



BP OIL

ALCO
HAZMAT

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BP Oil Company
Environmental Resources Management
Building 13, Suite N
295 SW 41st Street
Renton, Washington 98055-4931
(206) 251-0667

November 21, 1994

RREEF Management Company
Attention Mr. Jim Pate
230-A Alamo Plaza
Alamo, CA 94507

RE: Property Owner's consent to access to the Harbor Bay Landing Shopping Center

BP Site No. 11270, located at 3255 Mecartney Road, Alameda, CA

Dear Mr. Pate:

BP Exploration & Oil, Inc. ("BP") is presently involved in an environmental assessment at the BP Site identified above (the "BP Site"). BP is performing this environmental assessment to evaluate the possibility of the presence of petroleum hydrocarbons in soil and/or groundwater beneath the BP Site, as required by applicable environmental laws.

In order to complete the assessment, BP and its contractors request access to the Harbor Bay Landing Shopping Center ("the Property") which is to the west, north and east of the BP Site, for the purpose of performing soil borings and/or installing, sampling, maintaining and monitoring groundwater monitoring wells and related activities on the Property (the "Work"). It is BP's understanding that RREEF ("Property Owner") presently owns the Property; if this is not the case, please advise BP of the name of the current owner. Also, if the property is leased to anyone, please advise BP accordingly, by contacting Scott Hooton at (206) 251-0689.

The soil boring will be performed using a truck-mounted drilling rig. If the area from which the soil boring is taken is not converted to a groundwater monitoring well, then the area will be filled in and the surface restored. Soil boring areas that are converted into monitoring wells will be two inches (2") in diameter and constructed in accordance with the attached monitoring well diagram. As indicated in the diagram, the monitoring well will be covered by an eight-to-ten inch (8"-10") diameter traffic-bearing manhole. The attached site plan shows the locations of the soil borings and/or monitoring wells needed at this time. Final locations of the soil borings and/or monitoring wells will be confirmed by the Property Owner prior to drilling and/or installation. If additional soil borings and/or monitoring wells are needed, BP will submit to the property owner an amended site plan and obtain its approval before drilling any additional soil borings and/or installing any additional wells.

Groundwater samples will be collected from the existing wells installed by others (XW-1, XW-2 and XW-3), and the proposed well, after the proposed well is installed.

Set forth below are the terms and conditions under which BP will be permitted to enter the Property and perform the Work:

1. BP agrees to indemnify, defend and hold harmless Property Owner from and against any and all claims for personal injury or property damage occurring to Property Owner, to the extent caused by the negligent acts or willful misconduct of BP and/or BP's contractor, which claims arise out of the performance of the Work. Property Owner shall notify BP in writing of any such claim within thirty (30) days after it occurs. This indemnity does not protect the Property Owner from any claim or loss caused by the negligent or other acts of the Property Owner, its agent or representatives.
2. BP agrees that promptly upon completion of the installation of the soil borings and/or monitoring wells, BP will restore the surface of the Property affected by the Work to substantially the same condition that existed immediately prior to installation (excepting, of course, the existence of the wells and related equipment), said restoration to be completed to your reasonable satisfaction. BP shall provide Property Owner with a copy of the results of the Work performed on the Property.
3. Once the appropriate governmental agency authorizes BP to close the monitoring wells, BP shall decommission the wells and restore the surface of the Property affected by the installation and subsequent decommissioning of the wells to substantially the same condition which existed prior to the commencement of the Work. After BP completes said restoration, the Work shall be deemed complete, and this agreement shall terminate.
4. After BP receives a fully-executed copy of this letter, BP and/or its contractors will contact the Property Owner at the telephone number you provide below prior to commencing the Work.

Since BP is required by law to report the progress of our assessment activities to the appropriate governmental agency, please respond in writing to our request within fourteen (14) days of your receipt of this letter, so BP can advise the appropriate governmental agency of our progress. If you are not willing to grant BP access to the Property, please send us a letter listing the reasons upon which your denial is based, so BP can accurately notify the appropriate governmental agency.

