

**United States Bankruptcy Court
for the District of Delaware**

PROOF OF CLAIM

NOTE: This form should not be used to make a claim for an administrative expense arising after the commencement of the case. A "request" for payment of an administrative expense may be filed pursuant to 11 U.S.C. § 503.

Please check one box only to indicate against which debtor you assert a claim. If you assert a claim against more than one debtor, use a separate copy of this form for each claim.

- | | | | |
|---|-------------------------------------|---|-------------------------------------|
| <input type="checkbox"/> DEBTOR
Montgomery Ward Holding Corp. | CASE NUMBER
97-1409 (PJW) | <input type="checkbox"/> DEBTOR
Montgomery Ward Development Corporation | CASE NUMBER
97-1433 (PJW) |
| <input type="checkbox"/> Montgomery Ward & Co., Incorporated | 97-1410 (PJW) | <input type="checkbox"/> Goode Furniture Companies, Inc. | 97-1461 (PJW) |
| <input type="checkbox"/> American Delivery Service Company | 97-1411 (PJW) | <input type="checkbox"/> Other _____ | |
| <input type="checkbox"/> Continental Transportation, Inc. | 97-1416 (PJW) | | |
| <input type="checkbox"/> Lechmere, Inc. | 97-1426 (PJW) | | |

BAR DATE: MARCH 2, 1998

The Debtors are mailing a Proof of Claim form to many of their vendors and former employees to which nothing is believed to be owed. If you disagree that nothing is owed, please refer to the attached Bar Date Notice and be guided accordingly. If you have any questions, please consult your attorney.

Name and Address of Creditor (The person or other entity to whom the debtor owes money or property)

MWA00648871B2-V3
COUNTY OF ALAMEDA
HEALTH CARE SERVICES AGENCY
ENVIRO HEALTH BLDG DWR N
ALAMEDA, CA 94501

SEND COMPLETED PROOF OF CLAIM TO: Montgomery Ward Claims Department
c/o Logan & Company, Inc.
615 Washington Street
Hoboken, NJ 07030

- Check box if you are aware that anyone else has filed a proof of claim relating to your claim. Attach copy of statement giving particulars.
- Check box if you have never received any notices from the bankruptcy court in this case.
- Check box if your address differs from the address on the envelope sent to you by the court.

ACCOUNT OR OTHER NUMBER BY WHICH CREDITOR IDENTIFIES DEBTOR

Check here if this claim replaces a previously filed claim, dated: _____
 amends

1. BASIS FOR CLAIM:

- | | | |
|--|---|--|
| <input type="checkbox"/> Goods sold | <input type="checkbox"/> Money loaned | <input type="checkbox"/> Wages, salaries and compensation (Fill out below) |
| <input type="checkbox"/> Services performed | <input type="checkbox"/> Personal injury/wrongful death | Your social security number: _____ |
| <input type="checkbox"/> Retiree benefits, as defined in 11 U.S.C. § 1114(a) | <input type="checkbox"/> Taxes | Unpaid compensation for services performed from _____ to _____ (date) (date) |
| | <input type="checkbox"/> Other (Describe briefly) | |

2. DATE DEBT WAS INCURRED:

3. IF COURT JUDGMENT, DATE OBTAINED:

4. CLASSIFICATION OF CLAIM. Under the Bankruptcy Code all claims are classified as one or more of the following: (1) Unsecured Nonpriority, (2) Unsecured Priority, or (3) Secured. It is possible for part of a claim to be in one category and part in another. CHECK THE APPROPRIATE BOX OR BOXES that best describe your claim and STATE THE AMOUNT OF THE CLAIM AT THE TIME THE CASE WAS COMMENCED.

- | | |
|--|--|
| <input type="checkbox"/> SECURED CLAIM \$ _____
Attach evidence of perfection of security interest
Brief Description of Collateral:

<input type="checkbox"/> Real Estate <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Other (Describe briefly)

Amount of arrearage and other charges at the time the case was commenced included in secured claim above, if any \$ _____ | <input type="checkbox"/> UNSECURED PRIORITY CLAIM \$ _____
Specify the priority of the claim.

<input type="checkbox"/> Wages, salaries, or commissions (up to \$4000), earned not more than 90 days before the commencement of the case or cessation of the debtor's business, whichever is earlier -- 11 U.S.C. § 507(a)(3)
<input type="checkbox"/> Contributions to an employee benefit plan -- 11 U.S.C. § 507(a)(4)
<input type="checkbox"/> Up to \$1800 of deposits toward purchase, lease, or rental of property or services for personal, family, or household use -- 11 U.S.C. § 507(a)(6)
<input type="checkbox"/> Taxes or penalties of governmental units -- 11 U.S.C. § 507(a)(8)
<input type="checkbox"/> Other-Specify applicable paragraph of 11 U.S.C. § 507(a) _____ |
| <input type="checkbox"/> UNSECURED NONPRIORITY CLAIM \$ _____
A claim is unsecured if there is no collateral or lien on property of the debtor securing the claim or to the extent that the value of such property is less than the amount of the claim. | |

5. TOTAL AMOUNT OF CLAIM AT TIME CASE COMMENCED:

\$ _____ (Unsecured) \$ _____ (Secured) \$ _____ (Priority) \$ _____ (Total)

Check this box if claim includes prepetition charges in addition to the principal amount of the claim. Attach itemized statement of all additional charges.

6. CREDITS AND SETOFFS: The amount of all payments on this claim has been credited and deducted for the purpose of making this proof of claim. In filing this claim, claimant has deducted all amounts that claimant owes to debtor.

7. SUPPORTING DOCUMENTS: Attach copies of supporting documents, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, court judgments, or evidence of security interests. If the documents are not available, explain.

8. TIME-STAMPED COPY: To receive an acknowledgment of the filing of your claim, enclose a stamped, self-addressed envelope and copy of this proof of claim.

THIS SPACE IS FOR COURT USE ONLY

Date

Sign and print the name and title, if any, of the creditor or other person authorized to file this claim (attach copy of power of attorney, if any)

- Barretward Properties Co., Inc., Case No. 97-1412 (PJW)
- Brandywine DC, Inc., Case No. 97-1413 (PJW)
- Brandywine Properties, Inc., Case No. 97-1414 (PJW)
- Brettward Properties Co., Inc., Case No. 97-1415 (PJW)
- First Mont Corporation, Case No. 97-1417 (PJW)
- Fourth Wycombe Properties, Inc., Case No. 97-1418 (PJW)
- Gabeward Properties Corporation, Case No. 97-1419 (PJW)
- Garden Grove Development Corporation, Case No. 97-1420 (PJW)
- Huga Realty Inc., Case No. 97-1421 (PJW)
- Jefferson Stores, Inc. (NV), Case No. 97-1422 (PJW)
- Joshward Properties Corporation, Case No. 97-1423 (PJW)
- JRI Distributing, Inc., Case No. 97-1424 (PJW)
- Lechmere Development Corporation, Case No. 97-1425 (PJW)
- Marcor Housing Systems, Inc., Case No. 97-1427 (PJW)
- Maryward Properties Corporation, Case No. 97-1428 (PJW)
- MF Nevada Investments, Inc., Case No. 97-1429 (PJW)
- Michaelward Properties Co., Inc., Case No. 97-1430 (PJW)
- Greenward Associates, Case No. 97-1431 (PJW)
- Northward Associates, Case No. 97-1432 (PJW)
- Montgomery Ward International, Inc., Case No. 97-1434 (PJW)
- Montgomery Ward Land Corporation, Case No. 97-1435 (PJW)
- Montgomery Ward Properties Corporation, Case No. 97-1436 (PJW)
- Montgomery Ward Realty Corporation, Case No. 97-1437 (PJW)
- Montgomery Ward Securities, Inc., Case No. 97-1438 (PJW)
- MPI, Inc., Case No. 97-1439 (PJW)
- Montgomery Ward Direct L.P., Case No. 97-1440 (PJW)
- MW Direct General, Inc., Case No. 97-1441 (PJW)
- MW Direct Limited, Inc., Case No. 97-1442 (PJW)
- M-W Fairfax Properties, Inc., Case No. 97-1443 (PJW)
- MW Land Corporation, Case No. 97-1444 (PJW)
- M-W Prestress, Inc., Case No. 97-1445 (PJW)
- M-W Properties Corporation, Case No. 97-1446 (PJW)
- M-W Restaurants Realty Corporation, Case No. 97-1447 (PJW)
- National Homefinding Service, Inc., Case No. 97-1448 (PJW)
- 998 Monroe Corporation, Case No. 97-1449 (PJW)
- Paulward Properties Co., Inc., Case No. 97-1450 (PJW)
- R M P Development Corporation, Case No. 97-1451 (PJW)
- Robertward Properties Corporation, Case No. 97-1452 (PJW)
- Sacward Properties, Inc., Case No. 97-1453 (PJW)
- Second Mont Corporation, Case No. 97-1454 (PJW)
- 7th & Carroll Corporation, Case No. 97-1455 (PJW)
- Seventh Mont Corporation, Case No. 97-1456 (PJW)
- 618 Corporation, Case No. 97-1457 (PJW)
- 619 Corporation, Case No. 97-1458 (PJW)
- Standard T Chemical Company, Inc., Case No. 97-1459 (PJW)
- The 535 Corporation, Case No. 97-1460 (PJW)
- Third Wycombe Properties, Inc., Case No. 97-1462 (PJW)
- 2825 Development Corporation, Case No. 97-1463 (PJW)
- 2825 Realty Corporation, Case No. 97-1464 (PJW)
- University Avenue Marketplace, Inc., Case No. 97-1465 (PJW)
- WFL Development Corporation, Case No. 97-1466 (PJW)
- WFL Realty, Inc., Case No. 97-1467 (PJW)
- Wycombe Properties, Inc., Case No. 97-1468 (PJW)

97 DEC -3 PM 3:46

OFFICE OF THE
PROTECTOR

UNITED STATES BANKRUPTCY COURT
DISTRICT OF DELAWARE

97 DEC -3 PM 3:46
EMPLOYMENT
PROTECTION

IN RE: :
: Jointly Administered
Montgomery Ward Holding Corp., : Case No. 97-1409 (PJW)
a Delaware corporation, et al., :
: Chapter 11
Debtors. :

1054
7575 Dublin
Dublin CA 94568

NOTICE OF BAR DATES FOR FILING
OF PROOFS OF CLAIM

TO ALL CREDITORS AND EQUITY INTEREST HOLDERS:

PLEASE TAKE NOTICE OF THE FOLLOWING:

On November 7, 1997 (the "Order Date"), the United States Bankruptcy Court for the District of Delaware (the "Bankruptcy Court") entered an order in the above-captioned chapter 11 cases (the "Bar Date Order") establishing March 2, 1998 as the general claims bar date (the "General Bar Date") in the chapter 11 cases of the above-captioned debtors and debtors in possession (collectively, the "Debtors"). Except as described below, the Bar Date Order requires all Entities, as defined in section 101(15) of the Bankruptcy Code, 11 U.S.C. §§ 101-1330 (the "Bankruptcy Code"), including persons, estates, trusts, governmental units and the United States trustee, that have or assert any prepetition Claims (as defined herein) against any of the Debtors to file a proof of claim with Logan & Company, Inc. ("Logan"), the claims and noticing agent in these cases, so that such proof of claim is received on or before 5:00 p.m., Eastern Time, on the General Bar Date.

For your convenience, enclosed with this Notice is a proof of claim form, on the face of which is set forth the amount, nature and classification of your Claim(s) as set forth in the Debtors' schedules of assets and liabilities filed with the Bankruptcy Court, as amended (the "Schedules").

PERSONS OR ENTITIES WHO MUST FILE A PROOF OF CLAIM

Pursuant to the Bar Date Order, all Entities holding Claims against the Debtors (whether secured, priority or unsecured) that arose prior to 6:30 p.m., Eastern Daylight Time, on July 7, 1997 are required to file proofs of claim by the General Bar Date, including the following Entities: (1) creditors whose Claims against a Debtor arise out of the rejection of executory contracts or unexpired leases by the Debtor prior to the entry of the order establishing the General Bar Date; (2) Governmental Units (as such term is defined in section 101(27) of the Bankruptcy Code) holding Claims against a Debtor for unpaid taxes, whether arising from prepetition tax years or periods or prepetition transactions to which a Debtor was a party; and (3) Entities whose Claims against a Debtor arise out of the obligations of such Entities under a contract for the provision of liability insurance to a Debtor.

Any Entity whose Claims arise out of the rejection of an executory contract or unexpired lease (pursuant to section 365 of the Bankruptcy Code) after the Order Date but prior to the entry of an order confirming a plan of reorganization in the applicable Debtor's case must file a proof of claim on or before the later of: (1) 30 days after the date of the order, pursuant to section 365 of the Bankruptcy Code, authorizing the rejection of such contract or lease; and (2) the General Bar Date (the "Rejection Bar Date").

If, subsequent to the mailing and publication of this Notice, the Debtors amend the Schedules to reduce the undisputed, noncontingent and liquidated amount or to change the nature or classification of a Claim against a Debtor reflected therein, then the affected claimant shall have 30 days from the date of service of notice thereof to file a proof of claim or to amend any previously filed proof of claim in respect of such amended scheduled Claim (the "Amended Schedule Bar Date").

Any Entity whose prepetition Claim against a Debtor is not listed in the applicable Debtor's Schedules or is listed as "disputed," "contingent" or "unliquidated" and that desires to participate in any of these chapter 11 cases or share in any distribution in any of these chapter 11 cases, and any Entity whose prepetition Claim is improperly classified in the Schedules or is listed in an incorrect amount and that desires to have its Claim allowed in a classification or amount other than that set forth in the Schedules, must file a proof of claim on or before the General Bar Date.

Any Entity holding an interest in any Debtor (each an "Interest Holder"), which interest is based exclusively upon the ownership of common or preferred stock in a corporation, a general or limited partner interest in a limited partnership or warrants or rights to purchase, sell or subscribe to such a security or interest (any such interest being referred to as an "Interest"), need not file a proof of interest on or before the General Bar Date; *provided, however*, that Interest Holders who wish to assert a Claim against any of the Debtors that arises out of or relates to the ownership or purchase of an Interest, including Claims arising out of or relating to the sale, issuance or distribution of the Interest, must file a proof of claim on or prior to the General Bar Date, unless another exception set forth herein applies.

The Bar Date Order further provides that **the following Entities need not file a proof of claim by the General Bar Date:** (1) any Entity that has already properly filed with the Court a proof of claim against one or more of the Debtors; (2) any Entity (a) whose Claim against a Debtor is not listed as "disputed," "contingent" or "unliquidated" in the Schedules and (b) who agrees with the nature, classification and amount of such Claim set forth in the Schedules; (3) any Entity whose Claim against a Debtor previously has been allowed by, or paid pursuant to, an order of the Bankruptcy Court; and (4) any of the Debtors that hold Claims against one or more of the other Debtors.

SPECIAL NOTE TO EMPLOYEES AND RETIREES: Benefits payable under the Montgomery Ward & Co., Incorporated Retirement Security Plan (the "Plan") are held in a segregated, independent trust. **You do not need to file a proof of claim to protect your benefits under the Plan, and, in fact, filing such a proof of claim will not affect the payment of such benefits. If you believe that you have other Claims against the Debtors, you must file a proof or proofs of claim in accordance with the instructions set forth herein.** If you need any advice regarding these matters, you should consult an attorney.

FILING PROOFS OF CLAIM AGAINST MULTIPLE DEBTORS

Any Entity asserting Claims against more than one Debtor must file a separate proof of claim with respect to each such Debtor. All Entities must identify on their proof of claim the particular Debtor against which their Claim is asserted.

CONSEQUENCES OF FAILURE TO FILE PROOF OF CLAIM

Any Entity that is required to file a proof of claim, but that fails to do so in a timely manner, will be forever barred, estopped and enjoined from: (1) asserting any Claim against any of the Debtors that such Entity has that (a) is in an amount that exceeds the amount, if any, that is set forth in the Schedules as undisputed, noncontingent and liquidated or (b) is of a different nature or in a different classification (any such Claim being referred to as an "Unscheduled Claim"); and (2) voting upon, or receiving distributions under, any plan or plans of reorganization in these chapter 11 cases in respect of an Unscheduled Claim. **If it is unclear from the Schedules whether your Claim is disputed, contingent or unliquidated as to amount or is otherwise properly listed and classified, you must file a proof of claim on or before the General Bar Date.** Any Entity that relies on the Schedules bears responsibility for determining that its Claim is accurately listed therein.

RESERVATION OF RIGHTS

The Debtors reserve the right to: (1) dispute, or to assert offsets or defenses against, any filed Claim or any Claim listed or reflected in the Schedules as to nature, amount, liability, nature, classification or otherwise; or (2) subsequently designate any Claim as disputed, contingent or unliquidated. Nothing set forth in this Notice shall preclude the Debtors from objecting to any Claim, whether scheduled or filed, on any grounds.

TIME AND PLACE FOR FILING PROOFS OF CLAIM

A signed original of any proof of claim, together with accompanying documentation, must be delivered to Logan & Company, Inc., 615 Washington Street, Hoboken, New Jersey 07030, so as to be received no later than 5:00 p.m., Eastern Time, on the General Bar Date, the Rejection Bar Date or the Amended Schedule Bar Date, as applicable, depending upon the nature of the Claim. Proofs of claim may be submitted in person or by courier service, hand delivery or mail addressed to Logan at the foregoing address. ***Any proof of claim submitted by facsimile will not be accepted and will not be deemed filed until such proof of claim is submitted by one of the methods described in the foregoing sentence.*** Proofs of claim will be deemed filed only when actually received by Logan. If you wish to receive acknowledgment of Logan's receipt of your proof of claim, you must also submit a copy of your original proof of claim and a self-addressed, stamped envelope.

Upon the advance express written consent of the Debtors, a creditor's proof of claim may be filed without the writings upon which the Claim is based, as required by Bankruptcy Rule 3001(c) and (d); *provided, however*, that, upon the request of the Debtors or any other party in interest in these cases, any creditor that received such written consent will be required to transmit promptly such writings to the Debtors or the other party in interest, but in no event later than 10 days from the date of such request.

DEFINITION OF CLAIM

For purposes of this Bar Date Notice, "Claim" shall mean, as to or against any of the Debtors: (1) any right to payment, whether or not such right is reduced to judgment, liquidated, unliquidated, fixed, contingent, matured, unmatured, disputed, undisputed, legal, equitable, secured or unsecured; or (2) any right to an equitable remedy for breach of performance if such breach gives rise to a right to payment, whether or not such right to an equitable remedy is reduced to judgment, fixed, contingent, matured, unmatured, disputed, undisputed, secured or unsecured.

