all looked at the file docs from the 1988 spill/ER by K. Chesick and DTSC. Samples were collected by DTSC. Where are the results? Did they find VC? Why did Barbara Cook include VC in her 4/96 Order? From CT's sampling under sidewalk when they found the UST under sidewalk? **But that was only 120 ppb in soil at 2'bgs.** Nothing compared to 44,000 ppb. How did they take the gw samples at Bobo's? All grab samples? Or is any VC conc from Bobo's Mws?

Mess fm Lyn: DTSC person from Surveillance and Enforcement, along w/BART person (she thinks), went to site in 1988. They didn't sample for VC; they did sample for glycols or actually phenols, PCBs, etc. She thinks she sent me copies of those reports. The Order was not based on 1988, but rather the findings of CT and PG&E in 1996. Their file is currently missing.

Spoke w/Lyn: No, I do not have their 1988 sampling results report. She got her copy from me. But she's talking about two inspection reports from DHS (DTSC), dated 8/4/88 and 7/27/88 (date of inspections). Those reports only document the inspections, not the sample results. Also, CT sampled in 3rd ST., and found 44 ppm VC in gw. Was that a grab water sample? Was there a report generated fm that work? Yes, APEX done for CT around 12/95. I should call CT for that. Call Jennifer Powers at 286-1399; I'll wait til Thursday, after the mtg. They have copies at the Glove Bldg, located at 1121-7th St. near Adeline. Open regular bs hours. Maybe Susan Hugo has this report. She's writing a letter to DC, saying that County didn't get the RI/FS wp. Great!

7/26 con't

Spoke w/Lyn: the H&S plan hasn't been finished yet. Soils will not be disturbed on surface where the VC is. Workers will wear Tyveks, but not Level A. Probably Level C (APRs). It still may seem scary to the residences. Lyn says they will explain why the workers will be wearing these suits. Also will be monitoring. CT will post air mon results daily. So it sounds like they will do good hazard communication. Invest of DC Metals could occur at the same time as I-880 construction. **DC faxed their 41-page wp to DTSC on 7/24; consultant is BSK in Pleasanton (Khaled Rahman is contact)**. We should have been cc'd. She will ask them to cc us in her next letter. She hasn't looked at it yet; it may even need to be revised. Cmnt wants CT to clean up Bobo's junkyard before they build the freeway. But it gw is pumped from Bobo's, it may not remediate the source of VC, which we think is on the DC Metals. Told her the Bobo's site may have been used by Amco Chemical, as per Leroy Griffin. She said that DC Metals used a portion of the Bobo's site in 1991. Maybe Leroy meant DC Metals when he said Bobo's. It's a Removal Action Workplan: for how CT will install footings. SP wrote another plan for after freeway is built. West portion of Bobo's site turns into Prescott Park, which continues all the way to main Post Office. **Maybe all the affected agencies should get together.**

7/29/96

Tom said that Gil phoned EPA's ER Team. Trying to get them involved. But what is the emergency? What does Gil want them to do exactly?

7/30/96

Oakland Tribune had an article re Bobo's and DC Metals on the front page. Made a copy. Talks about tonight's public mtg. CalTrans plans to install the footings without removing any soil. Tom said that he heard a newscast on KCBS this am.

Reviewed lab reports sent from DTSC. Top two pages are from IT's work in 1984: 2 soil and 2 water samples: all ND (but remember Lyn said the DIs were high). The rest is from ES's work in 1986: COCs were identified as O&G, metals, and VOCs. There is a site map of Amco (does not show USTs). **They identify two 10,000-gal USTs as being located between the shed and ASTs #2 and #3.** They took 6 surface samples, but do not indicate the depths of these "surface samples." **They recommended additional sampling to determine extent of TCA, 11 dCA, As, Pb, and O&G.**