If the Property Owner agrees to provide BP access consistent with the terms of this letter, please show its approval by having the appropriate persons sign and date this letter in the spaces provided below. Please return the fully-executed letter reflecting that consent to the undersigned. You may retain the enclosed copy for your records.

Sincerely,



Scott T. Hooton
Environmental Resources Management

cc: site file
Juliet Shin - ACHCSA

enclosures: monitoring well diagram
well site plan
copy of consent letter

Property Owner's Approval:

The below-identified party(ies) is (are) the owner of the Property and hereby agrees and consents to the terms of this letter.

Print full legal name of Property Owner(s).

Signature

Signature

Date

Date

(Complete only if Property Owner is not an Individual:)

By: _____

By: _____

Its: _____

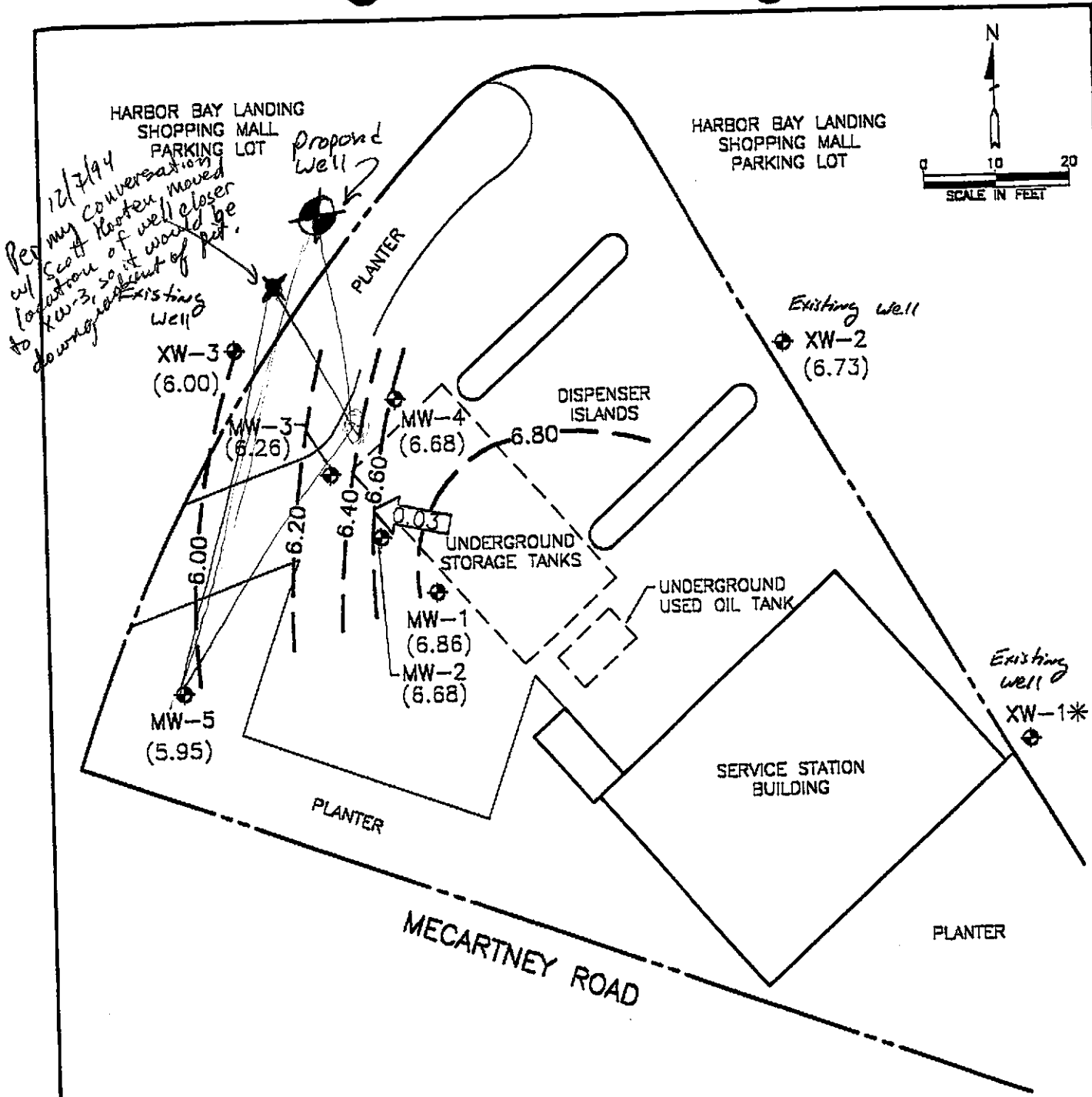
Its: _____

Telephone numbers at which Property Owner can be reached:

Day: () _____-_____

Evening () _____-_____

Other () _____-_____



LEGEND

- ◆ GROUNDWATER MONITORING WELL
- (6.68) GROUNDWATER ELEVATION IN FEET ABOVE MEAN SEA LEVEL
- 6.60 - GROUNDWATER ELEVATION CONTOUR IN FEET ABOVE MEAN SEA LEVEL (CONTOUR INTERVAL - 0.20 FOOT)
- ← 0.03 → CALCULATED GROUNDWATER GRADIENT DIRECTION AND MAGNITUDE IN FOOT PER FOOT
- * TOP OF CASING NOT SURVEYED

FIGURE 2
POTENTIOMETRIC GROUNDWATER ELEVATION CONTOUR MAP
 APRIL 5, 1994
 BP OIL SERVICE STATION NO. 11270
 3255 MECARTNEY ROAD
 ALAMEDA, CALIFORNIA
 PROJECT NO. 10-206



100000-3.DWG 8-17-94 8:58 1-83



BP OIL

BP Oil Company
Environmental Resources Management
Building 13, Suite N
295 SW 41st Street