ADDITIONAL INFORMATION

If you require additional information regarding the filing of a proof of claim, you may contact Logan & Company, Inc., the claims and noticing agent in these chapter 11 cases, by writing to Logan & Company, Inc., Attention: Montgomery Ward Claims Department, 615 Washington Street, Hoboken, New Jersey 07030. You also may contact the Montgomery Ward claims hotline at (800) 232-2146. The claims registers for the Debtors will be available in Logan's offices and at the Bankruptcy Court.

Dated: Wilmington, Delaware
December 1, 1997

Thomas L. Ambro (Atty. No. 677)
Daniel J. DeFranceschi (Atty. No. 2732)
RICHARDS, LAYTON & FINGER
One Rodney Square
Wilmington, Delaware 19801

ATTORNEYS FOR DEBTORS
AND DEBTORS IN POSSESSION

BY ORDER OF THE UNITED STATES
BANKRUPTCY COURT

David S. Kurtz (IL 03126561)
Jeffrey W. Linstrom (IL 06209380)
JONES, DAY, REAVIS & POGUE
77 West Wacker
Chicago, Illinois 60601-1692

Richard M. Cieri (OH 0032464)
JONES, DAY, REAVIS & POGUE
North Point
901 Lakeside Avenue
Cleveland, Ohio 44114

ATTORNEYS FOR DEBTORS
AND DEBTORS IN POSSESSION

ALAMEDA COUNTY
HEALTH CARE SERVICES



AGENCY
DAVID J. KEARS, Agency Director

ENVIRONMENTAL HEALTH SERVICES
ENVIRONMENTAL PROTECTION
1131 Harbor Bay Parkway, Suite 250
Alameda, CA 94502-6577
(510) 567-6700
FAX (510) 337-9335

StID 1054

November 3, 1997

Mr. Ed Koberstein
Montgomery Ward
1331 S Harbor Blvd
Fullerton, CA 92632

RE: Well Decommission at Montgomery Wards, 7575 Dublin Blvd,
Dublin, CA

Dear Mr. Koberstein:

This letter supercedes my October 29, 1997 correspondence by correcting the address location of the Montgomery Ward Auto Service Building where three underground storage tanks were removed.

This office and the San Francisco RWQCB have reviewed the case closure summary for the above referenced site and concur that no further action related to the underground tank release is required at this time. Before a remedial action completion letter is sent, the 12 onsite and offsite monitoring wells should be decommissioned, if they will no longer be monitored. Please notify this office upon completion of well destruction so a closure letter can be issued.

Well destruction permits may be obtained from Alameda County Flood Control and Water Conservation, Zone 7. They can be reached at (510) 484-2600.

If you have any questions, I can be reached at (510) 567-6762.

Sincerely,

eva chu
Hazardous Materials Specialist

c: Ed Leonhardt, Environmental Audit, 1000 Ortega Wy, Suite A,
Placentia, CA 92670-7125

ALAMEDA COUNTY
HEALTH CARE SERVICES



AGENCY
DAVID J. KEARS, Agency Director

ENVIRONMENTAL HEALTH SERVICES
ENVIRONMENTAL PROTECTION
1131 Harbor Bay Parkway, Suite 250
Alameda CA 94502-6577
(510) 567-6700
FAX (510) 337-9335

StID 1054

October 29, 1997

Mr. Ed Koberstein
Montgomery Ward
1331 S Harbor Blvd
Fullerton, CA 92632

RE: Well Decommission at Montgomery Wards, 6900 Amador Plaza
Rd, Dublin, CA

Dear Mr. Koberstein:

This office and the San Francisco RWQCB have reviewed the case closure summary for the above referenced site and concur that no further action related to the underground tank release is required at this time. Before a remedial action completion letter is sent, the 12 onsite and offsite monitoring wells should be decommissioned, if they will no longer be monitored. Please notify this office upon completion of well destruction so a closure letter can be issued.

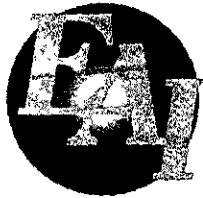
Well destruction permits may be obtained from Alameda County Flood Control and Water Conservation, Zone 7. They can be reached at (510) 484-2600.

If you have any questions, I can be reached at (510) 567-6762.

Sincerely,

eva chu
Hazardous Materials Specialist

c: Ed Leonhardt, Environmental Audit, 1000 Ortega Wy, Suite A,
Placentia, CA 92670-7125



ENVIRONMENTAL AUDIT, INC.

1000-A ORTEGA WAY • PLACENTIA, CA 92670-7125

714/632-8521 • FAX: 714/632-6754

ENVIRONMENTAL
PROTECTION
FEB 11 1997
AM 10:02

MEMORANDUM

DATE: February 6, 1997

Project No. 1233

TO: Eva Chu
Alameda County Environmental Health Department
Environmental Protection Division
1131 Harbor Bay Parkway, #250
Alameda, CA 94502-6577

FROM: Ed Leonhardt *EL*

RE: **MONTGOMERY WARD AUTO SERVICE CENTER
and Enea Properties Sites
Dublin, California**

Pursuant to our discussions on February 5, 1997, regarding your request for additional copies of previously submitted documents associated with the subject sites, attached are the following:

ADDENDUM TO RISK BASED CORRECTIVE ACTIONS ANALYSIS
Montgomery Ward Auto Service Center and
Enea Properties Sites
Dublin, California
dated February 6, 1995

RESPONSES TO COMMENTS
ADDENDUM TO RISK BASED CORRECTIVE ACTIONS ANALYSIS
Montgomery Ward Auto Service Center and
Enea Properties Sites
Dublin, California
dated February 16, 1995

As you indicated, these documents are needed to complete your files for site closure review and that EAI should not conduct any additional ground water monitoring at the sites unless further advised following the review process.

Please call me at 714/632-8521 extension 232 or Steve Bright at extension 224 if you have any additional requirements or questions.

attachments

EHL:SAB:sh

cc: E. Koberstein, Montgomery Ward (w/o attachment)
G. Jonas, Montgomery Ward (w/o attachment)
S. Bezark, Altheimer & Gray (w/o attachment)
M. Gilmartin, Straw & Gilmartin (w/o attachment)



ENVIRONMENTAL AUDIT, INC.

1000-A ORTEGA WAY • PLACENTIA, CA 92670-7125

714/632-8521 • FAX: 714/632-6754

January 8, 1996

Project No. 1233

Eva Chu
Hazardous Materials Specialist
Alameda County Health Care Services
Department of Environmental Health
1131 Harbor Bay Parkway, Room 250
Alameda, CA 94502-6577

**RE: MONTGOMERY WARD AUTO SERVICE CENTER
7575 Dublin Boulevard, Dublin, CA**

Dear Ms. Chu:

This letter is to inform you that Mr. Charlie West of Montgomery Ward & Co., Incorporated retired. All future correspondence regarding the above-referenced site should be directed to:

Ed Koberstein
Montgomery Ward & Co., Incorporated
1331 South Harbor Boulevard
Fullerton, CA 92632
714/773-6227

Please call me at 714/632-8521, extension 224 if you have any questions or need additional information.

Sincerely,

ENVIRONMENTAL AUDIT, INC.


Steven A. Bright

SAB:EHL:sh

cc: Ed Koberstein, Montgomery Ward
Mark Gilmartin, Straw & Gilmartin

SAB.WORD-1233-021



ENVIRONMENTAL AUDIT, INC.

1000-A ORTEGA WAY • PLACENTIA, CA 92670-7125

714/632-8521 • FAX: 714/632-6754

October 5, 1995

Project No. 1233

Ms. Eva Chu
Hazardous Materials Specialist
Alameda County Health Care Services
Department of Environmental Health
1131 Harbor Bay Parkway, Room 250
Alameda, CA 94502-6577

**SUBJECT: MONTGOMERY WARD AUTO SERVICE CENTER
7575 Dublin Boulevard, Dublin, CA**

Dear Ms. Chu:

This letter memorializes the telephone conference call conducted on September 26, 1995 with you, Charlie West of Montgomery Ward & Co., Incorporated and Frank Muramoto of Environmental Audit, Inc. (EAI) with regards to the above-referenced site. In this telephone conversation the following were discussed: 1) deactivation of the ground water extraction system at the Montgomery Ward site; 2) the position of Alameda County with respect to the status of soil remediation at the Montgomery Ward site; and 3) the reduction in frequency and number of wells which would be a part of future quarterly ground water monitoring activities.

Based on our understanding, Alameda County will allow the deactivation of the ground water extraction system present at the Montgomery Ward site. This decision is based on that fact that low concentrations of dissolved purgeable organics (i.e., benzene, toluene, ethylbenzene, and xylenes [BTEX]) have been and are present in the on- and off-site ground water monitoring wells associated with the site. Further, these dissolved phase concentrations are less than the risk based clean-up levels calculated by EAI using a risk of 1×10^{-5} and 1×10^{-6} for all off-site wells and for all on-site wells except for wells B-5 and B-12 (see EAI, 1994A, 1995, and 1995A). The benzene concentrations in wells B-5 and B-12 only marginally exceeded the risk based clean up level using a conservative 1×10^{-6} risk factor (see EAI, 1994A, 1995, and 1995A). However, since the total petroleum hydrocarbons as gasoline (TPH-g) concentrations are elevated in ground water at the Montgomery Ward site, Montgomery Ward has also agreed to install an oxygen releasing compound (ORC) in two wells (B-5 and B-12) at the Montgomery Ward site. The purpose of installing the ORC is to promote passive bioremediation of the residual contaminants in the soil and ground water. Based on the above decision, it will no longer be necessary to pump ground water to control the migration of hydrocarbons.

In the event that dissolved phase concentrations in the ground water rise over two consecutive calendar quarters, then additional actions may be required, e.g., reactivation of the ground water pumping system, installing of ORC in additional wells, and so forth. It was also agreed that the ground water extraction system at the Montgomery Ward site will not be dismantled at this time.

It is our understanding that no further soil remediation activities at the Montgomery Ward site will be required at this time based upon the results of the recently completed focused subsurface investigation which showed that low concentrations of soil contaminants (TPH-g and BTEX) are present in the saturated zone soils at the Site (see EAI, 1994 and 1995B).

Lastly, it was agreed that there would be a reduction in the frequency and number of wells which would be part of the quarterly ground water monitoring program. The following modifications to the quarterly ground water monitoring program were agreed upon:

Wells to be dropped from the quarterly ground water monitoring schedule:	B-15 and MW-101
Wells to be sampled once annually (Spring of each year):	Enea MW-2, Enea MW-4
Wells to be sampled twice annually (spring and winter of each year):	B-16

As you are aware, the fourth quarter 1995 ground water monitoring activities will be conducted this month at the Montgomery Ward and Enea Plaza sites. All wells associated with the sites will be gauged and sampled. The changes to the current ground water monitoring program will be instituted in the first quarter (January) 1996 ground water monitoring event. As part of the fourth quarter 1995 ground water monitoring activities, in-situ dissolved oxygen measurements will be obtained for all wells associated with the sites. These measurements will be used as baseline dissolved oxygen measurements for the sites. Further, ground water samples will be obtained from selected wells associated with the Montgomery Ward site which will be tested for bacteria plate counts to provide baseline bacteria population data. It is anticipated that the deactivation of the ground water extraction system and installation of the ORC in the two wells will occur following completion of the fourth quarter 1995 ground water monitoring event which will occur in the latter part of this month.

Please give the undersigned a call if you have any questions.

Sincerely,

ENVIRONMENTAL AUDIT, INC.



Frank S. Muramoto, R.G., C.HG.
Senior Geologist

FSM:SAB:sh

cc: C. West, Montgomery Ward & Co., Incorporated
G. Jonas, Montgomery Ward & Co., Incorporated
M. Gilmartin, Straw & Gilmartin
R. Enea, Enea Properties
R. Arulanantham, BARWQCB

REFERENCES CITED

Environmental Audit, Inc., "Phase III Subsurface Investigation, Montgomery Ward Auto Service Center, 7575 Dublin Boulevard, Dublin, California," dated October 14, 1995 (EAI, 1994)

_____, "Risk Based Corrective Action Analysis, Montgomery Ward Auto Service Center and Enea Properties Sites, Dublin, California," dated October 14, 1994 (EAI, 1994A).

_____, "Addendum to Risk Based Corrective Actions Analysis, Montgomery Ward Auto Service Center and Enea Properties Sites, Dublin, California," dated February 6, 1995 (EAI, 1995).

_____, "Responses to Comments, Addendum to Risk Based Corrective Action Analysis, Montgomery Ward Auto Service Center and Enea Properties Sites, Dublin, California," dated February 16, 1995 (EAI, 1995A).

_____, "Focused Subsurface Investigation, Montgomery Ward Auto Service Center, 7575 Dublin Boulevard, Dublin, California," dated September 8, 1995 (EAI, 1995B).

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



RAFAT A. SHAHID, Assistant Agency Director

ALAMEDA COUNTY-ENV. HEALTH DEPT.
ENVIRONMENTAL PROTECTION DIV.
1131 HARBOR BAY PKWY., #250
ALAMEDA CA 94502-6577
(510)567-6700

StID 1054

May 2, 1995

Mr. Frank Muramoto
Environmental Audit, Inc
1000A Ortega Way
Placentia, CA 92670-7125

RE: Workplan Approval for 7575 Dublin Blvd, Dublin 94568

Dear Mr. Muramoto:

I have completed review of Environmental Audit, Inc's April 1995 Work Plan for Focused Subsurface Investigation for the above referenced site. The proposal to advance 10 borings and collect soil samples at approximately 10, 13, and 15' bgs in the immediate vicinity of the former underground storage tank is acceptable. Data collected will be used to determine if soil remediation is required.

*1st sample will be in capillary
trunge per F. Muramoto*

Field work should commence within 45 days of the date of this letter, or by **June 21, 1995**. Please notify me at least 72 hours prior to the start of field activities. If you have any questions, I can be reached at (510) 567-6762.

eva chu
Hazardous Materials Specialist

cc: Charlie West, Montgomery Ward, 39201 Fremont Blvd, Fremont
94583
Andrew Piunti, 60 S. Market St, #730, San Jose 95113
files



ENVIRONMENTAL AUDIT, INC.

1000-A ORTEGA WAY • PLACENTIA, CA 92670-7125

714/632-8521 • FAX: 714/632-6754

95 MAY -8 PM 3: 16

ENVIRONMENTAL
PROJECT 01001

April 21, 1995

Project No. 1233

Ms. Eva Chu
Hazardous Materials Specialist
Alameda County Health Care Services
Department of Environmental Health
1131 Harbor Bay Parkway
Alameda, CA 94502-6577

**RE: WORK PLAN-FOCUSED SUBSURFACE INVESTIGATION
Montgomery Ward Auto Service Center
7575 Dublin Boulevard, Dublin, California**

Dear Ms. Chu:

Enclosed herewith is a copy of our work plan entitled, "Work Plan-Focused Subsurface Investigation, Montgomery Ward Auto Service Center, 7575 Dublin Boulevard, Dublin, California," dated April 21, 1995.

Please call the undersigned if you have any questions or need additional information.

Sincerely,

ENVIRONMENTAL AUDIT, INC.

Frank S. Muramoto, R.G.
Senior Geologist

FSM:RJM:shh

enclosure

cc: C. West, Montgomery Ward (w/enclosure)
G. Jonas, Montgomery Ward (w/enclosure)
M. Gilmartin, Straw & Gilmartin (w/enclosure)
R. Enea, Enea Properties (w/enclosure)
R. Arulanatham, Bay Area RWQCB

FSM-WORD.1233R541.DOC

See
3/31/95

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OF COUNSEL
PAUL T. GOUGH

FILE NO. 1349

March 28, 1995

Eva Chu
Hazardous Materials Specialist
Alameda County Health Care Services
Department of Environmental Health
1131 Harbor Bay Parkway, 2nd Floor
Alameda, CA 94502

Ravi Arulanantham, Ph.D., CHMM
Staff Toxicologist
California Regional Water Quality Control Board
San Francisco Bay Region
2101 Webster Street, Suite 500
Oakland, CA 94612

**Re: Montgomery Ward & Co., Incorporated
7575 Dublin Blvd.
Dublin, CA**

Dear Ms. Chu & Dr. Arulanantham:

This letter confirms the agreements made during our meeting on March 24, 1995.

We discussed the Risk Based Corrective Actions Analysis and Addenda thereto prepared by Environmental Audit, Inc. ("EAI"). You agreed that based on the analysis performed by EAI, it does not appear that corrective actions are necessary at the present time on the Enea Plaza property or beneath Dublin Blvd.

We also discussed plume management and source removal for the Montgomery Ward property. We agreed that Montgomery Ward will submit a workplan for further delineation of petroleum hydrocarbons in soil in the vicinity of the former tank area by April 24, 1995. The purpose for the soil investigation is to determine whether or the extent to which excavation of petroleum contaminated soil will be necessary.

Eva Chu
Dr. Arulanantham
March 28, 1995
Page2

Your courtesy and cooperation regarding these matters are appreciated.

Very truly yours,

A handwritten signature in black ink that reads "Mark B. Gilmartin". The signature is written in a cursive, slightly slanted style.

Mark B. Gilmartin

MBG:vmb

cc: Charlie R. West
Frank S. Muramoto, R.G.
Robert S. Enea
Andrew J. Piunti, Esq.