Phoned Lyn Nakashima to let her know the 1986 report identified the location of the two USTs. Are the USTs being addressed in their Order? What did their wp look like? It says BSK, Draft RI/FS workplan; loose with a clip. Has she reviewed it yet? NO. Could I get a copy? Can't she get them to cc me on future correspondence? She said that the Order says it should go to the Public Health Director, Alameda County, 1131 Harbor Bay Pkwy. I will check w/Mee Ling Tung. Lyn got the hard copy on 7/26. Told her about today's newspaper article. Her public info office is talking to Channel 2 right now. It was on am and lunch



Photo (or Survey). They want to get this photo and blow up the part w/bulldozer. **What were they doing?** There will be a mtg re Bobo's on 7/31 at 7pm at Lowell Jr. High at 991-14th St. in Oakland; Lynn will be there, re removal action wp.

7/25/96

spoke w/Tom and Gordon Coleman got a call from Dave Kears' office, who was contacted by the African American org. They want me to contact EPA's West Oak Env Justice office. GC gave me a letter from DTSC to C. Noma, requesting that a fence be erected around the site, with specific signs. (I thought the site was already secured.) . . . remember that CT sampled the water purged from the trench near the UST in sidewalk, and analyzed it and found, among other things, 7.9 ppb VC (sample "Baker 1") in 7/95. (The lab sheets are in a fax from CT to me dated 7/28/95.)

Lm for Cathy Goforth of EPA (415-744-1169) saying I want to discuss Bobo's Junkyard and DC Metals. She's out today.

7/26/96

Lyn Nakashima phoned: She got a message from Cathy Goforth from EPA, who said that the County told her that the USTs contain VC, and they are trying to get USTs removed. And that the DA is involved. But Lyn warned that VC wd volatilize very quickly if we did tank removal and soil disturbance. Phoned Cathy Goforth of EPA: (415-744-1169) She's involved w/the West Oakland Env Justice Program. So I told her the story. She doesn't yet have an official role for this site. Tom Peacock came in: Caltrans is under pressure fm Gov and probably City Mayor to get this freeway open. It is not CT's concern to deal w/toxics very much. DTSC is the lead (another state agency). CT figures it's DTSC's problem. But residential prop bordering on what is designated as "exclusion zone," meaning the haz mat workers will be in moon suits right outside these residences. Freeway is being built w/fed \$\$ bec it's an interstate. So we think EPA should take a closer look. Cathy: the community people have asked her office to look at this site. They just received CT's and SP's remediation plans for Bobo's. But they don't have the official lead agency status. But cmnt and city have asked them to advise. Her project liaison (Carla Mora?) has been mtg w/cmnt. Tom: does EPA take over sites? Cathy heard that DA's office may be contacting EPA and ask them to take over this case. Leroy Griffin may be contacting the DA. DTSC can bring EPA into a site, but she doesn't know if the County of DA can. Terry Brubaker headed up ER (until their recent reorganization); his # is 415-744-2293. We will call DA, Terry at EPA (later), Leroy at OFD, Lyn at DTSC (let her know what our concerns are). DTSC may be going to AG office bec DC Metals is not complying.

Bobo's, 5) tabulated results, 6) fact sheet on VC. Lm for Tom re status.

Mess fm Lyn: Community meeting(s?) were held by DTSC, as an informal onsite walkaround; onsite meaning on 3rd St., on the street. DC Metals participated; their lawyers were there. EPA's Environmental Justice people were there, but just observed (did not participate). She had called Gordon and Susan, but they decided not to send anybody. She will be out Fri and Mon. **DC Metals did not submit their wp, so they are out of compliance with the Order.** DTSC will write another letter saying they are out of compliance.

7/8/96 Reviewed 7/3/96 letter from Clearwater Revival Co (CRC) to DTSC (I was cc'd). It is full of unsubstantiated accusations. Unbelievable! Can't respond to something so vague and unsubstantiated, except to say that it is vague and unsubstantiated. phoned Lyn: lm mess fm Lyn: did CRC do a file review in our office? Yes, she got their scathing letter. She will write them, and invite them for a meeting. I'm invited also. DC Metals did not submit their wp, so they will work thru their attorneys. Phoned Lyn again: lm: yes, CRC did a file review here. Did they also do one at their office? Please let me know about the upcoming mtg.