Renton, Washington 98055-4931
(206) 251-0687

November 21, 1994

Alameda County Health Care Services Agency
Attention Ms. Juliet Shin - Senior Hazardous Materials Specialist
1131 Harbor Bay Parkway, Ste. 250
Alameda, CA 94502-6577

RECEIVED
NOV 23 1994
11:00 AM

RE: BP Oil Site No. 11270
3255 McCartney Road
Alameda, CA

Dear Ms. Shin:

This letter follows-up our November 18, 1994, meeting, and responds to your letter dated July 21, 1994, and a Notice of Violation dated November 4, 1994.

Under separate cover, you should receive a copy of my letter to RREEF requesting access for the purpose of sampling the off-site wells installed by others, and for the installation of one additional well. The well location is shown in a figure accompanying the request for access. I hope that we can execute an acceptable access agreement over the near-term, however, we may need assistance from the ACHCSA to obtain access within a reasonable time frame.

As we discussed, BP would like to implement the workplan for the closure of on-site monitoring wells MW-1, MW-2, MW-3 and MW-4. We will replace these wells with a single well located in the immediate vicinity of well MW-4, as shown on the attached figure. The well will be installed in accordance with Hydro-Environmental Technologies Drilling, Well Construction and Sampling Protocols. You should find a copy of this protocol in the appendices of the Preliminary Site Assessment Report, dated January 7, 1993.

Also attached is a copy of the test boring/well completion diagram for well MW-5. Please note that this well was also installed in accordance with HETT's Drilling, Well Construction and Sampling Protocols.