LAW OFFICES OF
KEILEY, ENEA, PIUNTI, HAMILTON & KESSEL
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60 SOUTH MARKET STREET, SUITE 730
SAN JOSE, CALIFORNIA 95113
TELEPHONE (408) 271-4800
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100
11.2.1995
95 JIN 24 01 8: 14
OUR FILE NUMBER

ANDREW J. PIUNTI

January 20, 1995

Ms. Eva Chu
c/o Department of Environmental
Health, HMD
1131 Harbor Bay Parkway, #250
Alameda, CA 94502

Re: Montgomery Ward, Dublin

Dear Ms. Chu:

For your information, I provide Mr. Charlie West's sworn testimony concerning the above-referenced site. The following subject matters are addressed to the following pages:

- Amount of Product Lost Pages 83-84
- Action taken is limited to what County orders Pages 73-76; 109-115
- Extraction system was turned off and not redesigned or turned on for 16 months (without notice to County) Pages 66-70; 103-105; 142-148
- After Order to define offsite plume, Montgomery Wards reports inaccurately that plume confined to Montgomery Ward facility Pages 91-103

Very truly yours,


ANDREW J. PIUNTI

AJP/rf

Enclosure

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



RAFAT A. SHAHID, Assistant Agency Director

StID 1054

January 11, 1995

Mr. Frank Muramoto
Environmental Audit, Inc
1000A Ortega Way
Placentia, CA 92670-7125

DEPARTMENT OF ENVIRONMENTAL HEALTH
Hazardous Materials Division
80 Swan Way, Rm. 200
Oakland, CA 94621
(510) 271-4320

**RE: RBCA Analysis for Montgomery Ward Auto Service Center and
Enea Properties Sites, Dublin**

Dear Mr. Muramoto:

Environmental Audit's October 1994 Risk Based Corrective Actions Analysis (RBCA) for the above referenced site has been reviewed and the following deficiencies noted:

1. miscalculations on page 12 as follows:
 - a. units for RBSLwater should be in ug/l,
 - b. VFWamb formula should be $H \times 10^{+3}$..., not 10^{-3} , and
 - c. 2.74 meter is 274 cm, not 2,740 cm,
2. clarification of surface water, where is nearest downgradient creek, distance from plume, geology, etc.,
3. man-made subsurface conduits, such as sewer trenches do appear to act as conduits for migration of contaminants,
4. risk to onsite workers due to inhalation of enclosed space vapors has not been calculated. This is a significant pathway as seen in the RBCA guidance.

Please submitted a revised RBCA analysis addressing the above concerns within 15 days of the date of this letter, or by **January 31, 1995**.

Also, source removal of contaminated soil around the former tank pit should be done, to prevent continued offsite migration of contaminants. A workplan for this work is due to this office by **February 28, 1995**. Included should be an investigation of the sewer trenches to determine if they provide a preferential pathway for offsite migration of contaminants.

Future quarterly monitoring reports should include the amount of groundwater extracted to date, as well as amount of contaminants removed.

10 A. Mr. Greg Jonas.
 11 Q. What is Mr. Jonas's position?
 12 A. Corporate engineering manager.
 13 Q. For how long have you been reporting to Mr.
 14 Jonas?
 15 A. Approximately three years.
 16 Q. Since sometime in 1990?
 17 A. Yes.
 18 Q. Prior to 1990, immediately before Mr. Jonas,
 19 to whom did you report?
 20 A. Mr. Laxman Mohan (phonetic).
 21 Q. Waxman --
 22 A. Laxman, L-a-x-m-a-n, Mohan.
 23 Q. What position did he occupy at the time that
 24 you reported to Mr. Mohan?
 25 A. Corporate engineering manager.
 26 Q. For how long did you report to Mr. Mohan?

1 A. Approximately two years.
 2 Q. So sometime in 1988 you began reporting to Mr.
 3 Mohan?
 4 A. Yes.
 5 Q. Prior to joining Montgomery Ward in 1970,
 6 would you just summarize your occupational experiences,
 7 what you did?
 8 A. What period of time?
 9 Q. Let's say when you graduated from -- did you
 10 graduate from college?
 11 A. Yes.
 12 Q. Since you graduated from college.
 13 A. I worked first for Hughes Aircraft Company on
 14 an aero defense system. Then I worked for the Boeing
 15 Company on the space program. No, excuse me, after
 16 Hughes I worked for Wyle Corporation.
 17 Q. Wyle?
 18 A. Wyle, W-y-l-e, as an environmental test
 19 engineer. Then I worked for the Boeing Company on the
 20 space program, environmental test engineer. And then
 21 Montgomery Ward as a field engineer.
 22 Q. And in what did you obtain your degree in
 23 college?
 24 A. Electrical engineering.
 25 Q. And when was that?
 26 A. 1961.

1 Q. After you obtained your B.S., have you
 2 obtained any subsequent degrees?
 3 A. No.
 4 Q. Where did you go to school?
 5 A. University of Texas in Austin.
 6 Q. When you were with Hughes, did any of your
 7 duties have anything to do with environmental
 8 engineering?
 9 A. No.
 10 Q. When did you join Wyle Labs, approximately?
 11 A. I believe in 1962, yes, approximately.
 12 Q. What did you do as an environmental test
 13 engineer for Wyle Labs commencing in about 1962?
 14 A. Testing of various objects under heat, cold
 15 and vibration conditions.
 16 Q. When did you join Boeing, approximately?
 17 A. 1964.
 18 Q. And what did you do for Boeing as an
 19 environmental test engineer?

20 A. Developed the test plans for the vibration
 21 testing of the Saturn launch vehicle.
 22 Q. When did you -- and you left Boeing in 1970 to
 23 join Montgomery Ward?
 24 A. Right.
 25 Q. Do you have any specific training in the
 26 environmental field?

1 A. Explain a little more fully what you mean by
 2 "environmental field"?
 3 Q. Sure. Do you have any training in, for
 4 instance, hydrology or anything of that nature?
 5 A. Not hydrology.
 6 Q. What training do you have that might be
 7 relevant to issues concerning contamination?
 8 A. Just one course in groundwater and soil
 9 remediation, design permitting and safety.
 10 Q. When did you take that course?
 11 A. This year.
 12 Q. Extension course through a university?
 13 A. After hours course.
 14 Q. Who offered the course?
 15 A. University of California in Berkeley.
 16 Q. As a field engineer, you've said that you are
 17 responsible for maintenance, correct?
 18 A. Yes.
 19 Q. What does that include?
 20 A. Primarily large jobs on retail stores like
 21 re-roofing, structural problems, parking lot and things
 22 of that nature.
 23 Q. When you were a field engineering manager,
 24 were you responsible for maintenance at that time?
 25 A. Yes.
 26 Q. How were your duties different when you

1 assumed the position of field engineer as opposed to
 2 field engineering manager?
 3 A. I had field engineers working for me then.
 4 Q. Between the time that you were a field
 5 engineering manager and let's say to today, has
 6 Montgomery Ward reorganized its engineering group?
 7 Because you said today you don't have anybody working for
 8 you.
 9 A. Yes.
 10 Q. How is it reorganized?
 11 A. Reorganized to have all the supervisory
 12 functions in Chicago.
 13 Q. And when did that occur, approximately?
 14 A. '91, I believe.
 15 Q. During 1990, did you have field engineers
 16 reporting to you?
 17 A. Yes.
 18 Q. And you were based at your same location in
 19 Fremont at that time?
 20 A. Yes.
 21 Q. In 1988, as I understand it, you had
 22 responsibility from time to time at 50 or 60 different
 23 retail facilities; is that correct?
 24 A. No, more than that. I don't remember how many
 25 that I had, but it was maybe twice that.
 26 Q. In 1988, what was your region, if there was a

1 region?
 2 A. I don't remember exactly what it was because

3 of several reorganizations of the reporting relationship
 4 of the stores.
 5 Q. Was it beyond California?
 6 A. Yes.
 7 Q. Are you attached to some region presently?
 8 A. No.
 9 Q. These 50 or 60 stores or retail facilities,
 10 are they in California, all in California?
 11 A. No.
 12 Q. What are their states?
 13 A. Colorado, Nevada, Idaho, Oregon, Washington.
 14 I think that's all of them.
 15 Q. Of these facilities, these 50 or 60 facilities
 16 in these states you've just identified, how many of these
 17 retail centers presently have retail gas operations?
 18 A. None.
 19 Q. In 1988, you said you don't know the number of
 20 stores that you were dealing with; is that correct, or
 21 you don't recall at this time?
 22 A. I don't recall at this time.
 23 Q. It was more than 50 or 60, though, correct?
 24 A. Yes.
 25 Q. Did the stores that you dealt with as field
 26 engineering manager include all the retail facilities

1 within Northern California? 16
 2 A. Yes.
 3 Q. In 1988, approximately how many of those
 4 facilities, the retail facilities in Northern California,
 5 how many of those had retail gasoline operations, to your
 6 knowledge?
 7 A. One.
 8 Q. That was the one in Dublin?
 9 A. Yes.
 10 Q. The facility that is the subject of the Contra
 11 Costa lawsuit you testified in about six weeks ago, do
 12 you happen to know when, approximately, that facility
 13 stopped selling gasoline retail?
 14 A. I didn't say it started selling gasoline
 15 retail.
 16 Q. Did it ever?
 17 A. No.
 18 Q. Did it have underground gasoline storage
 19 tanks, to your knowledge, at any time?
 20 A. No.
 21 Q. What is the relationship, to your
 22 understanding, between Montgomery Ward Auto Express and
 23 Montgomery Ward & Company, Inc.?
 24 A. It is one of our specialty stores.
 25 Q. Is it a name under which Montgomery Ward &
 26 Company, Inc., does business, to your knowledge?

1 A. Yes. 17
 2 Q. In Northern California in 1988, what's your
 3 estimate of how many Montgomery Ward Auto Express stores
 4 there were?
 5 A. Approximately 20, I would say.
 6 Q. Were those among the retail facilities for
 7 which you had any responsibility as field engineering
 8 manager?
 9 A. Yes.
 10 Q. In 1988, what sort of responsibilities did you
 11 have for those 20 or so Montgomery Ward Auto Express
 12 retail facilities in Northern California?

13 A. Just general maintenance of the facility, or
 14 if it needed work that would require a construction-type
 15 contract between Montgomery Ward and an outside
 16 contractor.
 17 Q. When you say, "general maintenance of the
 18 facility," does that include the building improvement?
 19 A. Yes.
 20 Q. Does it include if they had underground
 21 storage tanks and related piping and pumps?
 22 A. Not that I recall.
 23 Q. So when you were field engineer in 1988, you
 24 didn't have any maintenance responsibilities in regard to
 25 underground storage tanks and related piping at the
 26 Montgomery Ward Auto Express facilities in Northern

1 California, correct? 18
 2 A. Now, I didn't say that. I just said that I
 3 did not do anything or I didn't -- I meant to infer I did
 4 not do anything as far as the maintenance of it --
 5 Q. All right.
 6 A. -- in that period.
 7 Q. What distinction are you drawing between
 8 having responsibility for it and not doing anything? I'm
 9 trying to understand what you're saying.
 10 A. Because I became field engineering manager in
 11 April of '88, and I had no action in this area until
 12 obviously in November of '88.
 13 Q. The release at the Auto Express store in
 14 Dublin was the first action in regard to maintenance of
 15 an underground storage tank?
 16 A. The lease?
 17 Q. The release.
 18 A. Yes.
 19 Q. Was there anybody other than you, to your
 20 knowledge, at the Montgomery Ward who had the nominal
 21 responsibility for the maintenance of these underground
 22 storage tanks in Northern California at Montgomery Ward
 23 Auto Express stores?
 24 MR. SOMMERHALTER: Objection, ambiguous as to
 25 the word "nominal."
 26 THE WITNESS: Yeah, I don't know exactly what

1 you mean. 19
 2 BY MR. PIUNTI: Q. You want me to restate the
 3 question for you?
 4 A. Sure.
 5 Q. If at any time you don't understand it, just
 6 let me know. Fair enough?
 7 A. Right.
 8 Q. You said you became field engineering manager
 9 in April of 1988, correct?
 10 A. Yes.
 11 Q. Was there anybody as of, let's say May of
 12 1988, to your knowledge, who was responsible for the
 13 general maintenance of the underground storage tanks and
 14 related piping at Montgomery Ward Auto Express stores
 15 other than you?
 16 A. Yes.
 17 Q. Who was that?
 18 A. Mr. Jack Devlin.
 19 Q. Using May 1988 as our bench point, what was
 20 his position, Mr. Jack Devlin's?
 21 A. He was field engineer.
 22 Q. Did he report to you?

23 A. Yes.
24 Q. Had you delegated to him the maintenance of
25 the underground storage tanks and related piping at the
26 Montgomery Ward Auto Express stores as of May of 1988?

20

1 A. No, I had not delegated it to him.
2 Q. Okay. In what way was Mr. Jack Devlin
3 responsible for the maintenance of the tanks in May of
4 1988?

5 A. I don't know. The subject never arose.
6 Q. Is it the case that there was no one person
7 who had been delegated the job of maintenance of the
8 underground storage tanks as of May 1988 for Northern
9 California?

10 A. I don't know what had happened in the past
11 before I got there, so I decline to speculate on what Mr.
12 Devlin had been delegated to do.

13 Q. Mr. Devlin reported to you as of May 1988,
14 correct?

15 A. Yes.

16 Q. And one of your jobs and duties was to kind of
17 keep track of what he was doing and know what he was
18 doing. Would that be fair to say?

19 A. Yes.

20 Q. When you took over that position in April
21 1988, did you take it over from some other person,
22 field engineering manager?

23 A. No. It was reestablished.

24 Q. It was a new position?

25 A. No, it was reestablished.

26 Q. What do you mean by "reestablished"?

21

1 A. There had been one previous and then it was
2 reestablished.

3 Q. "Previous" being when, to your knowledge?

4 A. Approximately a year before.

5 Q. Do you know why that position was taken out of
6 existence at one point?

7 A. Reorganization.

8 Q. How about as of October of 1988, as field
9 engineering manager, did you have any one person assigned
10 to the job of the maintenance of the underground storage
11 tanks at Montgomery Ward Auto Express stores in Northern
12 California?

13 A. Not as a specific job as to what he does. He
14 would be responsible for the entire facility.

15 Q. Did you assign somebody to the responsibility
16 for, for instance, all the Auto Express stores?

17 A. No.

18 Q. How did you marshal your field engineers?

19 A. We gave them a list of certain stores, that
20 they would be responsible for the maintenance in those
21 stores.

22 Q. So, for instance, let's take the Dublin
23 facility which has a retail kind of like department store
24 and it has an Auto Express. It might have other things,
25 too, but what you're saying is you'd lump all that
26 together, and say Mr. Field Engineer works for you, "this

22

1 is your store, take care of it over here," something like
2 that?

3 A. Yes.

4 Q. And you did that as of October 1988?

5 A. No, as of April of 1988.

6 Q. And you were still doing that in October of
7 1988?

8 A. Yes.

9 Q. Who was the field engineer assigned to the
10 Dublin store? And by "store," I mean the department
11 store and the Auto Express.

12 A. Retail store and the Auto Express in April of
13 1988, Mr. Devlin.

14 Q. Is Mr. Devlin with Montgomery Ward today?

15 A. No.

16 Q. When, to your knowledge, was Mr. Devlin last
17 employed by Montgomery Ward?

18 A. I don't know. I'd hate to speculate.

19 Q. Do you happen to know if he left shortly after
20 the discovery of the release from the tank at the store
21 in Dublin?

22 A. I don't recall when he left, really.

23 Q. Were you his supervisor --

24 A. Yes.

25 Q. -- when he left?

26 A. Yes.

23

1 Q. Did you ask that he be reassigned or did you
2 ask that he leave?

3 A. No.

4 Q. There was no problem between you and Mr.
5 Devlin?

6 A. No.

7 Q. Not to your knowledge, anyway?

8 A. No.

9 Q. Did he leave the company at the time that he
10 left your supervision, to your knowledge?

11 A. Yes.

12 Q. Did you know where he went in terms of
13 employment?

14 A. Yes.

15 Q. Where did he go?

16 A. Blockbuster Video.

17 Q. Do you know where his office is?

18 A. No.

19 Q. Do you know if he is employed in Northern
20 California for Blockbuster Video?

21 A. I don't know where he's employed today.

22 Q. On what do you base your belief that he left
23 Montgomery Ward and went with Blockbuster? Why do you
24 think that's the case?

25 A. Because he told me.

26 Q. Okay. Do you know where Mr. Devlin lives?

24

1 A. Not now.

2 Q. Where did you know him to last live, what
3 town?

4 A. San Bruno.

5 Q. Who's Chip Arhenfelder?

6 A. He's the property manager.

7 Q. Property manager of what?

8 A. Of Montgomery Ward properties.

9 Q. Which of Montgomery Ward's properties, to your
10 knowledge?

11 A. Western region. Western area, I'm sorry.

12 Q. Where is he based, do you know?

13 A. Schaumburg, Illinois.

14 Q. Who's Rich Towal, T-o-w-a-l?

15 A. He's a former field engineer for Montgomery

16 Ward.
17 Q. At any point in time, was he one of the people
18 you supervised?
19 A. Yes.
20 Q. During what period of time did you supervise
21 Mr. Towal?
22 A. Towal, like a cloth towel, but his name is
23 spelled T-o-w-a-l.
24 Q. During what period of time did you supervise
25 him?
26 A. From April of 1988 till he took retirement in

1 '91. 25
2 Q. Did he ever have any duties or
3 responsibilities in regard to the Auto Express store in
4 Dublin?
5 A. The Dublin store became his store when Mr.
6 Devlin left.
7 Q. Approximately when did Mr. Towal take
8 responsibility then for the Dublin store?
9 A. When Mr. Devlin left.
10 MR. SOMMERHALTER: He's looking for a date.
11 THE WITNESS: I don't remember. I think Mr.
12 Devlin left about June or July of 1988, and I'm not sure
13 on that.
14 BY MR. PIUNTI: Q. Within months rather than
15 years of your taking over that position of field
16 engineering manager in April of 1988, though; correct?
17 A. Yes.
18 Q. Who is, to your knowledge, Ravi Arulanantham,
19 A-r-u-l-a-n-a-n-t-h-u-m?
20 A. -t-h-a-m.
21 Q. -t-h-a-m.
22 A. He's a hazardous materials specialist at the
23 Alameda County health care agency.
24 Q. When did you first meet Ravi?
25 A. I don't remember.
26 Q. Was it before or after, to your knowledge,

1 when you took the position of field engineering manager 26
2 in April '88?
3 A. It was after.
4 Q. If I talk about Ravi, you know I'm talking
5 about Ravi Arulanantham?
6 A. Yes.
7 Q. Now, when was your first awareness that there
8 was some release of gasoline at the Dublin Montgomery
9 Ward Auto Express?
10 A. I don't remember the particular day, but I
11 remember a conversation with Rich Towal that there was an
12 inventory shortage at Dublin.
13 Q. Do you remember the conversation?
14 A. No, just the gist of the conversation.
15 Q. Was this conversation in person or over the
16 telephone?
17 A. In person.
18 Q. At your Fremont office?
19 A. Yes.
20 Q. When Mr. Towal first brought this inventory
21 shortage to your attention, what did he say?
22 A. That Dublin had reported an inventory
23 shortage.
24 Q. Did he say they reported 10 gallons missing,
25 did he say a thousand gallons, what did he say?