7/16/96 Reviewed 7/9/96 letter from DTSC to Patrick Lynch of CRC, inviting them in for a mtg. Reviewed 7/12/96 ltr fm DTSC to Christine Noma, saying that **DTSC denies their request for an extension on submittal of monthly summary report, RIFS work plan, and public participation plan.** Requests these items again by 7/24 or else enforcement action will be taken.

7/24/96 MTG W/CITY OF OAKLAND (Leroy Griffin, Brit Johnson) AND BERKELEY (Poirot and Lorenzo Perez): Leroy is overseeing Bobo's Junkyard site, located across 3rd ST. He said it was once used by Amco Chemical. Maybe that is where the VC is coming from? Caltrans and Southern Pac are both involved. Not sure who owns the parcel. CT wants aerial easement for new freeway. Then to make it into a park. They don't want to remediate bec it will delay the Cypress project. They have **44,000 ppb VC in gw!!!** Our approach is to let DTSC handle it. But maybe the federal EPA should also be involved. BJ suggested talking to the ER team (TAT) at EPA.

Reviewed 7/22/96 letter from DTSC to Ms. Noma. It says that **June Nagy gave DTSC a SI report by Engineering Science, and analytical results by IT Corp.** Phoned Lyn N: asked for a copy. She said there was an invest in 1984 by IT Corp: 2 soil and 2 water samples: all ND, but DIs were high. Another invest in 1986 by Eng Sci. They mentioned two 10K USTs. Ice house on this site, which was burned; neighbors say it has asbestos. They found TCA, Dca and metals in soil. DTSC met w/Patrick Lynch (forgot to notify me of mtg). He showed them an aerial photo fm 1989, showing a bulldozer doing earthwork; from Pacific Aerial

5/28/96 spoke w/Gil: He thinks I should hold off on the letter. He'll call DTSC lawyer, and have them ask me . . . what? He wants to get me out of the loop bec it's Christine Noma. His advice is if she gets clearance from AG or DTSC, then I can talk to her and/or show our files. I'll send her the letter. Gil will hold off calling her. Gil wants to know who the lawyer at DTSC is. Rbt Hoffman is the head guy; who is the lawyer working on this case? Ask Barbara Cook.

Wrote letter to Christine Noma. Faxed it.

Spoke w/Barbara Cook. Not in litigation yet. They set up this mtg to try to figure out what is going on. Phoned Gil Jensen: left mess: they are NOT in litigation yet. How should I revise my letter? The last paragraph seems not applicable now. But I can still ask her to document her role in writing.

6/20/96 mess fm Patrick Lynch: from Clearwater Revival (env consultants) 522-2165. Why wasn't the DC Metals file available for his file review this am? (I had previously told Rick to tell him that the case is pending litigation.)

6/21/96 lm for Lyn Nakashima, asking for update on litigation status, and outcome of their mtg w/RP. Mess fm Lyn: they had a mtg w/RP, said they wd do investigation. **They are not in litigation.** They should be submitting a wp by 6/26; public participation plan by 7/11. Phoned Patrick Lynch: who is he working for? He's working for prospective buyer for a nearby site. He also had contact w/an environmental justice organization who is working for the neighbors. He doesn't want to tell me who, bec he doesn't have a signed contract w/them. He is not working in a paid capacity for them. He has letter from DTSC (Carol Northrup, public participation specialist) to Oakland Mayor saying why this site is a problem. How it was impacting Cypress St construction. I asked him for a copy of that letter. It's not to the Mayor, but to the EPA in SF. He will contact JB for file review.

6/27/96 FILE SEARCH BY PATRICK LYNCH. Apparently, my file notes were not removed before the file search. Discussed this w/JB, Tom, and Gordon. Tom told me that DTSC phoned our office yesterday, re a community mtg that was taking place last night, and they wanted someone from our office to attend. Last minute request. Apparently, nobody from our office attended. Did DTSC? What was the outcome? Lm Lyn Nakashima with these questions.