After further review of my files, I have learned that a report for the installation of MW-5 has not been completed. We were planning to submit a report describing the installation of MW-5 when reporting on the replacement of monitoring wells MW-1, MW-2, MW-3, and MW-4. As you know, approval of this work was granted by the ACHCSA on May 7, 1993 provided that BP obtain information on the construction of off-site wells installed by others. As I mentioned during our meeting, and as indicated in Pauline Reith's May 4,

1993, letter to you, we do not have any information regarding the installation and construction of wells at the Harbor Bay Landing Shopping Mall (we have designated these wells XW-1, XW-2 and XW-3). While our consultant has queried available files at Zone VIII and the State Department of Water Resources in Sacramento, no records or permits were found. We plan, therefore, to proceed with the implementation of HETT's April 1993 workplan at this time. If you are able to locate any information regarding these wells in the future, please forward it to my attention at your earliest convenience.

While we share your desire for well construction data (particularly information regarding the lithology of the screened interval), we do not necessarily agree that water level data does not accurately reflect actual groundwater conditions. As we discussed, we would like to install one additional off-site well, and compare water level measurements with the gradient and flow net prepared using the X-series wells. If the water elevation for a new, off-site well "fits" the gradient using the X-series wells, it seems appropriate to continue to use these wells for gradient determinations and groundwater sampling. Please give me a call to confirm that you are in agreement with this approach, and I will schedule the drilling. While I would prefer to do this work at the same time as the closure and replacement of the on-site wells, I will proceed without further delay if it appears that we will not be able to execute an access agreement with RREEF prior to the end of the year.

I believe that this addresses all of the concerns and issues raised during our meeting, and in your July 21, 1994, and November 4, 1994, correspondence. If you have additional questions, or desire further clarification, please contact me at your earliest convenience. I can be reached at (206) 251-0689.

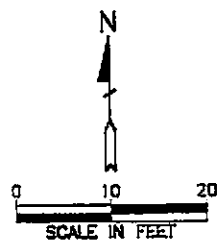
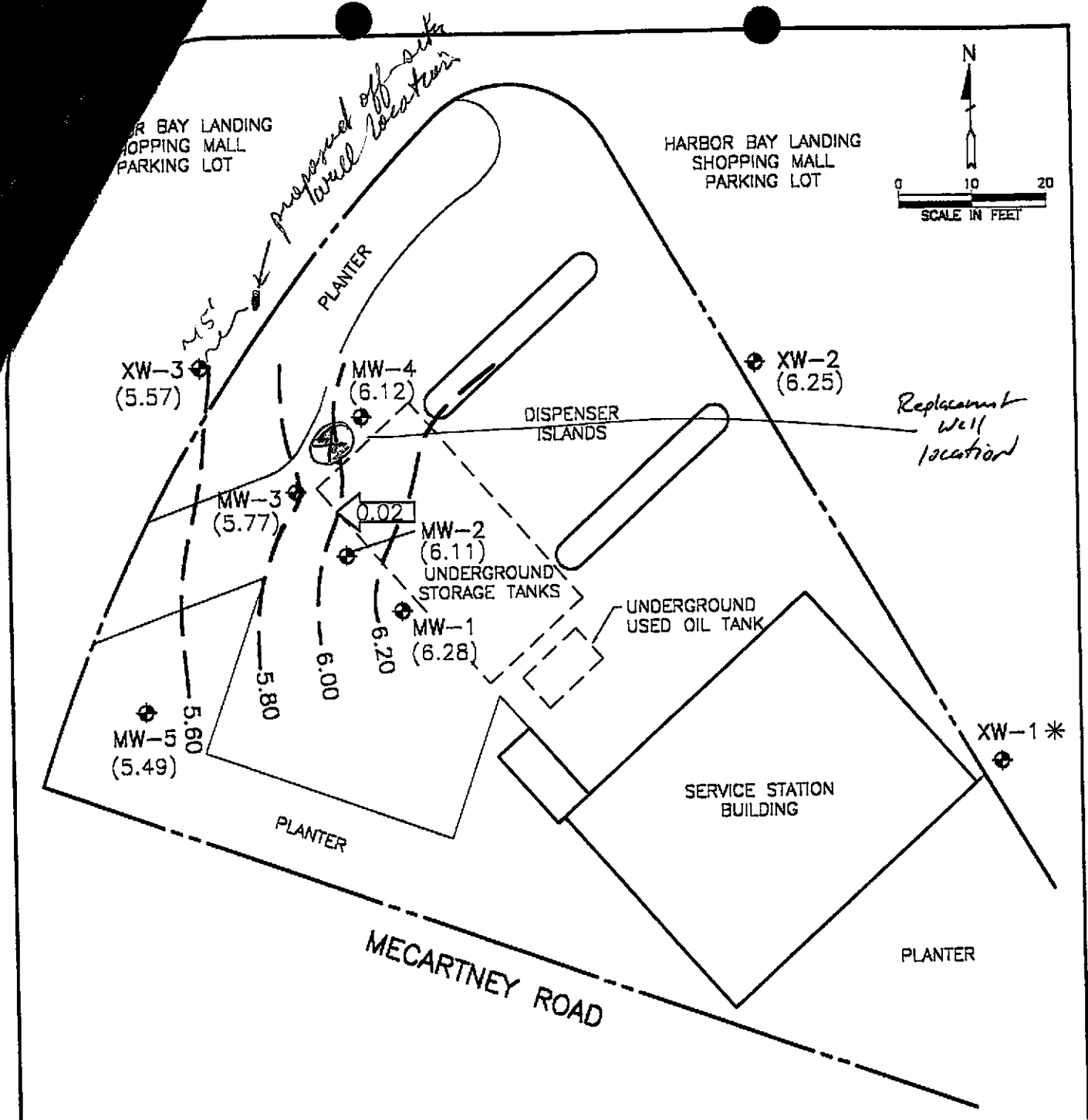
Sincerely,