26 A. I don't remember. I just said the gist of the
1 conversation was that there was an inventory shortage. 27
2 Q. Did you ask how big of a shortage?
3 A. I don't remember. I just remember in the
4 conversation that the subject came up.
5 Q. Do you have a memory of thinking "Boy, that's
6 a pretty big shortage"?
7 A. No, I didn't. I just remember there was
8 conversation that there was a shortage and that's all I
9 remember about it. I don't remember what I told him to
10 do.
11 Q. That's my next question. What did you tell
12 him to do?
13 A. I don't remember what I told him to do.
14 Q. Had you ever been in a situation where one of
15 your engineers came to you and said, "We have an
16 inventory shortage of gasoline" prior to this?
17 A. No.
18 Q. Did you have some procedure for responding,
19 for instance, some written procedure, something like this
20 for responding when there was a report of an inventory
21 shortage?
22 A. Not that I know of.
23 Q. At the time that Mr. Towal first reported this
24 inventory shortage at the Dublin store, did you have any
25 sort of monitoring procedure in place at the Dublin
26 facility for gasoline inventory?

1 A. I don't remember if there was one in place or 28
2 not.
3 Q. Do you know if at the time that Mr. Towal
4 reported this inventory shortage in regard to the Dublin
5 facility, whether there was any practice of monitoring
6 inventory at that facility, the gasoline inventory?
7 A. At the time that he reported to me, you said?
8 Q. Yes.
9 A. Did I know what their method was of checking?
10 Q. Was there a method, was there a practice of
11 checking inventory?
12 A. I didn't know at that date what their
13 procedure was.
14 Q. Was there a procedure, to your knowledge, at
15 that time?
16 A. To my knowledge at that time -- I learned
17 later, yes, there was a procedure of inventory
18 reconciliation.
19 Q. So later you learned that at the time of that
20 release reported as an inventory shortage by Mr. Towal,
21 you later learned that there was some sort of inventory
22 reconciliation program in place; is that correct?
23 A. Yes.
24 Q. These Auto Express stores, do they have a
25 separate manager in any way such as regional management
26 for their operations, you know, a manager, district

1 manager, that sort of thing? 29
2 A. In the line of reporting relationship?
3 Q. Just the way they operate.
4 A. The Auto Express manager reports to the store
5 manager.
6 Q. And the store manager meaning the manager at
7 the retail facility?
8 A. Yes.

9 Q. As field engineering manager in October of
10 1988, I take it you did not set any sort of program up
11 for the monitoring of inventory of gasoline for the Auto
12 Express stores, correct?

13 A. Correct.

14 Q. What did you learn later about what the
15 inventory reconciliation practice was or wasn't at the
16 Auto Express store in Dublin in about October 1988?

17 A. I understood that they checked the gasoline
18 once or twice during the day and checked the sales
19 against receipts, et cetera, to determine it.

20 Q. When you say "checked the gasoline," how was
21 that --

22 MR. SOMMERHALTER: Were you finished with your
23 answer?

24 THE WITNESS: Yes.

25 BY MR. PIUNTI: Q. When you say check the
26 gasoline, what do you mean by that?

1 A. Check the amount of gasoline sold and the
2 amount received to reconcile -- and the amount in the
3 tanks to reconcile that gas was not missing.

4 Q. In October of 1988, what's your understanding
5 as to how it was the Auto Express personnel checked the
6 amount of gasoline in the tank?

7 A. In October of 1988, I didn't know what they
8 did.

9 Q. No, I understand that, but you later learned;
10 is that correct?

11 A. Yes.

12 Q. All right. Based on what you've learned, what
13 is it that they were doing; how did they check the amount
14 of gasoline in the tank at the Dublin store in October of
15 1988?

16 A. Checked the physical amount.

17 Q. Is that what they did, they checked the
18 physical amount?

19 A. Yes.

20 Q. And how did they do that, to your knowledge,
21 with a stick? Stick a stick into the tank?

22 A. Yes.

23 Q. This is a metered stick?

24 A. Yes. No, correct that. I don't know what it
25 is. I just know they stucked it.

26 Q. Put a stick into the tank?

1 A. Yes.

2 Q. And who told you that?

3 A. I don't know, really, who told me.

4 Q. Did you conduct any investigation to find out
5 what it was they did?

6 A. I don't remember if it was an investigation or
7 not or just information was forwarded to me.

8 Q. When Rich Towal reported an inventory shortage
9 at the Dublin store in October of 1988 to you, was that
10 something that you would expect him to do if there was a
11 shortage of gasoline, report an inventory shortage to
12 you?

13 A. Well, I don't understand your question,
14 because I don't remember in October of 1988 that Rich
15 told me there was a shortage.

16 Q. All right. Whenever it was that he told you
17 there was a shortage, is that something you would expect
18 one of your field engineers to report to you, that there

19 had been a shortage, as opposed to somebody else?

20 A. Yes.

21 Q. Why?

22 A. Because I was his boss.

23 Q. And was it something that Rich Towal would be
24 responsible for, an inventory shortage from a tank?

25 MR. SOMMERHALTER: Objection, ambiguous as to
26 what he was responsible for.

1 THE WITNESS: I don't understand how to answer
2 that question.

3 BY MR. PIUNTI: Q. What I want to know is,
4 why is he telling you about this problem?

5 A. Because I'm his boss.

6 Q. And because you're his boss, why would you
7 want to know about this problem of an inventory shortage
8 out in Dublin?

9 A. It's just part of the working relationship.

10 Q. And what is that working relationship?

11 A. Reporting relationship. I'm his boss.

12 Q. Okay. You're his boss, but why would he tell
13 you? Is that your responsibility if there's an inventory
14 shortage out there from a gasoline tank?

15 A. Not necessarily so.

16 Q. But you would expect him to report that to
17 you?

18 A. Yes.

19 Q. But it's not necessarily one of your job
20 functions to see that there isn't some sort of release or
21 something like that from these tanks?

22 MR. SOMMERHALTER: Objection, argumentative.

23 Take your time and answer the questions, Charlie, no
24 matter how quickly he asks them.

25 THE WITNESS: Depends upon what the shortage
26 is caused by. You ask a question that there can be a

1 million answers, and you expect me to answer it like I
2 know what happened.

3 BY MR. PIUNTI: Q. Well, just answer it the
4 best you can.

5 MR. SOMMERHALTER: He's done that.

6 THE WITNESS: I've done that. I just told you
7 there's a million answers.

8 BY MR. PIUNTI: Q. Why don't you give me your
9 understanding as to why it was that Rich Towal reported
10 in this instance that there was a shortage?

11 A. I just told you, because I was his boss.

12 You've asked that question four or five times.

13 Q. Now, you tell me because he's your boss. What
14 I want to know is --

15 A. I'm his boss.

16 Q. You're his boss. What I don't understand is
17 what was it about your job that you would want to know
18 about an inventory shortage from this tank?

19 A. I don't know. Ask Mr. Towal.

20 MR. SOMMERHALTER: Now, Charlie, he's asking
21 you why you thought you wanted to know. He's not asking
22 why Towal told you.

23 THE WITNESS: Oh, you're asking me why
24 would -- ask the question one more time, okay?

25 BY MR. PIUNTI: Q. All right. Why would you
26 want to know about an inventory shortage at a store like

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1 this from one of your field engineers?
 2 A. Because it was a loss of company assets.
 3 Q. Did it have anything to do with if there was a
 4 failure of part of the improvement, the facility, the
 5 tank, something that is your responsibility dealing with
 6 the physical plan?
 7 MR. SOMMERHALTER: Objection, ambiguous and
 8 compound.
 9 THE WITNESS: It's very ambiguous. There's
 10 several reasons that you can have inventory shortage.
 11 BY MR. PIUNTI: Q. Right. But I want to know
 12 what of those reasons affects your job.
 13 A. Well, if there was a release, it would affect
 14 my job.
 15 Q. In other words, if the system failed in some
 16 way, correct, physical system?
 17 A. Yes.
 18 Q. And so that was part of your responsibilities,
 19 the physical integrity of the tank system, correct?
 20 A. It was part of our responsibility if anything
 21 had failed.
 22 Q. All right. Who was responsible for the
 23 maintenance of the tank if nothing was failing; in other
 24 words, just making sure on a day-to-day basis everything
 25 was working properly?
 26 A. On the tank?

35

1 Q. Yes, on the tank and the piping and the pumps.
 2 A. That would have been the Auto Express people.
 3 Q. So that's not your responsibility?
 4 A. No.
 5 Q. After Mr. Towal at some point told you that
 6 there was an inventory loss, what action, if any, did you
 7 take?
 8 A. I don't remember exactly, but I probably asked
 9 him to check into it a little bit more, make sure that we
 10 had a shortage.
 11 Q. By making sure you had a shortage, what do you
 12 mean by that?
 13 A. Check their records and make sure that it
 14 wasn't arithmetical error that would cause an apparent
 15 shortage. Yeah, that's it.
 16 Q. Do you have a memory of Mr. Towal reporting
 17 back to you after checking into it some more?
 18 A. No. I only remember one time. I remember the
 19 one time when he told me that. I don't remember whether
 20 we had any further conversation or not until the day
 21 after Thanksgiving.
 22 Q. And what happened on the day after
 23 Thanksgiving?
 24 A. He reported to me that there was another
 25 inventory shortage, so I indicated that he should go out
 26 to Dublin and check into it and investigate it in detail.

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1 Q. So the day after Thanksgiving you told Mr.
 2 Towal to go out and investigate in detail, correct?
 3 A. Yes.
 4 Q. How many days prior to Thanksgiving did he
 5 first come to you and tell you that there was an
 6 inventory shortage?
 7 A. I don't remember. It was either the day
 8 before or the day before.
 9 Q. So it's either one or two days before

10 Thanksgiving?
 11 A. Yes.
 12 Q. Between the time that he first told you that
 13 there was this inventory shortage and the day after
 14 Thanksgiving when you told him to go out and check into
 15 it and find out what the cause of this shortage was, was
 16 anybody else looking into the cause of the shortage, to
 17 your knowledge?
 18 A. Not that I know of.
 19 Q. Why did you wait until the day after
 20 Thanksgiving to ask him to go out and check into it in
 21 detail and find out what was going on?
 22 A. I have no explanation. I don't remember how
 23 many days it was between or what exact day he told me,
 24 first told me of an inventory shortage.
 25 Q. Well, it was at least two days later that you
 26 told him to go out and do a detailed investigation,

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1 correct?
 2 A. Yes.
 3 Q. And it could have been more, correct?
 4 A. Could have been more.
 5 Q. Why didn't you ask him to do a detailed
 6 investigation in the first instance when you first heard
 7 that there was a shortage?
 8 A. I don't know. I don't know why I didn't. I
 9 don't remember what instructions I gave him on that time;
 10 you know, I could have asked him for something, but it's
 11 pure speculation on my part what I did now because I
 12 don't remember.
 13 Q. What to your knowledge -- strike that.
 14 Did Mr. Towal ever report back to you as to
 15 the results of his detailed investigation after
 16 Thanksgiving?
 17 A. The day after Thanksgiving he said that we had
 18 had an inventory loss.
 19 Q. After he reported that the day after
 20 Thanksgiving, you told him to go out and conduct a
 21 detailed investigation, correct?
 22 A. Right.
 23 Q. Did he ever report back to you on the results
 24 of his investigation?
 25 A. Yes, he did.
 26 Q. Approximately when was that in relationship to

38

1 the day after Thanksgiving?
 2 A. It was on the day after Thanksgiving.
 3 Q. What did he report to you?
 4 A. He believed that we had a loss.
 5 Q. That's all he told you?
 6 A. I don't remember. That's the gist of the
 7 conversation.
 8 Q. Did he report to you that he thought somebody
 9 had pumped gasoline out of the tank and stole it?
 10 A. I don't remember him saying that.
 11 Q. Did he tell you that someone had put a hole in
 12 the tank?
 13 A. I don't remember him telling me that he put a
 14 hole in the tank.
 15 Q. Not him. Somebody. Did he ever tell you that
 16 somebody put --
 17 A. I don't remember him telling me that somebody
 18 put a hole in the tank.
 19 MR. SOMMERHALTER: Make sure you let him

20 finish asking the question before you answer it. He
21 didn't finish his question.
22 THE WITNESS: Okay.
23 BY MR. PIUNTI: Q. At any time, did anybody
24 tell you that somebody put a hole in the tank?
25 A. Yes.
26 Q. When was that that somebody told you that

39

1 somebody had put a hole in the tank?
2 A. I don't remember when, but it was after
3 Thanksgiving.
4 Q. Do you know who reported to you that somebody
5 apparently had put a hole in the tank?
6 A. I can't be sure who I first heard that from.
7 I really don't know.
8 Q. What do you know, what did you hear in regards
9 to somebody putting a hole in the tank? Tell me
10 everything you know about that.
11 A. At what period of time?
12 Q. Any period of time.
13 A. I understood that a company had been hired to
14 or contracted to put in a tank monitoring system to
15 determine leaks and it had not been successful for some
16 reason. Oh, yes, I remember. They dropped something
17 into the tank.
18 Q. Your understanding is that somebody who was
19 hired to install some tank monitoring system dropped
20 something into the tank; is that correct?
21 A. Yes.
22 Q. And that that is the cause of the hole in the
23 tank?
24 A. You're putting words in my mouth
25 Q. That's what I was asking.
26 A. The answer is "no."

40

1 Q. Okay. What's the relationship between
2 somebody hired to install a monitoring system dropping
3 something into the tank and there being a hole in the
4 tank?
5 MR. SOMMERHALTER: Objection, lacks
6 foundation.
7 THE WITNESS: I don't know. I don't know what
8 the relationship is.
9 BY MR. PIUNTI: Q. Is there any?
10 A. I don't know.
11 Q. What's your understanding -- strike that.
12 Were you there when the tank was removed?
13 A. Yes.
14 Q. Was there a hole in the tank?
15 A. Yes.
16 Q. Where was the hole?
17 A. On the bottom.
18 Q. The bottom in relationship to -- strike that.
19 Was it below the hole at the top where you put
20 in the stick to measure the tank?
21 A. Yes.
22 Q. So it was directly below that spot in the tank
23 where you put in the stick to measure the inventory,
24 correct?
25 MR. SOMMERHALTER: Objection, mischaracterizes
26 his testimony in using the word "directly."

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1 BY MR. PIUNTI: Q. Is it below it?
2 A. It's in the area below it.

3 Q. In other words, the tank was lifted out of the
4 ground at some point, correct?
5 A. Yes.
6 Q. And you walked around it?
7 A. Yes.
8 Q. And you inspected it?
9 A. Yes.
10 Q. Did you photograph it?
11 A. No, I didn't.
12 Q. Did somebody in your presence photograph the
13 tank?
14 A. Somebody photographed it and I don't remember
15 who.
16 Q. Have you ever seen pictures of the hole in the
17 tank?
18 A. Yes.
19 Q. When was the last time you saw pictures of the
20 hole in the tank?
21 A. Sometime early '89.
22 Q. Do you have possession of those pictures?
23 A. Not that I know of.
24 Q. Do you know who has possession of those
25 pictures?
26 A. No.

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1 Q. Did you ever have any discussion with anybody
2 that it looks like the tank was punctured when somebody
3 was sticking in the measuring stick?
4 MR. SOMMERHALTER: Objection, ambig- -- would
5 you read the question back?
6 (Question read.)
7 MR. SOMMERHALTER: Objection, ambiguous.
8 THE WITNESS: Only with my attorneys.
9 BY MR. PIUNTI: Q. So out there at the field
10 was your attorney present when the tank was removed?
11 A. Yes.
12 Q. Your attorney was present the whole time?
13 A. What do you mean by "the whole time"?
14 Q. The whole time that you were out there while
15 the tank was being removed, was your attorney present?
16 A. Yes.
17 Q. So you weren't out there at any time when the
18 attorney wasn't there; is that correct?
19 MR. SOMMERHALTER: On that occasion?
20 MR. PIUNTI: Yes, on that occasion when the
21 tank was removed.
22 THE WITNESS: Yes.
23 BY MR. PIUNTI: Q. Did you ever inspect the
24 tank outside the presence of your attorney?
25 A. Yes.
26 Q. With whom?

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1 MR. SOMMERHALTER: He didn't say it was with
2 anybody. It could have been by himself.
3 MR. PIUNTI: It could have been. He can tell
4 me that.
5 MR. SOMMERHALTER: Charlie, don't let him put
6 words in your mouth.
7 THE WITNESS: Yeah, yeah. I don't remember if
8 I was with somebody or alone. I do remember inspecting
9 it.
10 BY MR. PIUNTI: Q. When you went out there to
11 inspect the tank by yourself, what were you looking for?
12 A. The hole in the bottom of the tank.

13 Q. Did you want to see where it was in
 14 relationship to the hole in the top of the tank where you
 15 stick in the stick to measure how much gasoline is in
 16 there?
 17 A. Yes.
 18 Q. It lined up?
 19 A. I didn't check precise alignment, but it was
 20 in the area.
 21 Q. Looked like it was pretty much below it,
 22 correct?
 23 A. I just testified that it's in the area.
 24 That's as far as I would like my testimony to go.
 25 Q. Why is that?
 26 A. Because that's all I'm sure of.

1 Q. And by "the area," what are you talking about,
 2 foot by foot, a square foot?
 3 A. Within that square foot, yes.
 4 Q. How big of a hole was this?
 5 MR. SOMMERHALTER: That's the hole at the
 6 bottom, right?
 7 MR. PIUNTI: Correct.
 8 THE WITNESS: The hole in the bottom was about
 9 the size of a half dollar.
 10 BY MR. PIUNTI: Q. Did you ever take a look
 11 at the stick that was used at that facility to measure
 12 the amount of product in the tank?
 13 A. Yes.
 14 Q. Approximately how big was the end of that
 15 stick?
 16 A. I don't remember.
 17 Q. About the size of a half dollar?
 18 A. No.
 19 Q. Bigger or smaller?
 20 A. About the size of a quarter.
 21 Q. This is a fiberglass tank, correct?
 22 A. Correct.
 23 Q. Have you ever seen stress lines in fiberglass,
 24 ever?
 25 A. No.
 26 Q. Never noticed little like lines that are

1 different in color in fiberglass at any point where it's
 2 been subjected to stress?
 3 A. I have never seen any lines as such or don't
 4 remember them being pointed out to me or anything like
 5 that.
 6 Q. Was there a representative of the company who
 7 at one point had been retained to install some sort of
 8 continuous monitoring system present at the time that the
 9 tank was removed from the ground?
 10 A. I think there was somebody there.
 11 Q. As you sit here right now, do you have any
 12 belief that the company that was hired to install this
 13 continuous monitoring system in any way is responsible
 14 for this hole being in the bottom of that tank?
 15 A. I haven't decided one way or the other.
 16 Q. What is that company's name, to your
 17 knowledge?
 18 A. Strategic Organizational Systems.
 19 Q. When was the last time you spoke with anybody
 20 from Strategic Organizational Systems?
 21 A. The day we pulled the tank was the last I
 22 remember.