Read through the documents that Patrick Lynch left for me: 1) summary of Sanborn Fire Insurance maps, 2) fax from Cal EPA DTSC, but unknown who it was going to, 3) 5/6/96 letter from DTSC to US EPA re "a very serious toxics problem," . . . and the biggest COC being VINYL CHLORIDE, in concs among the highest recorded by their office, 4) site map showing boring locations at

5/21/96 Reviewed 5/17/96 letter from DTSC to Rps: states that the RP has "failed to comply with the initial req'mts of this Order. . ." They will refer this Order to the State Attorney General's office for enforcement action. Wow!

Reviewed package from Lynn Nakashima of DTSC: includes 1) copies of photos of 8/88 inspection, 2) copy of the Imminent or Substantial Endangerment Determination, dated 4/26/96, signed by Barbara Cook, 3) copy of the Imminent or Substantial Endangerment Determination and Remedial Action Order, dated 4/26/96, signed by B. Cook, and 4) sampling results for lead at 320 Center St.

5/28/96 Discussed case w/Susan Hugo, and Pam Evans. Received request for file search on 5/30, by Wendel, Rosen, et.al. Phoned this law firm at 834-6600, spoke w/Michelle Sanchez. She said their law firm is representing DC Metals. But DC already has a lawyer (Craig Judson of Bold, Polisner, Maddow, et.al.). So they have two lawyers? Hmm. Lm for Lyn at DTSC: can they work in our concerns (two 10K USTs, UST in sidewalk) with their enforcement action, via the AG office? Spoke w/JB: we may not be able to provide a file for review if the case is under litigation. I should speak w/Gordon. Spoke w/Tom: ask the law firm for proof that they represent the RP. If they do, then he thinks we can show them the file. If not, then I should speak w/Gil. Phoned Gil, left message: re "litigation status." spoke w/Lyn: they can have RP look for the two 10K USTs because they are solvents. So RP and DTSC lawyers are meeting on Friday (5/31). She's not sure if they can go after the small UST in sidewalk. I should also ask Gil if it's ok for DTSC to go after RP re the USTs, or if that should be separate jurisdiction?

spoke w/Gil: He said to write file reviewer a letter, requesting them to doc their role as representing RP. Since my last contact w/RP was through another attorney. Notwithstanding, pls be informed that this mater is in lit, and **all requests should therefore be made thru the DTSC, Office of Legal Counsel and Criminal Investigations, office.** cc: DTSC (Barbara Cook), Attn: Robert Hoffman, Chief Counsel, DTSC, Office of Legal Counsel and Criminal Investigations, PO Box 806, 95812-0806 and Gil Jensen

Spoke w/Lyn at DTSC: Mtg is not w/AG. So it's still inhouse. Mess fm Christine Noma: she is representing DC Metals, in the matter of DTSC's Order. They have retained a consultant, and are in the process of meeting w/DTSC to come up w/a RIFS plan. That's part of the purpose of her paralegal coming in to obtain copies of all our haz mat files re this and other nearby sites. She plans to send copy service on Thursday 5/30. Will I have this file, or will I leave it w/JB? Call her at 834-6600. Phoned Gil Jensen: left mess. At 2:15. He should be back around 3 pm. Is it doc enough for law firm to write that they represent the RP?

5/2/96

spoke w/Susan: DTSC issued a cleanup order. I'm waiting for SWRCB to respond to RP's petition. DTSC named June Nagy, Cherry, as Rps. She got the order bec it's part of freeway reconstruction project. High solvent concs (vinyl chloride) at Bobo's Junkyard, attributable to DC Metals. She thinks we should take care of UST, and let DTSC handle other aspects. Rps have 30 days to respond. Bobo's is located Kirkham and 5th Sts. Very close to DC Metals. **I'D LIKE TO GET A COPY OF THE ACTUAL ORDER. WHAT IS THE DEADLINE FOR COMPLIANCE?** Made copy of the letter. Susan must be on blind cc list. . . Also, Cathy Gates wants to look at site history.