Scott T. Hooton
Environmental Resources Management

attachment

cc: site file
Scott Kellstedt - HETI



LEGEND

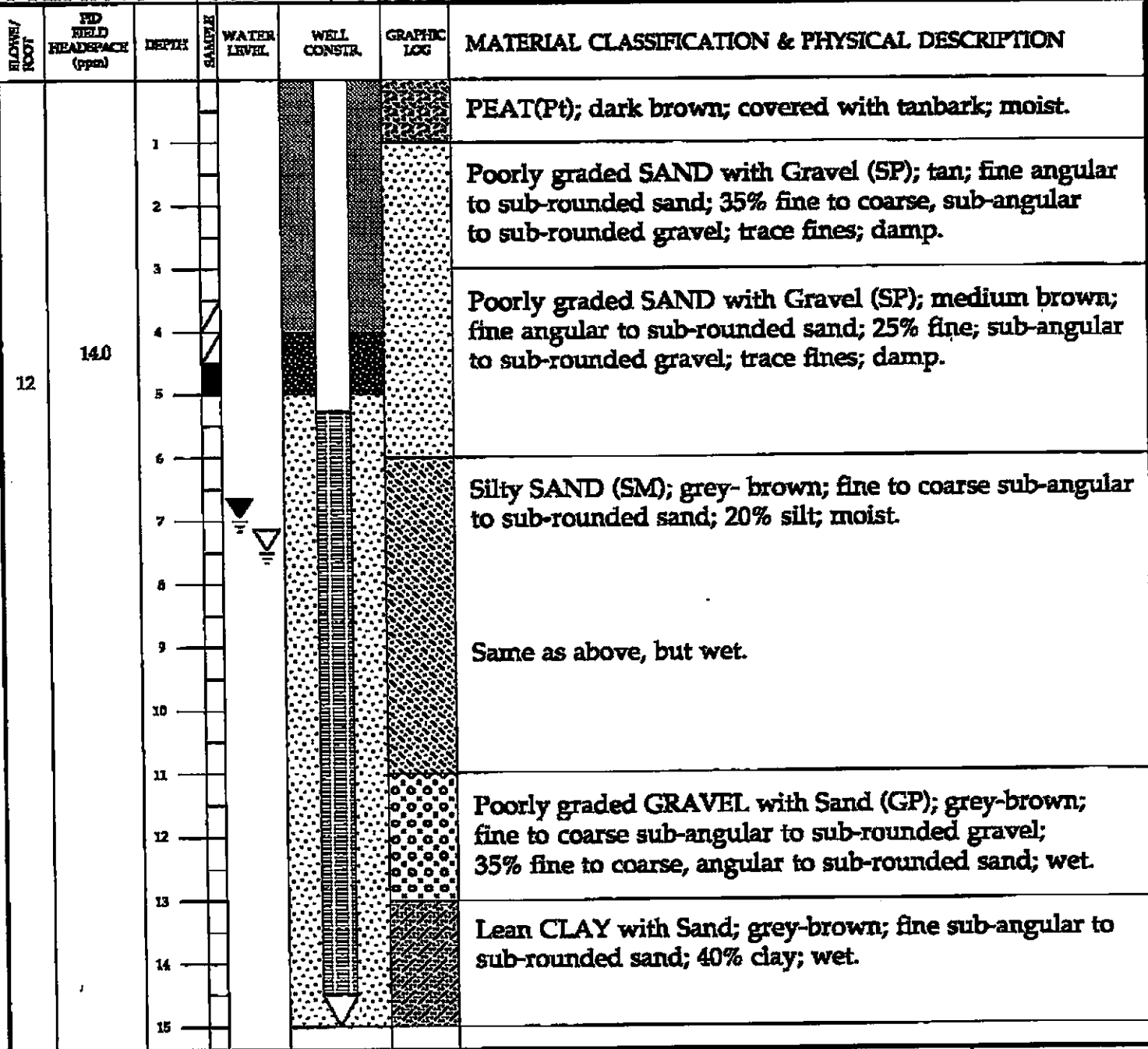
- ◆ GROUNDWATER MONITORING WELL
- (6.28) GROUNDWATER ELEVATION IN FEET ABOVE MEAN SEA LEVEL
- 6.20 - GROUNDWATER ELEVATION CONTOUR IN FEET ABOVE MEAN SEA LEVEL (CONTOUR INTERVAL-0.20 FOOT)
- ← 0.02 → CALCULATED GROUNDWATER GRADIENT DIRECTION AND MAGNITUDE IN FOOT PER FOOT
- * TOP OF CASING NOT SURVEYED

**FIGURE 2
POTENTIOMETRIC GROUNDWATER
ELEVATION CONTOUR MAP**

JULY 28, 1994
 BP OIL SERVICE STATION NO. 11270
 3255 MECARTNEY ROAD
 ALAMEDA, CALIFORNIA
 PROJECT NO. 10-206



SITE/LOCATION 3255 Mecartney Road, Alameda, CA		BEGIN 6/17/93	BORING DIAMETER 10 Inches	ANGLE/BEARING 90 Degrees	BORING NO MW-5
DRILLING CONTRACTOR Bayland Drilling		COMPLETED 6/17/93	FIRST ENCOUNTERED WATER DEPTH 7.5 Feet		BOTTOM OF BORING 15 Feet
OPERATOR Adam Higuaro		LOGGED BY Tony Ramirez	STATIC WATER DEPTH/DATE 7.0 Feet		WELL NO. MW-5
DRILL MAKE & MODEL CME 75		SAMPLING METHOD California modified split spoon			BOTTOM OF WELL 15 Feet
WELL MATERIAL 4" SCH 40 PVC	SLOT SIZE 0.010"	FILTER PACK #2/16	WELL SEAL Neat cement over hydrated bentonite pellets		PLANNED USE Monitoring



**HYDR-
ENVIRONMENTAL
TECHNOLOGIES, INC.**

DATE: June 18, 1993

APPROVED BY: Owen C. Ratchye, P.E.

**SOIL BORING LOG AND
WELL CONSTRUCTION DIAGRAM
MW-5**

BP Service Station No. 11270
3255 Mecartney Road
Alameda, CA

**PLATE
A-2**

SHEET 1 OF 1

**JOB NO.
9-042.1**