23 Q. When was that, approximately?
 24 A. Sometime in May, I think.
 25 Q. May of 1989?
 26 A. Yes.

1 Q. And the Thanksgiving date that we've been
 2 talking about, that's Thanksgiving of 1988, correct?
 3 A. Correct.
 4 Q. Would you list for me in chronological order
 5 all the consultants that you've worked with who have
 6 reported to the Alameda County Department of Health since
 7 the discovery of this hole in this tank?
 8 A. Dr. Alan Selditch.
 9 Q. Can you spell his last name?
 10 A. S-e-l-d-i-t-c-h, I think. SCS and
 11 Environmental Audit.
 12 Q. Who presently is doing the preparing of the
 13 reports that are submitted to Alameda County?
 14 A. Environmental Audit.
 15 Q. Did you know Selditch prior to November of
 16 1988?
 17 A. No.
 18 Q. Did you hire him?
 19 A. Not on the day after Thanksgiving of 1988. He
 20 was hired by our attorney.
 21 Q. Did you hire SCS?
 22 A. Yes.
 23 Q. Did you hire Environmental Audit?
 24 A. Yes.
 25 Q. Have you listed for me everybody who you hired
 26 as a consultant and ended up reporting to Alameda County

1 on your behalf?
 2 A. All that I remember.
 3 MR. SOMMERHALTER: Make sure you let him
 4 finish asking the question.
 5 THE WITNESS: I know. I was just reminding
 6 myself.
 7 BY MR. PIUNTI: Q. Approximately when did Mr.
 8 Selditch leave the job?
 9 A. I don't really remember.
 10 Q. Was he there for -- strike that.
 11 Were you satisfied with his work, you
 12 personally?
 13 A. Yes, until the last, when he became ill.
 14 Q. And what happened when he became ill that
 15 caused you dissatisfaction with his work?
 16 A. He was a little slow to do things, and I was
 17 about to a point where I was going to replace him, when
 18 he wrote me a letter and said I'm ill, I'm going to do
 19 work in the office but no field work, so I can't, you
 20 know, work for you anymore.
 21 Q. What was the approximate period of time that
 22 Selditch, to your knowledge, was ill such that he was a
 23 little slow in doing things?
 24 A. Oh, I would say four or five months or
 25 something like that, I don't remember.
 26 Q. The decision was basically yours whether to

1 replace him or not?
 2 A. Yes.
 3 Q. When you say he was a little bit slow in doing
 4 things, in what way was he slow?
 5 A. Just -- I meant that in a general manner. We

6 asked him to do something, it seemed like it was taking
7 an extraordinary long time to do it. I usually allow the
8 consultants to work at a pace where it serves the job
9 well and doesn't overload him and try to rush things too
10 much. But about, I think, four or five or six months, Al
11 was getting slower in getting things out, and obviously I
12 knew he had cancer then. He told me he thought his
13 cancer had recurred, and I took that into consideration
14 but it came a point just as I was about to call him up
15 and say "Al, I'm sorry but I've got to get somebody
16 else," then he wrote me the letter saying "I've got to
17 quit."

18 Q. You replaced Selditch with SCS, as best you
19 remember?

20 A. To the best of my memory, we had SCS do some
21 work out there. It was so long ago, I don't know exactly
22 what I had them do.

23 Q. In 1989, how many different contamination
24 sites were you dealing with?

25 A. Three, that I remember.

26 Q. Including Dublin?

1 A. Dublin, yes.

2 Q. The others were where?

3 A. Canoga Park and Sacramento. That's all I
4 remember right now.

5 Q. Sacramento and Canoga Park, did either of
6 those have anything to do with a hold fiberglass tank?

7 A. I don't know what type of tanks there were at
8 those sites.

9 Q. So you can't answer that question?

10 A. I can't answer the question with any
11 certainty.

12 Q. To your knowledge, did either Canoga Park or
13 Sacramento have to deal with a hole in the tank?

14 A. I don't know. Those tanks were pulled long
15 before my time.

16 Q. Did you pull SCS off the job? Was that your
17 decision?

18 A. Yes.

19 Q. Why?

20 A. I don't remember.

21 Q. Were you satisfied with their work?

22 A. I don't remember any dissatisfaction with
23 them, but we hired Environmental Audit to then continue
24 the work.

25 Q. So as you sit here right now, you can't think
26 of any reason why you weren't satisfied with SCS, if you

1 were dissatisfied, correct?

2 A. Right, I don't remember any dissatisfaction
3 with them.

4 Q. What's your understanding of the -- strike
5 that.

6 Does Montgomery Ward & Company, Inc., own the
7 property on which the Auto Express in Dublin sits, to
8 your knowledge?

9 A. To my knowledge, we own it.

10 Q. Is there any relationship at all between
11 Montgomery Ward Development Company as -- strike that.
12 Montgomery Ward Development Company, to your
13 knowledge, is not the owner of the real property out
14 there, correct?

15 A. That's not true. I think Montgomery Ward

16 Development Corporation owns the ground.

17 Q. Is that your understanding?

18 A. Yes.

19 Q. So when you say, "we own it," you weren't
20 distinguishing between Montgomery Ward & Company, Inc.,
21 and Montgomery Ward Development Company, correct?

22 A. Yes, I was saying Montgomery Ward Development
23 Company owns the ground.

24 Q. To your knowledge?

25 A. To my knowledge, yes.

26 Q. Is it your understanding that Montgomery Ward

1 & Company, Inc., operates the Auto Express store and the
2 landlord technically is Montgomery Ward Development
3 Company?

4 A. Yes.

5 Q. You're aware of a shopping center in Dublin on
6 either side of Amador Plaza Road and south of Dublin
7 Boulevard and to the east of the Auto Express store in
8 Dublin, correct?

9 A. Yes.

10 Q. And it's called Enea Plaza?

11 A. Right. Yes.

12 Q. Have you read the complaint in this action?

13 A. A portion of it, I think.

14 Q. When was the last time that you read the
15 complaint?

16 A. Probably about a month after it was filed.

17 Q. Have you reviewed any documents in preparation
18 for your deposition in this case?

19 A. No.

20 Q. Did you participate in the collection of any
21 documentation in response to request for production by
22 plaintiffs in this case?

23 A. Yes.

24 Q. What was your role?

25 A. Grab my file and send it over to Mr.

26 Sommerhalter.

1 Q. You maintain a particular file on the
2 contamination at Dublin?

3 A. Yes.

4 Q. Could you describe what your file looks like?
5 Is it a couple of jackets inside a bigger jacket or what
6 is it?

7 A. I don't -- it was several folders, I think,
8 that I sent over, or I put it into a box and sent it over
9 to him.

10 Q. Your file consists of more than one discrete
11 folder?

12 A. Yes.

13 Q. What's your understanding of why the tank
14 wasn't removed, the whole tank wasn't removed until about
15 May of '89?

16 A. Obtaining approval of the work plan from the
17 agency.

18 Q. When did you submit -- by "you," Montgomery
19 Ward or your consultants, first submit a work plan for
20 the removal of the tank?

21 A. I don't remember the date. I'd have to look
22 at the file and find that out.

23 Q. Do you have any belief that it was a month
24 other than the month when a permit was issued for the
25 removal of the tank?

26 MR. SOMMERHALTER: Read that question back,

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1 please.

2 (Question read.)

3 THE WITNESS: Yes.

4 BY MR. PIUNTI: Q. What's your memory of
5 that?

6 A. I remember that it was submitted and I think
7 more information was requested, and the dates I don't
8 remember.

9 Q. So your memory is that at one point an
10 application or work plan was submitted for approval and
11 then there was a request for more information; is that
12 right?

13 A. Yes.

14 Q. How long did it take you to get that
15 additional information back?

16 A. I don't remember the times. I just remember
17 it was a long, long time to get permission to pull the
18 tank.

19 Q. So to your memory, there's a long lapse of
20 time between the time that you first applied for approval
21 of the work plan and until you received approval; is that
22 correct?

23 A. Yes.

24 Q. What type of product was in the tank that
25 escaped through the hole in the bottom?

26 A. Unleaded gasoline.

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1 Q. Approximately how many gallons were lost?

2 A. I don't know. You'd have to go back to my
3 report to the agency and get the number there. I
4 wouldn't want to speculate.

5 Q. You have no idea whether it was more or less
6 than 10,000 gallons?

7 MR. SOMMERHALTER: Read that question back.
8 (Question read.)

9 MR. SOMMERHALTER: The question suggests that
10 he mentioned that number to begin with, and of course he
11 hadn't mentioned that number to begin with. It's
12 argumentative.

13 MR. PIUNTI: Well, it's also ambiguous. I
14 guess anything could be more or less than 10,000 gallons.

15 MR. SOMMERHALTER: Unless it is 10,000
16 gallons. You're right.

17 BY MR. PIUNTI: Q. Do you have any idea as to
18 whether or not the release was more than 10,000 gallons?

19 A. I don't even remember what we put down.

20 Q. Were you the person who reported the amount of
21 the loss to Alameda County?

22 A. Yes.

23 Q. And at the time you reported that loss or the
24 amount of the loss, you were satisfied that that was an
25 accurate number?

26 A. Yes.

55

1 Q. Who set up the inventory monitoring system for
2 this particular store that was in use at this particular
3 store prior to November of 1988?

4 A. I don't know.

5 Q. You have no idea?

6 A. No.

7 Q. Have you ever seen a written statement of what
8 was supposed to be done in regard to inventory

9 reconciliation for the gasoline at that station?

10 A. I don't recall seeing any written

11 instructions.

12 Q. Have you ever seen a manual or anything that
13 looks like a manual for addressing what's supposed to be
14 done in terms of the daily operation of Montgomery Ward
15 Auto Express stores?

16 A. No.

17 Q. Did you play any role in the decision to
18 contact a company about installation of a continuous leak
19 monitoring system at the Dublin store?

20 A. No.

21 Q. Do you know who did that?

22 A. Yes.

23 Q. Whom?

24 A. Mr. Devlin.

25 Q. He was working for you at the time?

26 A. I don't know whether he was working for me at

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1 the time or not. I don't remember what the document had.
2 There was some document, I remember, that he had hired
3 SOS to do this, and I don't remember what the time frame
4 was. You can probably go through the records and find
5 out, that's Strategic Organizational Systems.

6 Q. Did you ever represent at any time to any
7 governmental agency that Montgomery Ward would take
8 morning and nightly physical inventory of the gasoline at
9 the Dublin station?

10 A. I've never represented anything to any agency
11 about that.

12 Q. Do you have a memory of someone actually --
13 strike that.

14 You testified earlier to SOS dropping
15 something into the tank.

16 A. Yes.

17 Q. What do you base that statement on, that they
18 dropped something into the tank?

19 A. I don't know where I got it, but I understood
20 that from someone, and this is all hearsay that something
21 had been dropped into the tank.

22 Q. And you don't know who told you that?

23 A. No.

24 Q. Are you aware of any fact that the Auto
25 Express store in Dublin is not the source of the
26 petroleum hydrocarbon water contamination at Enea Plaza?

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1 MR. SOMMERHALTER: That calls for an expert
2 witness and he's is not here that way. He's here as a
3 percipient witness.

4 MR. PIUNTI: Go ahead.

5 THE WITNESS: I don't even understand your
6 question.

7 BY MR. PIUNTI: Q. You're aware that I sent
8 to you some reports at one point, showing that Enea Plaza
9 had detected some petroleum hydrocarbon groundwater
10 contamination at Enea Plaza. Do you remember that?

11 A. I remember you sent me something.

12 Q. Do you remember that it was showing
13 contamination?

14 A. I remember you sent me something that shows
15 Enea Plaza had checked the groundwater and it had
16 hydrocarbons in the groundwater.

17 Q. And we had discussions on that on the
18 telephone, correct?

19 A. We had discussions, and basically most of the
20 time when you'd called me, I'd tell you to call Kay Pick,
21 our attorney.
22 Q. At one point in time, that's true.
23 A. Yeah.
24 Q. All right. Now, my question to you is, are
25 you aware of any fact that the groundwater contamination
26 at Enea Plaza is from some source other than Montgomery

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1 Ward?
2 A. The jury's still out on that. We've not
3 finished our investigation.
4 Q. Well, I'm asking you, personally, are you
5 aware of any facts that the contamination at Enea Plaza
6 is coming from some source other than Montgomery Ward
7 Auto Express?
8 A. As I said, we haven't finished our
9 investigation. There may be other sources.
10 Q. Are you aware of any as you sit here right
11 now?
12 A. I can't express an opinion on whether the
13 gasoline in Enea Plaza is Montgomery Ward or another
14 source or a combination of Montgomery Ward and another
15 source.
16 Q. Are you aware of any other source that
17 potentially is contributing to the groundwater
18 contamination at Enea Plaza other than Montgomery Ward
19 Auto Express?
20 A. I'm not certain at this time whether --
21 Q. I understand that you're not certain.
22 MR. SOMMERHALTER: He's not here to express an
23 expert opinion about any facts. He's told you he doesn't
24 have any opinions at this time.
25 THE WITNESS: Let's go off the record. Can
26 we?

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1 MR. SOMMERHALTER: No, we're not going off the
2 record.
3 MR. PIUNTI: Let's just stay on the record.
4 MR. SOMMERHALTER: If you want to talk to me
5 privately, just say so.
6 THE WITNESS: I don't want to go off the
7 record, but it's just that I told you before, I don't
8 have an opinion.
9 BY MR. PIUNTI: Q. So as you sit here right
10 now, you're aware of no source for the contamination at
11 Enea Plaza, in your mind?
12 A. In my mind, I haven't made up my mind is what
13 I'm saying. I don't have an opinion yet.
14 Q. All right. Other than Montgomery Ward, do you
15 have any other suspects out there for the source of that
16 contamination, in your mind?
17 MR. SOMMERHALTER: Same question, same answer.
18 MR. PIUNTI: I haven't gotten an answer.
19 BY MR. PIUNTI: Q. I'm asking you if you're
20 aware of any other potential sources.
21 MR. SOMMERHALTER: Charlie, have you given him
22 your best answer?
23 THE WITNESS: Yes.
24 MR. PIUNTI: I haven't gotten an answer.
25 MR. SOMMERHALTER: You're berating the
26 witness. It's argumentative. You're raising your voice,

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1 and you asked the same question three times.
2 Answer it one more time, Charlie.
3 THE WITNESS: I said I have not made up my
4 mind yet, and when I make up my mind, then I will tell
5 Counsel.
6 BY MR. PIUNTI: Q. You know, I'm going to ask
7 this question in a way that respects the fact that you
8 have not made up your mind. Now I'm not concerned as to
9 whether or not you've made up your mind; you understand
10 that?
11 A. Yes.
12 Q. I'm not asking if you've made up your mind.
13 Fair enough?
14 A. Okay.
15 Q. What I want to know is, do you have any
16 suspected sources for the contamination at Enea Plaza,
17 excluding Montgomery Ward Auto Express? That's all I'm
18 asking.
19 A. Yes.
20 Q. What are those other potential sources?
21 A. There's a list that I got of the ones in the
22 area, and you can go up there and obtain the same list
23 yourself, all of those are then suspect. Okay?
24 Q. So you're saying that other than any other
25 release of -- strike that.
26 Let me ask it this way: Who's on this

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1 suspected list, excluding Montgomery Ward?
2 MR. SOMMERHALTER: He didn't say who was on
3 the list.
4 THE WITNESS: I don't know. There's a list of
5 establishment, and I don't know whether that list says
6 that they just have tanks or they have had reported
7 releases. So I'd take that list -- and I didn't want to
8 bring that list up because it just drags a lot of stuff
9 through the record here and we're going to spend an awful
10 lot of time on it. But it's a list of who has tanks or
11 who have had releases, and that's I think from health
12 care agency or the water district or something like that,
13 or the Regional Water Quality Control Board, but it's a
14 list in that area. So those are all suspects.
15 BY MR. PIUNTI: Q. All right. So that would
16 include, you know, anybody.
17 You know what upgradient and downgradient
18 means in terms of transportation of groundwater, correct?
19 A. Yes.
20 Q. Are you including people who appear to be
21 downgradient of Enea Plaza as being on the potential list
22 of suspects as the source of contamination?
23 MR. SOMMERHALTER: Read that question back.
24 (Question read.)
25 MR. SOMMERHALTER: First of all, that's not
26 what he said.

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1 THE REPORTER: Are you sure?
2 MR. SOMMERHALTER: That's not what the lawyer
3 said, okay, so could you ask the question again?
4 BY MR. PIUNTI: Q. Are you including in your
5 list of potential suspects people downgradient of Enea
6 Plaza?
7 MR. SOMMERHALTER: Now, he didn't say it was
8 his list. He said it was a list.
9 THE WITNESS: There was a list. I have no

10 idea whether they're upgradient or downgradient. It says
11 to me all on the list would be a suspect, okay? Now, I
12 have not taken the time to go and eliminate suspects. As
13 a matter of fact, I haven't done anything with that list,
14 okay?

15 BY MR. PIUNTI: Q. Are you aware of any
16 substantial, bigger than a thousand gallon upgradient
17 releases of gasoline, upgradient of Enea Plaza within the
18 past six years?

19 A. I don't remember any numbers or anything like
20 that on anything. No numbers have been given to me. The
21 list, I didn't pay that much attention to it.

22 Q. Now, you've had discussion with Ravi, correct,
23 about the source of the contamination at Enea Plaza?

24 A. I have had some discussions with him.

25 Q. What can you tell me that you remember of
26 those discussions?

1 A. His lost letter.

2 Q. What's the lost letter?

3 A. Letter from I think Alameda County Water
4 District to Water Quality Control Board or somebody like
5 that, I don't remember, but saying that Crown Chevrolet
6 had a large release, notified by the City Clerk of Dublin
7 of a large release. And Ravi had told me for ages that
8 somebody -- the letter had been lost, excuse me, and so
9 in going through the Crown Chevrolet file, low and
10 behold, there it was.

11 Q. All right. Had you been asking Ravi about
12 Crown Chevrolet in connection with this letter before you
13 went through the Crown Chevrolet file?

14 A. I think the subject had come up with Ravi.
15 Did I ask him originally? I don't remember, but the
16 subject of Crown Chevrolet came up.

17 Q. I'm trying to find out what you mean by the
18 lost letter. You told me there's some letter that you
19 found, some letter in some file; is that what you're
20 telling me?