5/7/96

spoke w/Julie Twitchell from the lead poisoning prevention program. Woman at 320 Center St. (Bernice Mack) complained re contam from runoff from site. Her house was built in 1884, so it's possible her leaded paint is responsible. She met Lynn Nakashima from DTSC at a community mtg. Lynn Nakashima tested property line, and found high lead levels. DTSC has a report with these results. Over 7,000 ppm lead. Her youngest child is 8, which is kind of young for being at risk. It may fall under the storm water runoff program. I believe the City of Oakland is running this program. It used to be under our office. Referred her to Brit Johnson. She knows who he is. Told her it seems that DTSC has already issued an order. She will refer her to Brit Johnson. And will let her know there is an active case w/me.

Lm for Lynn Nakashima of DTSC: left a long message. I'd like a copy of the DTSC report w/lead results, plus their Order. Mess fm Lynn: she can send a copy of sampling at Mack residence, and of the Order. They sampled the blood lead of girl living there; it was fine. She wants copy of my info on UST. There is high vinyl chloride in gw. (Mws?) Found photos fm 1988 inspection; lots of ASTs and drums. 540-3839.

5/9/96

phoned Lynn: lm: also asked for info on vinyl chloride in gw. Are there Mws? Gave her our address for her mailing. Asked for HER address. Copied documents in file for her.

5/9/96

spoke w/Lynn Nakashima: SP has wells at former Bobo's Junkyard. It is across 3rd St. from DC Metals. They were sampled recently for vinyl chloride. DTSC issued them an order to get them to start sampling again. CT put in temp wells and found more VC. Concs go from 120 ppb on Bobo's to 11 ppm in 3rd St., and 44 ppm in St nearer to DC. CT drilled to 60'bgs; maybe some DNAPLs. Did they hit 2nd aquifer at 60'? No; all sand. Thinks VC is coming from DC Metals. She saw some photographs (approx 25) from Amco Chemical. Their file is lost. So she needs copies of our info. No records of removal for ASTs either. No manifests for removal of HW; checked the Haz Net system--computer database. How far back does it go? She entered/put down 1972. She hasn't heard from them since they issued their order on 4/26/96. Barbara Cook signed the letter and order. Lynn works directly for Barbara. Her address is 700 Heinz Ave., Suite 200, Berk 94710. She's been there since 1986; started out in S&E (surveillance and enforcement).

11/22/95 spoke w/Craig Judson: Cypress St. Investmt is a limited partnership and p.o. The general partner is DC Metals. The limited partners are the Cherry's. 2 of Cherry's are also shareholders and directors in DC Metals. Contact for Cypress St is Ray Cherry. Lou Nagy died 5-6 yrs ago. Wife June is alive. Nagy's are carrying the note on prop. Cypress St. owes Nagys \$\$\$. June was on title to prop. Told him about the Sanborn map w/boiler room. He asked the date? I said illegible, but looks like 40s or 50s. When did Nagy's start business? He'll ask Ray Cherry to contact June Nagy and try to get info such as business layout maps, past worker contacts.

Revised NORs and sent them out.

12/13/95 Im Craig Judson

12/19/95 Reviewed 12/15/95 letter from C. Judson to Tom Peacock.

spoke w/Lori: She's not sure if they can accept this. Doesn't think they can amend a petition by adding another RP. Will run it by their legal counsel. They may have to file a separate petition. Even so, it may be too late for them to file a separate petition (over 30 days). Who do they get their hearing with? It would be w/the State, rather than us. She thinks it will get dismissed, based on the lack of substantive issues. So legal counsel will write a dismissal letter, outlining the rationale. If the State thinks their petition warrants review, they WOULD get a hearing w/the State. Their legal counsel is Dorothy Jones. Do I need to respond to them? No. But it will probably take several months before she responds.