21 A. Ravi had told me that he had a letter; that he
22 thought that when somebody came in, that they had removed
23 it from the file. He also told me that the files were in
24 atrocious shape. But I went down and made a copy of his
25 file, low and behold -- and he's sitting there all the
26 time because he said, "Since that letter was lost, we do

1 not allow anybody to take the file and go into a room by
2 themselves." So Ravi is sitting there, and I look and I
3 said, "What's this?" And he said, "Oh, that's the lost
4 letter." So that was what was on Crown Chevrolet.

5 Q. Had you at any point suggested that Crown
6 Chevrolet might be the source of the contamination at
7 Enea Plaza?

8 A. Ask that question again.

9 Q. Sure. Did you ever suggest to Ravi that Crown
10 Chevrolet might be the source of the contamination at
11 Enea Plaza?

12 A. I don't think I put it that way to him, no.

13 Q. What else do you remember of any conversations
14 with Ravi about the source of the contamination at Enea
15 Plaza?

16 A. Oh, we're going to put in some wells to
17 determine -- to get a good idea of the gradient between
18 Montgomery Ward and Enea Plaza.

19 Q. Anything else that you can remember in terms

20 of your discussions with Ravi about the source of the
21 contamination at Enea Plaza?

22 A. I don't think we -- I don't think we discussed
23 sources. I think he was the one that volunteered Crown
24 Chevrolet as a potential source, so that's the only one
25 that I talk about. Plus, then, the list that we went
26 over.

1 Q. Did you ever tell Ravi that it is your opinion
2 that gasoline contamination was traveling down trenching
3 in Dublin Boulevard?

4 A. No.

5 Q. Did you ever suggest to Ravi that it's your
6 opinion that the contamination at Enea Plaza was
7 traveling through trenching underneath Amador Plaza Road?

8 A. No.

9 Q. You're positive about that?

10 A. Positive about that. Absolutely positive
11 about that. My contention has always been to the
12 northeast.

13 Q. What does that mean?

14 A. That the plume would be following the lay of
15 the land, and if it's following the lay of the land, it
16 would be going to the northeast.

17 Q. What do you mean by "the lay of the land"?

18 A. The slope of the land.

19 Q. Surface slope?

20 A. Yes. Generally the water will follow the lay
21 of the land, and since there's a huge drainage ditch just
22 north of our retail store and the land generally slopes
23 towards that drainage ditch, just an offhand thought, no
24 convictions, it was that the gasoline plume would flow in
25 that direction.

26 Q. Did Montgomery Ward ever install --

1 MR. SOMMERHALTER: If you want to go to a
2 different topic --

3 THE WITNESS: Yes. I'd like to take a break.

4 MR. PIUNTI: Sure. We'll take five minutes.

5 It's a quarter after right now.

6 THE WITNESS: How about 10 minutes? I'm going
7 to smoke a cigarette.

8 MR. PIUNTI: Sure, that's fair.

9 (Break.)

10 BY MR. PIUNTI: Q. Did Montgomery Ward ever
11 install any equipment to remediate the groundwater at the
12 facility in Dublin?

13 A. Yes.

14 Q. When was that installed?

15 A. As I recall, it was in 1989.

16 Q. And what contractor did that work, the
17 installation of the remediation system?

18 A. Golden West.

19 Q. To your knowledge, when did it first become
20 operational, approximately?

21 A. Best I remember is 1989.

22 Q. Did you obtain approval from the Alameda
23 County Health Department for installation of that system?

24 A. Yes.

25 Q. Did Montgomery Ward ever shut down that
26 remediation system?

1 A. Yes.

2 Q. Approximately when did they shut it down?

3 A. I don't remember when it was shut down.
 4 Q. Do you know why it was shut down?
 5 A. I believe we over -- we got into a pocket of
 6 gasoline that remained there and overwhelmed the carbon
 7 system.
 8 Q. And for how long was it shut down?
 9 A. I don't remember.
 10 Q. More than a month?
 11 A. I think so.
 12 Q. More than a year?
 13 A. Not that I know of. I don't remember.
 14 Q. Did you obtain any permission from the Alameda
 15 County Department of Health to keep the system
 16 nonoperational?
 17 A. Not that I remember.
 18 Q. Did you feel it was unnecessary to obtain
 19 their approval to keep the system nonoperational for a
 20 period of time?
 21 A. No, not that I know of.
 22 Q. Did you think you needed to go to them and
 23 obtain their authorization to shut the system down for an
 24 extended period of time?
 25 A. No. I think we had to go to them to approve
 26 the redesign of the system.

1 Q. When was the new system installed and 68
 2 operational, approximately?
 3 A. I don't remember.
 4 Q. Was it in 1992?
 5 A. Not that I remember. I don't remember what
 6 date it was.
 7 Q. Was it after you had contact with me in regard
 8 to the contamination at Enea Plaza?
 9 A. I don't know when you and I had the contact.
 10 Q. All right. As you sit here right now, you
 11 can't give me any estimate as to whether it was more or
 12 less than a year that the system was nonoperational,
 13 correct?
 14 A. No.
 15 MR. SOMMERHALTER: That mischaracterizes his
 16 testimony.
 17 THE WITNESS: Like I say, I don't remember any
 18 time frames.
 19 BY MR. PIUNTI: Q. It seemed like a long time
 20 to you that the system wasn't working?
 21 A. I don't remember.
 22 Q. Did it seem like a short period of time to you
 23 that the system was not working?
 24 A. I'm saying I don't remember.
 25 Q. Was this something that was not very important
 26 to you, whether or not you get the pump and treat system

1 back up and operational after it was shut down? 69
 2 A. Ask that question again.
 3 Q. Yes. Was this unimportant to you that you get
 4 the pump and treatment system back up and running after
 5 it had been shut down?
 6 A. No, it's not unimportant.
 7 Q. Was it important that you do that?
 8 A. Yes.
 9 Q. So it's something that you would have put your
 10 attention to right away?
 11 A. I don't remember. It just takes a long time
 12 to get systems, redesigned systems approved. Like the

13 work plan to pull the tanks, it took from November to May
 14 to get approval.
 15 Q. So whatever delay it was, however long it was,
 16 you attribute a substantial portion of that delay to the
 17 County of Alameda?
 18 A. I didn't say that.
 19 Q. All right. What did you say about it took a
 20 long time to get it approved? Maybe I misheard.
 21 A. Well, yes, it just -- I don't remember the
 22 exact sequence of what we did, but it seems that there
 23 was a delay in getting the system approved.
 24 Q. Was that delay a delay in submitting your plan
 25 for a system, or was it a delay in getting approval after
 26 a plan was submitted?

1 A. I don't remember when the plans were submitted 70
 2 or the new system was submitted and when it was approved.
 3 Q. So you don't know one way or the other whether
 4 or not there was a substantial delay after a plan was
 5 submitted until you obtained approval for a new pump and
 6 treat system --
 7 A. No.
 8 Q. -- Correct?
 9 Who was responsible for hiring somebody to
 10 design and install a new system?
 11 A. Me.
 12 Q. Did the cost of the installation of that
 13 system come out of some budget that you operated under?
 14 A. Comes out of a general budget for gasoline
 15 cleanups.
 16 Q. Do you administer a gasoline cleanup budget?
 17 A. Not the -- the budget is prepared for the
 18 company and estimates are made for each location, so we
 19 would refine estimates as time goes along.
 20 Q. Did you submit information to somebody for
 21 this company-wide budget for gasoline remediation?
 22 A. Probably submitted it in a list of stores that
 23 need remediation.
 24 Q. How often is this budget, the part allocated
 25 to your stores, revised?
 26 A. Depends. Probably once every one or two

1 years. 71
 2 Q. What's the process by which you obtain funds
 3 allocated to your gasoline contamination sites through
 4 this budgetary process? What do you go through?
 5 A. Like I told you before, we probably put it on
 6 the list and adjust the list as time goes on.
 7 Q. Once every year or two, correct?
 8 A. Yes.
 9 Q. If a budget needs to be adjusted because more
 10 work needs to be done, let's say on one of your gasoline
 11 contamination sites, the initiation to get more money,
 12 does it start with you?
 13 A. Yes.
 14 Q. Whenever it was that the redesign system was
 15 installed and started up, has it been running continually
 16 to this day?
 17 A. No. We have maintenance issues that come up.
 18 And then we also shut the system down before the
 19 quarterly monitoring, usually a week or two before
 20 because of the recharge rate of the wells.
 21 Q. Your understanding is that it takes a week or
 22 two to recharge those wells?

23 A. For the wells to stabilize.
24 Q. Who told you that?
25 A. I think it was Environmental Audit
26 Q. We just had a recent monitoring event out

1 there between the two facilities, Montgomery Ward and 72
2 Enea Plaza, correct?
3 A. Correct.
4 Q. I understand that the system was shut down
5 somewhere between 48 and 24 hours in advance of that
6 monitoring event. Do you have any information to the
7 contrary?
8 A. I think it was shut down before then, I don't
9 remember.
10 Q. Why do you think that? Did someone tell you
11 that?
12 A. No. I think I shut it down, if I'm not
13 mistaken.
14 Q. You do this?
15 A. Yes, yes.
16 Q. How long have you been the person prior to a
17 monitoring event that, you know, shuts down the system
18 prior to the monitoring? How long has this been going
19 on?
20 A. Since Environmental Audit has been doing the
21 quarterly monitoring.
22 Q. In relationship to this last testing event
23 which I believe was about October 13, does that sound
24 right?
25 A. Yes.
26 Q. What date did you go out there and shut the

1 system down, Mr. West? 73
2 A. I don't remember. I think it was at least a
3 week, a week ahead of time.
4 Q. What sort of record do you make when you turn
5 off the pump and treat system prior to an anticipated
6 sampling event?
7 A. What do you mean?
8 Q. How do you document that you did that?
9 A. I don't. I just call Environmental Audit and
10 tell them I turned it off.
11 Q. Who do you call?
12 A. I think it's Chris D'Sa, D apostrophe, capital
13 S-a, at Environmental Audit.
14 Q. Did Montgomery Ward ever make an attempt to
15 define the lateral extent of its contamination plume?
16 A. I think we did, but I don't think we ever got
17 to zero line.
18 Q. When did you initiate that attempt to define
19 the lateral extent of the contamination plume?
20 A. When we put those wells out in the street.
21 Q. How many wells did you put in the street, to
22 your knowledge?
23 A. As I remember, three. You'd have to go back
24 to that plan. I can't remember numbers
25 Q. By the street, you're talking about Dublin
26 Boulevard, right?

1 A. Either in the sidewalk or in the center of 74
2 Dublin Boulevard.
3 Q. There's a median strip out there on Dublin
4 Boulevard?
5 A. Yes.

6 Q. And there's a sidewalk in front of Crown
7 Chevrolet, right?
8 A. Yes, I think that was one location.
9 Q. So that was the event to try to determine the
10 lateral extent of the plume, correct?
11 A. That, and to get a better idea of the flow of
12 the groundwater.
13 Q. Why did you wait so long?
14 MR. SOMMERHALTER: Objection, argumentative.
15 You can answer the question.
16 THE WITNESS: I don't know. I don't know what
17 you mean by "why did you wait so long."
18 BY MR. PIUNTI: Q. Well, that event occurred
19 in -- strike that.
20 When do you understand it was that you put in
21 those wells, as you say, "in the street"?
22 A. I don't remember when we did that. I think we
23 did it this year.
24 Q. 1993, right?
25 A. Yeah.
26 Q. And you had your release in, what, about

1 Thanksgiving, 1988, correct? 75
2 A. Yes, yes.
3 Q. Why did you wait until 1993 to attempt to
4 determine the lateral extent of the contamination?
5 A. Because the plan that we had submitted by
6 Selditch was approved.
7 Q. So, in other words, if the County didn't
8 require you to do that, you weren't going to do that,
9 right?
10 A. The way you ask the question -- let me tell
11 you our policy, what our policy is. The County tells us
12 what to do and we generally do it.
13 Q. So if the County has not asked for something,
14 you're not going to go out and do it on your own in terms
15 of defining the lateral extent of your plume; is that
16 correct?
17 A. I can't answer your question there. It's our
18 policy, again, to do what the County tells us to do or
19 what the lead agency tells us to do.
20 Q. In this instance, it wasn't until February of
21 1992 that you received a direct order from the County to
22 go out and define the lateral extent of your plume; isn't
23 that correct?
24 A. I don't remember the time.
25 Q. But at some point Ravi told you to go out and
26 do that, did he not?

1 A. Yes. 76
2 Q. And prior to his telling you to do that, you
3 had not made any effort to do that; is that correct?
4 A. I had not any intention of doing anything
5 until the County told me to.
6 MR. SOMMERHALTER: That wasn't his question,
7 Charlie. The question was, did you do anything.
8 THE WITNESS: No, I didn't do anything.
9 BY MR. PIUNTI: Q. Do you have a memory of,
10 in late November, early December 1991, receiving a
11 request from Enea Plaza for a letter of indemnity?
12 A. I did not receive one myself.
13 Q. Did you see it?
14 A. I don't remember seeing it.
15 Q. Are you aware of its existence?

16 A. No.
17 Q. You had no idea that such a request was made?
18 A. To me? No.
19 Q. To Montgomery Ward?
20 A. Conversations with attorneys, okay?
21 Q. Including me?
22 A. Yeah, yeah. I don't know whether you talked
23 to me about indemnity or not, I don't remember that,
24 Drew. You may have. I'm not going to say --
25 MR. SOMMERHALTER: We'll find out when we take
26 his deposition.

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1 THE WITNESS: Yes, we'll take your deposition
2 and we'll find out. We're going to ask him that
3 question.
4 MR. PIUNTI: I'll be happy to do that.
5 MR. SOMMERHALTER: You answer his questions
6 today.
7 BY MR. PIUNTI: Q. Do you have a memory of
8 our having a conversation that went kind of like this:
9 Enea Plaza has part of the center in escrow to be sold,
10 and this buyer did a Phase II and found groundwater
11 contamination, and consultants are telling us it looks
12 like it's coming from Montgomery Ward.
13 Do you have a memory of that conversation,
14 something like that?
15 A. I remember you talked to me, but since I don't
16 generally deal with attorneys, I just dismissed it. I
17 gave you Kay Pick's number and I forgot all about it. I
18 really -- I don't try to retain these kinds of
19 conversations, I just don't.
20 MR. SOMMERHALTER: Charlie, just for the
21 record, put on the record who Kay Pick is or was at the
22 time.
23 THE WITNESS: Kay Pick is attorney for
24 Montgomery Ward.
25 BY MR. PIUNTI: Q. We'll get to some
26 documents in a minute, but I just want to see what you

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1 remember right now.
2 So you don't have a memory of any discussion
3 between any representative of Enea Plaza, whether it's me
4 or Robert Enea or anybody else, talking about this deal
5 being in jeopardy, this sale?
6 A. Bob Enea called me and said something that
7 "it's your gasoline" and some other things that. I
8 forget how long ago that conversation was, and I think I
9 told him that I'd have Kay Pick get ahold of you or
10 whoever. I don't remember whether I told him that or
11 not, but that's what I would do.
12 Q. After this conversation that you remember with
13 Bob Enea, did you make any effort to cause Montgomery
14 Ward to conduct an investigation to determine whether or
15 not its plume had migrated over to Enea Plaza?
16 A. I don't remember doing so.
17 Q. Do you have a memory of any requests that your
18 consultants, Montgomery Ward's consultants, get together
19 with Enea Plaza's consultants in December of 1991 and put
20 their heads together and see what's going on in regard to
21 this groundwater contamination?
22 A. I don't remember anything like that.
23 Q. Do you have a memory of there being any such
24 meeting amongst consultants working for Montgomery Ward
25 and consultants for Enea Plaza back in December 1991?

26 A. No.

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1 Q. No such meeting ever took place, correct?
2 A. You asked me do I remember now whether a
3 meeting took place or not. I don't know.
4 Q. Do you have a memory of any meeting like that?
5 A. No.
6 Q. Nor do you have a memory of there being a
7 request for such a meeting, correct?
8 A. No.
9 MR. PIUNTI: I'd like to mark as Exhibit 1 a
10 five-page document, first page of which has the Bates
11 stamps M 000276 as well as 000870.
12 (Plaintiff's Exhibit Number 1 was marked for
13 identification.)
14 MR. SOMMERHALTER: I just noticed that this
15 has two Bates stamp numbers on it, one with an M and one
16 without an M.
17 MR. PIUNTI: "M" represents Montgomery Ward,
18 those are your Bates stamp numbers. The ones without an
19 M are plaintiff's Bates stamp numbers.
20 MR. SOMMERHALTER: Okay.
21 BY MR. PIUNTI: Q. Showing you what's been
22 marked as Number 1, do you recognize that as part of one
23 of Al Selditch's early reports?
24 A. Do I recognize it as what?
25 Q. Do you recognize this as one of the early
26 reports from the Dublin Montgomery Ward site?

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1 A. No.
2 Q. You've never seen this before?
3 MR. SOMMERHALTER: Well, the question's
4 argumentative.
5 MR. PIUNTI: No, it's not. I'm just asking
6 him if he's seen it before.
7 MR. SOMMERHALTER: Your tone of voice suggests
8 that somehow -- he said that he hasn't seen it before,
9 and you're surprised by that. You're entitled to do that
10 if you want, but it's annoying after a while.
11 THE WITNESS: You asked me if I remember
12 seeing -- did I remember it as one of Selditch's. No.
13 Do I ever remember seeing it before? I don't remember
14 whether I saw it before.
15 BY MR. PIUNTI: Q. Do you recognize it?
16 A. No.
17 Q. Do you recognize the subject matter?
18 A. Yes, I recognize it's Dublin, California
19 Project Number 1188002-R.
20 Q. And what is that?
21 A. I don't know.
22 Q. You don't recognize this information on here
23 as being in connection with the Montgomery Ward Auto
24 Express there in Dublin?
25 MR. SOMMERHALTER: Make sure you look at the
26 whole document. He's not asking you just about the first

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1 page but the entire document. Take your time and look at
2 it, if you need to look at it.
3 THE WITNESS: It could be from the Dublin
4 site.
5 BY MR. PIUNTI: Q. Well, let me ask you this,
6 Mr. West: The first line says "Dublin - 2 - 4 recovery
7 wells in place as of 12/2/88 - 5:00 p.m." Do you see
8 that?

9 A. Yes.
 10 Q. Was Montgomery Ward putting in any other
 11 recovery wells in Dublin, California in December of 1988,
 12 to your knowledge?
 13 A. Not that I know of.
 14 Q. Other than the subject site that we've been
 15 talking about, right?
 16 A. Not that I know of.
 17 Q. If you'll turn to the second page, the one
 18 that has the number 871 at the bottom?
 19 A. Okay.
 20 Q. Would you read the fifth bullet point under
 21 "General"? Do you see that? It starts out "Tank
 22 excavation."
 23 MR. SOMMERHALTER: Read it out loud or just to
 24 himself?
 25 MR. PIUNTI: Just to himself.
 26 MR. SOMMERHALTER: "Tank pod backfill"?

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1 MR. PIUNTI: No, "Tank excavation."
 2 BY MR. PIUNTI: Q. Let me read it to you.
 3 "Tank excavation is set in brown clay interlaced with
 4 organics permitting easy transmission." Do you see that?
 5 A. Yes.
 6 Q. Do you have any knowledge as to whether or not
 7 that is consistent or inconsistent with your
 8 understanding of the geology of the tank pit at the time
 9 that the tank was removed?
 10 A. I remember it was a clay.
 11 Q. Do you have any memory of it being interlaced
 12 with organics, the clay?
 13 A. No.
 14 Q. The second bullet point right below that --
 15 let me show it you, it starts there "Area between tank
 16 slab and pump island area is interlaced with piping,"
 17 then there's a parenthesis, it says "product,
 18 sanitary/fire, water, electrical, et cetera." Do you see
 19 that?
 20 A. Yes.
 21 Q. Now, you saw the tank pit area, right?
 22 A. Yes.
 23 Q. Is that consistent with what your memory of it
 24 was, that it was interlaced with these piping?
 25 A. Yes.
 26 Q. Who's Mary Boyer? Do you know a Mary Boyer?

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1 A. Mary Boyer worked in the Auto Express.
 2 Q. There in Dublin, correct?
 3 A. In Dublin.
 4 Q. Was she the island manager, to your knowledge?
 5 A. I remember her as the gasoline island manager.
 6 Q. Right underneath the summary on this page
 7 we're looking at, do you see that section?
 8 A. Yes.
 9 Q. It says, "Based upon gasoline tally sheet
 10 (10/31-11/25/88) received from Mary Boyer - product loss
 11 (unleaded gasoline) is 11,537 gallons." Do you see that?
 12 A. Yes.
 13 Q. Does that number seem in the ballpark of the
 14 size of the release as you recall it?
 15 MR. SOMMERHALTER: Objection, lacks
 16 foundation.
 17 THE WITNESS: I don't know.
 18 BY MR. PIUNTI: Q. You don't know?

19 A. I don't know whether that's --
 20 Q. You don't --
 21 MR. SOMMERHALTER: Pardon me. Let him finish
 22 his answer before interrupting, okay? You can express
 23 what you want to after he finishes answering the
 24 question. Finish answering the question.
 25 THE WITNESS: You're asking me do I believe
 26 this is right?

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1 BY MR. PIUNTI: Q. Yes. Or do you have any
 2 information that this sounds like it's way out of the
 3 ballpark from what you heard before?
 4 MR. SOMMERHALTER: Objection, lacks
 5 foundation.
 6 THE WITNESS: No.
 7 BY MR. PIUNTI: Q. So it sounds like it was
 8 in the ballpark of what was released from the Dublin
 9 facility, 11,537 gallons?
 10 MR. SOMMERHALTER: Same objection.
 11 THE WITNESS: Yes.
 12 BY MR. PIUNTI: Q. Turn to the very last
 13 page, it says, "Gas Tally Sheet Unleaded." Do you see
 14 that?
 15 A. Yes.
 16 Q. Have you ever seen this before?
 17 A. I may have. I don't remember whether I saw
 18 this or not, I just don't remember.
 19 Q. Have you ever seen a gas tally sheet in regard
 20 to the Dublin facility at any time?
 21 A. I don't remember.
 22 Q. What about when Mr. Towal came to you and told
 23 you that there was an inventory shortage; do you remember
 24 that?
 25 A. Yes.
 26 Q. And you told him to go back and make sure that

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1 there wasn't any sort of mathematical error or something,
 2 computational error. Do you remember telling him that?
 3 A. I don't remember what I told him, but I
 4 probably told him to check it out or investigate it,
 5 whatever.
 6 Q. You don't remember testifying earlier today
 7 that you told him to go back and make sure there wasn't
 8 an arithmetical error?
 9 A. Yeah, that's probably what I did. But as I
 10 say, I don't remember that time very, very well so, you
 11 know, don't bet your last dollar on my recollection of
 12 this at the time.
 13 Q. What did you think he was going to go back and
 14 recalculate from?
 15 A. I didn't think anything. I just told him to
 16 go back and check it out, that's what I remember, the
 17 best I remember.
 18 Q. You see down there where it says
 19 "Thanksgiving," second line from the bottom?
 20 A. Uh-huh.
 21 Q. And do you see back up there "November 21"?
 22 It's like three lines above Thanksgiving. Do you see
 23 that?
 24 A. Uh-huh.
 25 Q. The second column from the right under
 26 "Difference" has in parenthesis the number 6,204, right?

1 A. Yes.
 2 Q. Showing a shortage of 6,204 gallons of
 3 gasoline on that date, right?
 4 A. Uh-huh.
 5 MR. SOMMERHALTER: You're asking him to
 6 construe a document he can't recall.
 7 MR. PIUNTI: I'm just asking him to tell me if
 8 I'm reading it correctly.
 9 MR. SOMMERHALTER: Then the document states
 10 for itself. Objection, lacks foundation.
 11 BY MR. PIUNTI: Q. I was wondering, does that
 12 refresh your recollection, your memory, as to whether it
 13 was a day, two days or three days before Thanksgiving
 14 that Mr. Towal first came to you and told you that there
 15 was an inventory shortage?
 16 A. No, I don't remember when he told me.
 17 Q. Now, as the man who was at least one of the
 18 people who was responding to this inventory shortage, did
 19 you ever ask to see a document similar to this?
 20 A. I don't remember.
 21 Q. At the top of this document, the first column
 22 and the second column next to the date, it says "A.M.
 23 Stick Reading," and next to that "P.M. Stick Reading,"
 24 right?
 25 A. Right.
 26 Q. Did you have any discussion with anybody about

1 whether or not those a.m. and p.m. stick readings are
 2 actual stick readings; in other words, they reflect
 3 actual measurements done at that time?
 4 A. No, I don't recall anything.
 5 Q. All right. Who's Steven Bright?
 6 A. He's president of Environmental Audit, Inc.
 7 Q. Did you deal with him in regard to the
 8 Montgomery Ward site out there in Dublin?
 9 A. Yes.
 10 MR. PIUNTI: Let's mark as Number 2 a May 7
 11 letter to Kay Pick.
 12 (Plaintiff's Exhibit Number 2 was marked for
 13 identification.)
 14 BY MR. PIUNTI: Q. Showing you what's been
 15 marked as Exhibit Number 2, do you have a memory of
 16 seeing this letter?
 17 A. No.
 18 Q. Do you see the second page?
 19 A. Yeah. It surprised me.
 20 Q. That you're carbon copied on there?
 21 A. Yeah.
 22 Q. And you have no memory of seeing this letter?
 23 A. No.
 24 Q. Do you have any memory of this event, contact
 25 being made by a representative of Enea Plaza that they
 26 had received an offer in or about May 1992 and were

1 asking for a letter of indemnity so that we could --
 2 A. When it gets into something like
 3 indemnification, I don't pursue it because I've got
 4 enough to do without trying to do the legal department's
 5 work. So I would just automatically refer you to the
 6 legal department and that would be it.
 7 Q. What had you done by that point, May of 1992,
 8 to determine the lateral extent of your contamination
 9 plume?

10 A. I don't remember the chronology of the job. I
 11 never try to remember the chronology of a job.
 12 Q. So you don't know?
 13 A. No.
 14 Q. Do you have any memory of Montgomery Ward
 15 receiving an agreement for right of entry to enter onto
 16 Enea Plaza to conduct any subsurface investigation or
 17 evaluation they wanted to do?
 18 A. Evaluation? I might have misheard the
 19 question. Would you read it back?
 20 (Question read.)
 21 THE WITNESS: Yes.
 22 BY MR. PIUNTI: Q. Did Montgomery Ward make
 23 any effort at that time to, you know, go onto Enea Plaza
 24 and conduct its own investigation to see what was going
 25 on?
 26 A. Now, I don't know what time you're talking

1 about, but we just split sampled your wells and took
 2 elevations. Is that what you're talking about?
 3 Q. No. Back in about February of 1992.
 4 A. I don't remember anything like that.
 5 MR. PIUNTI: Let's mark as Number 3 a December
 6 5, 1991 Earth Metrics report.
 7 (Plaintiff's Exhibit Number 3 was marked for
 8 identification.)
 9 BY MR. PIUNTI: Q. Showing you what's been
 10 marked as Number 3, could you take a look at that and let
 11 me know if you've seen it before?
 12 MR. SOMMERHALTER: Do you want me to have this
 13 copy with the yellow on it?
 14 MR. PIUNTI: That's okay, it's my copy. His
 15 doesn't have markings on it.
 16 THE WITNESS: I may have seen this, I don't
 17 know when.
 18 BY MR. PIUNTI: Q. In other words, it
 19 addresses the results from this Phase II that this
 20 purchaser did at Enea Plaza concerning groundwater
 21 contamination?
 22 MR. SOMMERHALTER: That completely
 23 mischaracterizes the previous answer when he says he may
 24 have seen it and he may not have seen it.
 25 BY MR. PIUNTI: Q. We talked about that
 26 earlier, whether you received anything. Do you recall

1 that earlier today?
 2 A. Yes. I may have received this, I don't
 3 remember.
 4 Q. Did you, at any point, in response to anything
 5 you received from Enea Plaza in the way of technical
 6 reports, cause an immediate investigation to see if your
 7 plume had migrated to Enea Plaza?
 8 A. No.
 9 Q. Why not?
 10 A. Since you had raised the possibility of
 11 action, everything that's going to happen is going to be
 12 determined with our attorney, probably in relationship
 13 with you.
 14 Q. Did it make any sense to you to move quickly
 15 to try to save this pending sale?
 16 A. I don't get into those issues. I'm an
 17 engineer, I'm not an attorney. Kay Pick is the one that
 18 calls those or makes those decisions.
 19 Q. So that's beyond your control; is what you're

20 telling me?
21 A. Absolutely. I don't have a vote and I don't
22 want to vote.
23 MR. PIUNTI: Let's mark as Number 4 the HCI
24 Work Plan For Soil-Gas Survey. It starts out with the
25 Bates stamp number M 002171.
26 (Plaintiff's Exhibit Number 4 was marked for

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1 identification.)
2 BY MR. PIUNTI: Q. Mr. West, I've handed you
3 this report in the order that it was produced to us by
4 Montgomery Ward. If you turn to the third page, the one
5 that has the Bates stamp M 002174 on the bottom --
6 A. Uh-huh.
7 Q. -- this is a letter from somebody named
8 Timothy Durbin of Hydrologic Consultants, Inc., to Ravi,
9 correct?
10 A. Correct.
11 Q. And it's a cover letter that refers to a
12 soil-gas survey work plan, correct?
13 A. Correct.
14 Q. Would you take a look at this work plan that
15 is otherwise the rest of this exhibit, and can you tell
16 me whether or not this is a soil-gas survey work plan
17 that Montgomery Ward commissioned for this Dublin site?
18 A. Correct, it is.
19 Q. Does it appear that this cover letter that is
20 on the third page of this, stuck on the third page of
21 this report, goes along with this report right here?
22 A. Yes.
23 Q. Now, HCI, I think that's another consultant
24 that you hired other than the ones you told us that you
25 remembered before, correct?
26 A. Yes, yes, I left those out.

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1 Q. Now, HCI came -- in regard to SCS, HCI came
2 before SCS, didn't it?
3 A. I don't remember.
4 Q. All right. Did you hire HCI?
5 A. Yes.
6 Q. Approximately how long was HCI on the job?
7 A. A couple, three months.
8 Q. Did you cause them to be replaced?
9 A. Yes.
10 Q. Why?
11 A. The work that they did was not acceptable to
12 Ravi.
13 Q. Was the work that they did acceptable to you?
14 A. The work that they did was in response to the
15 order I wrote them to do the soil-gas survey.
16 Q. And on the second page of this exhibit under
17 "Introduction," it talks about the work plan for soil-gas
18 survey to identify -- to help identify the lateral
19 occurrence of the hydrocarbon vapors in the soils, right?
20 A. Yes.
21 Q. And it says that from an interpretation of
22 that occurrence, additional monitoring wells would be
23 installed to better define the lateral occurrence of the
24 hydrocarbons in the groundwater, correct?
25 A. Correct.
26 Q. And that essentially is the order for the work

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1 plan that you gave to HCI, correct?
2 A. Correct.

3 Q. To do a soil-gas screening to give you some
4 idea as to where to go out and put in some more wells,
5 correct?
6 A. It was a soil-gas survey.
7 Q. Yes, soil-gas survey. Is that right?
8 A. Correct.
9 MR. PIUNTI: Is this a good time to break for
10 lunch?
11 MR. SOMMERHALTER: Doesn't matter to me.
12 THE WITNESS: It's up to you guys.
13 MR. PIUNTI: Why don't we.
14 THE WITNESS: How many more documents have you
15 got?
16 MR. PIUNTI: A whole lot of documents in this
17 case, Mr. West.
18 MR. SOMMERHALTER: Let's break for lunch.
19 MR. PIUNTI: Yes, we should go to lunch.
20 MR. SOMMERHALTER: What time should we be
21 back? We can take a short break.
22 MR. PIUNTI: An hour, let's take an hour.
23 (Lunch break. At which time, Mr. Enea leaves
24 the deposition proceeding.)
25 MR. PIUNTI: Back on the record. May I have
26 the last question and answer, please?

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1 (Record read.)
2 BY MR. PIUNTI: Q. And the purpose of that
3 soil-gas survey, Mr. West, was to identify where to put
4 in additional wells?
5 A. Correct.
6 Q. As you wanted HCI to do this work, did you
7 anticipate that they would go both parallel to Dublin
8 Boulevard and perpendicular to Dublin Boulevard; in other
9 words, that they would move both from the known area of
10 contamination at the Montgomery Ward Auto Express and go
11 up and down Dublin Boulevard and also spread out and go
12 into Dublin Boulevard? Is that what you wanted them as
13 to do?
14 A. The map and the work plan shows the area that
15 we proposed to sample. It's Figure 1.
16 Q. It has the Bates stamp M 002189 at the bottom
17 of the page?
18 A. Yes.
19 Q. So this is the area that you wanted them to
20 work in, right, the hatched area, it says "sampling area"
21 on Figure 1?
22 A. I believe that was the area that HCI proposed.
23 Q. Is that consistent with what you wanted them
24 to do?
25 A. I don't think I gave them a direction. They
26 came up with this thing and we submitted it to Ravi.

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1 Q. Is there any reason that you know of that a
2 proposal wasn't made to go out into Dublin Boulevard at
3 the time of this work plan that we're looking at, Exhibit
4 Number 4?
5 A. I don't recall any discussion on it or any
6 reason why this was done in this particular arrangement.
7 Q. Were you inclined not to try to develop any
8 information in the direction of Enea Plaza?
9 A. No. I had no preconceived notion as to where
10 they should go or where they should not go.
11 Q. The work plan in there I believe identifies a
12 target date. I'm talking about Exhibit 4 again, Mr.

13 West. I believe it identifies on number nine in the
14 report, which is document control number M 002183, under
15 "Tentative Schedule," it identifies the week of April 20
16 as a time for field work, and it says in there it should
17 require two or three days for the work. Do you see that?
18 A. Yes.
19 Q. The work itself was not done for a number of
20 months after that; is that your memory?
21 A. I don't know exactly when it was done.
22 MR. PIUNTI: All right. Let me mark as next
23 in order another HCI report, this one on the front says,
24 Investigation To Identify Hydrocarbons In Groundwater.
25 The first page in this has a document control number of
26 000895. This is Number 5, please.

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1 (Plaintiff's Exhibit Number 5 was marked for
2 identification.) five.
3 BY MR. PIUNTI: Q. Mr. West, handing you that
4 document, can you take a look at it and tell me if you
5 recognize it?
6 A. Yes.
7 Q. What is it?
8 A. It's an investigation to identify hydrocarbons
9 in the groundwater in the vicinity of the Montgomery Ward
10 Auto Service Center, Dublin, California.
11 Q. Now that document is dated November 17, 1992,
12 correct?
13 A. Yes.
14 Q. And it discusses in it, does it not, and go
15 ahead and take a look at it, discusses that this soil-gas
16 survey did not work?
17 A. Correct.
18 Q. And that another methodology had to be used,
19 correct?
20 A. Correct.
21 Q. As I understand it, there was no other report
22 after the initial plan proposal to Alameda County and
23 until this November 17, 1992 report concerning the
24 soil-gas survey that was attempted. Is that your memory
25 as well?
26 A. I don't know whether there was a report to

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1 them or not.
2 Q. Do you remember having a conversation with
3 Ravi from Alameda County during the last week of October
4 of 1992 wherein he expressed some dissatisfaction that
5 you had not documented the fact that the soil-gas survey
6 in the first instance didn't work and -- does that ring a
7 bell at all?
8 A. No, I don't know whether -- I don't remember
9 the conversation at that time. It could have been I told
10 him it didn't work or he could have been telling me it
11 didn't work, I don't remember the exact conversation.
12 Q. All right. Excluding the time for a moment,
13 do you have a memory of Ravi from Alameda County calling
14 you and expressing dissatisfaction that he had not
15 received a report on the soil-gas survey and suggesting
16 that you were doing work out there in the field and not
17 reporting it back to him?
18 A. I don't remember it. I mean I just don't
19 remember it.
20 Q. Directing your attention to page eight of
21 Exhibit Number 5 -- let me step over here a second. That
22 second to the last paragraph, could you just read that

23 into the record, please?
24 A. "This subsurface investigation has delineated
25 the lateral extent of the hydrocarbons in groundwater
26 originating from the former tank area of the Montgomery

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1 Ward Auto Service Center. The hydrocarbon plume is
2 primarily limited to the Montgomery Ward property."
3 Q. Did you have any opportunity to review this
4 report before it was submitted to Alameda County?
5 A. Yes.
6 Q. What's your understanding of the communication
7 there saying that the plume, based on this work reported
8 in this report, has been -- the lateral extent of it has
9 been delineated?
10 MR. SOMMERHALTER: You're asking what he
11 thinks it means?
12 MR. PIUNTI: Yes, what's his understanding of
13 it.
14 THE WITNESS: My understanding is he undertook
15 this certain methodology and found out that we had not --
16 the plume had not left the Montgomery Ward site and is
17 primarily limited to the Montgomery Ward property.
18 BY MR. PIUNTI: Q. Was it your -- let me ask
19 you this: Did you intend by this communication to tell
20 Alameda County that you had defined the lateral extent of
21 the plume?
22 A. No. I just wanted to let the report stand on
23 its own.
24 Q. Did you have any understanding as to what was
25 being communicated by this document and its conclusion,
26 its reported findings?