2/26/96 Reviewed 2/9/96 letter from Lori to Judson. Lm for Lori: do we have to respond to this? I thought the State's lawyer was going to write them a dismissal letter. What's the status?

2/27/96 messages w/LC. We do not have to respond if no further comments. Ok

3/4/96 discussed w/TP. Lori wants to know if RP is "in compliance." Lm for LC: they have not removed UST or even submitted UST Closure plan. So they are NOT in compliance. Do I have to wait until Fund's lawyer issues dismissal letter, or can I do anything else now? Ie NOV, PERP? Lm Gil re this.

5/2/96 Susan Hugo wants the file.  
Julie Twitchell from AlCo Lead Poisoning Prevention Program phoned. Tie line x38252. Neighbor phoned in, concerned re runoff to her/his garden. DTSC (?)  
Did some testing on property line, and found >7,000 ppm lead.

5/2/96 Lm Susan and Julie.

8/2/95 Spoke w/Mark Weaver: CalTrans Right of Way Dept. (286-5396) Property is not being bought. Only buying an aerial easement. My message was the first he heard of the UST. They do not plan to remove the UST; they're not buying the property.

Phoned Chuck Miller: told him of my conversation on 8/1 with the DC Metals people, the NOR, and my next step: to write a letter.

Phoned Reidel: spoke w/Chris Merritt. He said those 3 pages are from air monitoring, showing locations of such. Not soil trench samples. Ok.

Phoned City of Oakland, Public Works, Sidewalks: (238-3651) spoke w/utility supervisor, Jamey Ramey (238-7455): she said the State Highway Act says the prop owners are responsible for removing tanks. She said someone had to take out an encroachment permit, and maybe their permitting desk has a copy. Phoned them at 238-4777, spoke w/David. He'll check. She'll copy me the State Hwy Code and fax it. She said the sidewalks are a public right of way.

**Wrote ltr to RP requesting they remove the UST.**

11/16/95 Discussed petition w/Tom, Lori Casias, and Kevin Graves. Drafted letter to SWRCB.

11/17/95 spoke w/Chuck Miller: No, they did not uncover the UST to see where the pipes led. DC's lawyer doesn't return his phone calls. ACC advised them that it's probably going to be considered their UST, even though it's under the sidewalk. Sanborn map showing boiler room is 1943??? very blurry. . . they were planning to do GPR to locate USTs onsite. He'll fax me some stuff from his file: Pam's inspection report from 5/95. I faxed him my 8/2/95 letter.

Revised letter to SWRCB.

11/20/95 Checked Assessor's records. P.O. is Cypress St. Investments, 1414-3rd St., 12/89. What is the relationship bet Cypress St. Investmtns and DC Metals? The lawyer Judson claims DC is not the p.o. of 1414-3rd St.

Spoke w/Chuck Miller: He does not know who Cypress St. Invest is. But Ray Cherry gave him the impression he OWNS the property.

Discussed case w/Pam Evans at length. She's ready to write a NOV. Should we take this to DA in concert?

Revised letter again.

8/1/95 Phoned Chuck miller: Did they go onsite yet? Yes, but couldn't assess much bec the machinery was moving around; they need to go back early before the machines start work . . . . CT is mtg w/DC Metals, and discussing the way the freeway may be impacting this site. CT may need to purchase some of this site for the new freeway. CT is going to demo another DC Metals bldg (down Cypress St) on their site, and move their offices. CT won't allow DC Metals to operate while they work on freeway. . . . Sanborn maps indicated a boiler room on their property; maybe that explains the UST. ACC is giving DC a proposal to uncover the UST, and see where the pipes go. Who is their contact at DC? Ray Cherry; nice guy, and cooperative. Bought site in 1990. They cleaned up the site when they bought it; it was a mess. . . . . Chuck didn't know about the sampling/results. Why did they purge the water? Maybe to lay the piping. Why did they sample the purge water? Probably because they suspected something (PG&E smelled odors), and had to sample in order to dispose anyway. Why did they take borings? Who paid for it? Why would CT pay for it if they don't own the site?

date?  
no

Phoned Kate Liega: who from CT is in negotiation w/DC Metals? Why did they take borings? Who paid for it? Why would CT pay for it if they don't own the site?

Phoned Ray Cherry: CT is buying part of the site--the back part--within 20' of where they found the UST; it would include the parcel adjacent to the sidewalk. Mark Weaver is their CT contact re prop transaction (286-5396). They're talking about an aerial easement. He maintains that he doesn't own the sidewalk area. His lawyer found out that they do not own the sidewalk. Craig-partner-came on the line. Were there encroachment permits taken out? CT said they didn't want anything to do with the tank. CT requested PG&E to relocate utilities. Ray Pang, construction engineer w/CT, was aware of the tank. They want to put a footing in 3rd st, at least 20' away from tank. Tank is just outside of freeway right of way. Chuck said he had no proof that the UST permits were acted on.

Perused the HMMP file; can't find the UST file. There is doc. Of two 10K USTs on two occasions during inspections by 2 different AlCo inspectors: 1986 Tom Peacock, and 1988 Katherine Chesick and Larry Seto. This was as per the owner Lou Nagey. Found the UST file: there is a permit for 2 USTs, dated 1988, plus other stuff--the permit application for 2 10K USTs, signed by Nagey (no date). So there! Faxed this stuff.

Phoned Mark Weaver w/CT: 286-5396 lm

8/2/95 mess fm Kate Liega: They sampled the material bec it had a lot of odors. They're gonna do some borings in that area for their future Dream Line Trends or Trench or Trains (?), so they can just load material onto trucks, instead of let it sit around anywhere for any length of time. Right of Way Dept 286-5400 main #. Contact is most likely Bob Bechtel (?).



Site Summary STID 933  
DC Metals  
1414-3rd St. (Corner of Cypress)  
Oakland CA 94607

7/27/95

Chuck Miller of ACC phoned. (522-8188) They've been hired by DC Metals to do site history and determine location of USTs. AlCo (Pam Evans) told them our records indicated two 10K USTs onsite. DC has no knowledge of these USTs. Site has been paved over completely w/concrete. Told him they could do GPR if there is no rebar. Told him to try aerial photos. Any vent lines? ACC hasn't been onsite yet. They'll go early next wk. The owner prior to DC has died. He looked at Sanborn maps and OFD files and got nothing. Some mention of ethylene and propylene glycol in USTs in 1970. While trenching, PG&E found a UST under sidewalk in June 95. They also found contaminated soil. They marked "contaminated" on vault on 3rd St. Trench veered around UST, toward the st.

*Permits taken out signed by former owner*

7/28/95

spoke w/Susan Hugo: CT told her there were 5 more USTs in various locations that would be removed. Is this UST one of those 5? Lm Kate Liega

Spoke w/Sum Arigala: CT told him they found FP moving into the trench (via voice mail). He got a report (1 pg) to OES. CT sampled trench, got some hits, but does not look like FP. No mention of UST. DTSC called him also (Lyn Nakashima) and said she was looking at it. He doesn't know what that means exactly.

Mess fm Kate Liega of CT: the UST found under sidewalk WEST of the driveway at DC Metals. This UST is NOT one of the 5 USTs CT plans to remove. PG&E dipped a string into UST and found a dark, thick, viscous liquid inside. She called SH to notify re UST. Found water w/7.9 ppm VC in trench. UST did not seem to be leaking into trench. Hauled about 25 yd3 soil to a class 1 landfill. Mark Williams at Reidel did the sampling. Found DCE, TCE, Hcs. GW was at 5-8' bgs. Lyn told her the site was Ampco Chemical 30 yrs ago.

*ppb*

Spoke w/Pam Evans: she has OES report from CT. She sent Notice of Legal Obligation to RP this week.

Transferred to LOP

8/1/95

Wrote NOR

8/19/88

Jim McCammon of  
they will take  
the clean up.

Topic 540-2745 said  
this case as for as