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1 A. I understood what it says.
2 Q. Now, the work that was done, they went out and
3 took some soil samples and put it in some vials and put
4 some water in there and then measured the vapor from
5 those vials. Is that what you understood that they did
6 here, this new methodology?
7 A. I don't know. I'd have to go back and read
8 this to comment on it. I don't know exact procedures
9 that they used.
10 Q. You don't remember having discussions with HCI
11 as to, well, we tried this soil vapor screening device
12 and it didn't work so we have to try something else? You
13 didn't get involved in any discussion with them?
14 MR. SOMMERHALTER: That assumes discussions
15 happened, which is not a fact this witness has testified
16 to yet.
17 THE WITNESS: Yeah. The only thing I remember
18 is that HCI said that the soil vapor survey did not work
19 and they were proposing this methodology.
20 BY MR. PIUNTI: Q. You had discussion to that
21 effect with HCI?
22 A. I think so, yes.
23 Q. Who at Montgomery Ward gave the okay to HCI
24 and said, okay, go ahead and try this other technology?
25 A. This one here?
26 Q. Yes. You're referring to Exhibit 5.

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1 A. I did. I wrote them a contract.
2 Q. That was your decision?
3 A. On some of these I won't answer, because
4 obviously I consult with counsel and I don't want to lead
5 you astray that it was solely my decision.

6 Q. Now, did you understand when this substitute
7 procedure that was employed for this particular
8 investigation reflected in Exhibit 5, that this
9 substitute procedure was a screening device to determine
10 where you put wells?

11 A. I didn't think of it in that manner one way or
12 the other.

13 Q. When you had the contract for the initial soil
14 vapor survey, the purpose was to get some handle on the
15 scope of the lateral extent of the plume to determine
16 where one might put in further monitoring wells; wasn't
17 that the case?

18 A. Correct.

19 Q. This methodology and this particular work that
20 was done here was done in lieu or in place of the
21 soil-gas survey, correct?

22 A. No.

23 Q. It was not?

24 A. No.

25 Q. You didn't understand that to be the case?

26 A. No. It's right here in the evidence. He

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1 comes over and does the work plan, and then he comes over
2 here and tells us the soil screening survey didn't work,
3 and we did this.

4 Q. In other words, he tried a different sort of
5 soil screening survey, correct? Didn't you understand
6 that that's what this was?

7 A. This was used because the original soil
8 screening survey did not work.

9 MR. SOMMERHALTER: When you say "this," what
10 are you pointing to?

11 THE WITNESS: I'm pointing to Exhibit 5.

12 BY MR. PIUNTI: Q. Was it the intent of
13 Montgomery Ward to tell the agency that based on the work
14 in Exhibit 5, that it's plume had not migrated across and
15 into Dublin Boulevard?

16 A. The report was submitted to the agency for
17 their review and approval. I don't know whether
18 Montgomery Ward had an intent or not. You ask me a
19 question like that, and the answer is we didn't intend
20 anything. We intended to submit this report and for
21 their review and approval.

22 Q. And what did you want them to approve there,
23 your finding in that report?

24 A. We wanted them to review and to approve or
25 disprove the report.

26 Q. And the finding was the lateral extent of the

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1 plume was basically confined to the Montgomery Ward
2 property based on the particular screening technology
3 that was used in that report, correct?

4 A. Yeah, we submitted this to them as is saying,
5 okay, give us what you think on this.

6 Q. And what you understand to be as a conclusion
7 that the lateral extent of the plume was limited
8 basically to the Montgomery Ward facility, correct?

9 A. That's what the report says.

10 MR. PIUNTI: Number 6 is a photocopy with some
11 handwriting on it of a cover sheet dated November 17,
12 1992, that says, Investigation To Identify Hydrocarbons
13 In The Groundwater. It has the document control number
14 000867.

15 (Plaintiff's Exhibit Number 6 was marked for

16 identification.)

17 BY MR. PIUNTI: Q. Handing you what's been
18 marked as Exhibit 6, would you read this to yourself and
19 let me know if you've seen this before?

20 A. Yes, okay, I've read it.

21 Q. And have you seen it before?

22 A. I think so.

23 Q. Did you have any conversation with Ravi in
24 regard to the subject matter of the handwriting at the
25 top saying that the November 17, 1992 report is
26 unacceptable? Did you talk to him about it?

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1 A. Yes.

2 Q. What do you recall of those conversations?

3 A. He just said he didn't believe this report.

4 The only way he would believe anything is wells.

5 Q. This particular document in the first instance
6 is a photocopy of one retrieved from the files at Alameda
7 County. Do you have a similar document in your files?

8 A. I don't remember whether I do or not.

9 Q. Well, I can tell you none was produced to us
10 by Montgomery Ward. Have you ever seen one in your files
11 that looks like this?

12 A. No, I don't remember it.

13 Q. But you remember receiving it?

14 A. Yeah. I don't know what happened to it.

15 MR. PIUNTI: Mark as Number 7 a one-page
16 exhibit with the document control number 001566.

17 (Plaintiff's Exhibit Number 7 was marked for
18 identification.)

19 BY MR. PIUNTI: Q. If I could direct your
20 attention to the lower left-hand corner, the signature,
21 is that Charlie R. West?

22 A. That's me.

23 Q. Do you have a memory of seeing this document
24 before?

25 A. Yes.

26 Q. It concerns a visit by Ravi to the site out

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1 there in Dublin, correct?

2 A. Correct.

3 Q. Do you have any reason to believe that it
4 wasn't on the date of this report of February 20, 1992?

5 A. No, I don't have any reason to believe
6 otherwise.

7 Q. The fourth line of the handwritten portion
8 under "Comments," there's a Mr. Seyed, it looks like
9 S-e-y-e-d. Do you see that?

10 A. Yes.

11 Q. Who is Mr. Seyed?

12 A. That's Seyed Mortazavi, M-o-r-t-a-z-a-v-i.

13 Q. And who is he?

14 A. He was an employee of Environmental Audit,
15 Incorporated.

16 Q. That line says that "Mr. Seyed indicates to me
17 that the system will begin operation in a few days." And
18 he's talking about the extraction system there, right?

19 A. Uh-huh.

20 Q. That's a "yes"?

21 A. "Yes."

22 Q. This is the redesigned water extraction and
23 treatment system, correct?

24 A. Correct.

25 Q. Do you have any reason to believe that any

26 redesigned water extraction system had gone into effect

1 at any time before February 20, 1992 at the Dublin site?

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2 A. Yes.

3 Q. And you believe one had gone in there before,
4 a redesigned system?

5 A. No, not a redesigned system.

6 Q. So this is basically the redesigned system
7 that was put in after the other one was shut down,
8 correct?

9 A. Correct.

10 Q. The second paragraph beginning at the second
11 sentence says, "It is necessary to perform further
12 subsurface investigation to fully understand the extent
13 of contamination. Please submit a work plan in 10
14 working days to this office." Do you see that?

15 A. Correct.

16 Q. Is this the first directive from Alameda
17 County to go out there and define the lateral extent of
18 the plume?

19 A. To my knowledge, yes.

20 MR. PIUNTI: Number 8 is a January 8, 1993 --
21 strike that. It's an exhibit consisting of document
22 control numbers 000875 through 000894.

23 (Plaintiff's Exhibit Number 8 was marked for
24 identification.)

25 BY MR. PIUNTI: Q. Looking at the cover
26 letter, who is Frank Muramoto?

1 A. He's an employee of Environmental Audit,
2 Incorporated.

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3 Q. And this first page is a cover letter for the
4 December 14, 1992 quarterly monitoring report, correct?

5 A. Yes.

6 Q. Did you see copies of the quarterly monitoring
7 reports from Environmental Audit, Inc., before they were
8 submitted to Alameda County Department of Environmental
9 Health?

10 A. Yes.

11 Q. If you'd turn to Figure 2, which is on page
12 886.

13 A. Okay.

14 Q. Do you see the line on there that says, "fire"
15 or "fire main"? It's kind of a dashed line.

16 A. Yes.

17 Q. Do you have any knowledge as to the actual
18 installed depth of that fire main?

19 A. No.

20 Q. No idea?

21 A. Not with any certainty.

22 Q. Do you have any idea at all as to the
23 approximate depth of that fire main on the Auto Express
24 facility?

25 A. Oh, I'd say about 18, 24 inches.

26 Q. Below ground surface?

1 A. Yes.

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2 Q. Have you ever seen it uncovered, that
3 particular fire main out there at the facility; in other
4 words, the soil above it dug up?

5 A. I think I saw the side of it. I don't know
6 whether it was fully exposed or not, I can't remember.

7 Q. The storm drain that's depicted on Figure 2,
8 do you see that on there?

9 A. Yes.

10 Q. Do you know the gradient of that storm drain,
11 whether it's designed to flow toward the top of the page
12 as we're looking at Figure 2, or toward the bottom of the
13 page and off to the right?

14 A. My memory recalls that it flows almost to the
15 north.

16 Q. Towards the top of the page?

17 A. Towards the top of the page. I'm sorry.

18 Q. Do you see the contour lines drawn on this
19 document, Figure 2?

20 A. Yes, sir.

21 Q. Do you have any reason to believe that those
22 are not accurate in terms of the local groundwater
23 gradient at the time that this particular figure was
24 prepared?

25 A. Yes.

26 Q. You believe those are not accurate?

1 A. Correct.

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2 Q. Why?

3 A. I don't believe they're ever accurate.

4 Q. Why?

5 A. Because they're guesses.

6 Q. Guesses based on what?

7 A. Probably elevations.

8 Q. All right. So when Environmental Audit put in
9 those contour lines based on measured elevations of
10 groundwater, you don't believe that you can put in these
11 contour lines with any degree of accuracy; is that
12 correct?

13 A. That's correct.

14 Q. Those contour lines, whatever you believe
15 about them, if they were otherwise extended out, would it
16 indicate a gradient in the direction of the northwest
17 corner of Enea Plaza? Is that correct?

18 MR. SOMMERHALTER: Objection, no foundation.

19 THE WITNESS: I really don't know.

20 BY MR. PIUNTI: Q. You don't know where Enea
21 Plaza is vis-a-vis Figure 2?

22 A. I know where Enea Plaza is, yes.

23 Q. Tell me where it is in regard to Figure 2 of
24 Exhibit 8?

25 A. It's way over to the right-hand corner, or
26 actually to the right of the bottom of the page.

1 Q. Have you ever walked the distance from the
2 southeast corner of your Auto Express to the northeast
3 corner of Enea Plaza, have you ever paced that off?

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4 A. No, I haven't paced it off.

5 Q. Have you ever stood there and estimated how
6 far it was?

7 A. No.

8 Q. You think it's more or less than 120 yards?

9 MR. SOMMERHALTER: Objection, no foundation.

10 THE WITNESS: I don't know. In order to
11 estimate it, I'd look at a drawing.

12 BY MR. PIUNTI: Q. But you never just stood
13 out there and glanced over at these people who were --
14 strike that.

15 You never stood out there at Montgomery Ward
16 Auto Express in Dublin and glanced over to Enea Plaza,
17 toward the property of the people who are saying your
18 plume had migrated over there, and estimated in your own

19 mind how far that was?
20 A. No, I've never estimated it at all.
21 MR. PIUNTI: Number 9 is a June 17, 1993
22 letter, Bates stamped number 000864.
23 (Plaintiff's Exhibit Number 9 was marked for
24 identification.)
25 BY MR. PIUNTI: Q. Handing you what's been
26 marked as Exhibit Number 9, is that your signature at the

1 bottom of this letter?
2 A. Yes.
3 Q. Do you retain a letter like this in your files
4 at Montgomery Ward?
5 MR. SOMMERHALTER: Like this or a copy of it?
6 MR. PIUNTI: A copy of it.
7 THE WITNESS: I should have.
8 BY MR. PIUNTI: Q. The second sentence on the
9 first paragraph says, "After a review of these data, it
10 is out" -- it looks like it should be our.
11 A. It should be "our."
12 Q. -- "our opinion that additional investigation
13 along the south side of Dublin Boulevard is warranted."
14 Do you see that?
15 A. Correct.
16 Q. What was your opinion as to why additional
17 investigation was warranted on the south side of Dublin
18 Boulevard?
19 A. I think because Ravi didn't accept our
20 previous report.
21 Q. And you pointed over to some exhibit?
22 A. Some HCI reports.
23 Q. What investigation along the south side of
24 Dublin Boulevard did you believe was warranted, further
25 investigation, at the time you wrote this June letter?
26 A. What was described in the report cited.

1 Q. Okay. You're talking about a June 16, 1993
2 Phase II soil and groundwater investigation?
3 A. Correct.
4 Q. You believe that that report describes some
5 further investigation that was warranted beyond what had
6 been done in that report? Is that your memory?
7 A. Wait a minute. You've got me confused. In
8 that report, than is done in that report?
9 Q. Sure, let's back up. In regard to this June
10 '93 letter that you wrote, you said that you believe it
11 was your opinion that additional investigation along the
12 south side of Dublin Boulevard was warranted, correct?
13 A. Correct.
14 Q. And I asked you, well, what additional work
15 did you feel was warranted, and you said that which was
16 indicated in that report. And I asked you, are you
17 referring to the report that's in the first sentence of
18 this June letter which says, "Enclosed please find
19 Environmental Audit, Inc., report, 'Phase II Soil and
20 Groundwater Investigation,' dated June 16, 1993."
21 Is this the report that you're referring to,
22 saying whatever additional investigation was identified
23 in there?
24 A. Yeah, this says we believe this is what's
25 required.
26 Q. All right. Let me see if I can find this

1 report and clarify this.
2 MR. PIUNTI: Let's mark as Number 10 a June
3 16, 1993 apparent report.
4 (Plaintiff's Exhibit Number 10 was marked for
5 identification.)
6 BY MR. PIUNTI: Q. Can you take a look at
7 Exhibit Number 10. Does this appear to be the report
8 that's referenced in Exhibit Number 9?
9 A. Correct.
10 Q. Now, glancing through Exhibit Number 10, do
11 you see in here any discussion about the need for further
12 work investigation along the south side of Dublin
13 Boulevard being warranted?
14 A. What I see is proposed locations of
15 hydropunches and groundwater wells.
16 Q. And where do you see that?
17 A. On "Site Plan," the last page of the document,
18 000863.
19 Q. Why don't you show me what you see to be
20 proposed, if you could point out to me what you think are
21 proposed hydropunches and wells?
22 A. Here's hydropunch, hydropunch, another,
23 another, another, another. Here's a monitoring well,
24 monitoring well, monitoring well.
25 Q. All right. Could you take a look at
26 everything you just pointed to on the page before it?

1 You pointed to some things, for instance, monitoring well
2 101, monitoring well 100, monitoring well 102, hydropunch
3 3, hydropunch 2, hydropunch 4, correct?
4 A. Correct.
5 Q. You have lateral to Dublin Boulevard
6 hydropunch 2 and 3 and monitoring well 100, correct?
7 A. Correct.
8 Q. What's depicted on this is work that's done;
9 is that correct? Someone has taken the report and put
10 some handwriting over it on page 863, reflecting work
11 that's already done by this report?
12 A. Correct.
13 Q. So this is not future work that's being
14 proposed, this is work that's done?
15 A. Correct.
16 Q. Let me go back to my original question, and if
17 you could take a look at Exhibit Number 9 again, that
18 letter, please put that back in front of you.
19 A. Okay.
20 Q. You say down there at the second to the last
21 sentence of the first paragraph "After a review of these
22 data," and that's the data in this June 16, 1993 report,
23 correct?
24 A. Correct.
25 Q. "It is our opinion" -- I'm reading that "our"
26 rather than "out," right?

1 A. Yes.
2 Q. "It is our opinion that additional
3 investigation along the south side of Dublin Boulevard is
4 warranted." Do you see that?
5 A. Correct.
6 Q. What additional investigation did you feel was
7 warranted beyond what was done here and reflected by this
8 June 1993 report?
9 A. I thought we ought to put some more wells in

10 or **hydropunches** to get a better idea of how the
 11 **groundwater gradient** is.
 12 Q. Where did you want to see those additional
 13 wells or **hydropunches**?
 14 A. I didn't make up -- I didn't have a specific
 15 idea in mind. Basically I look at this and say Ravi, in
 16 other words, why don't we get together and let's talk
 17 about it.
 18 Q. All right. Have you gotten together with Ravi
 19 and talked about it?
 20 A. No. He hasn't called me on that.
 21 Q. So you're waiting for him to call you?
 22 A. Yes, if he decides to call me, then we'll go
 23 do something. In the meantime, we've done some other
 24 work, as you probably -- as we discussed before, like
 25 we've sampled your wells, et cetera.
 26 Q. Right.

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1 A. Now, maybe that will eliminate any need for
 2 over here (indicating). I haven't got those results yet.
 3 Q. So since this June report, you haven't put any
 4 more wells or **hydropunches** in, correct?
 5 A. Correct.
 6 Q. Would you take a look at the last page of
 7 Exhibit 10 again?
 8 A. Yes.
 9 Q. Do you understand that this handwriting, I'm
 10 talking about the handwriting, not the preprinted portion
 11 of this page, do you have any understanding as to who put
 12 that handwriting on here?
 13 A. It looks like Ravi's, I'm not sure.
 14 MR. PIUNTI: Mark as Number 11 a two-page
 15 exhibit, consisting of control number 000865 and 000866.
 16 (Plaintiff's Exhibit Number 11 was marked for
 17 identification.)
 18 BY MR. PIUNTI: Q. Looking at the second page
 19 of this exhibit now, Environmental Audit, Inc., submitted
 20 this particular plan to Alameda County on behalf of
 21 Montgomery Ward, correct?
 22 A. Correct.
 23 Q. Looking at the site plan, the second page of
 24 this exhibit, you see an arrow indicating north?
 25 A. Yes.
 26 Q. Do you have any understanding as to whether or

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1 not that is a fairly accurate depiction of where north is
 2 in relationship to Dublin Boulevard and Montgomery Ward?
 3
 4 A. You mean is the north arrow pointing in the
 5 correct direction?
 6 Q. Yes.
 7 A. I don't believe any north arrow in this
 8 project.
 9 Q. Why is that?
 10 A. Because some of the drawings have a different
 11 north than the others. I don't know whether we've
 12 determined the true north yet or not, so I don't believe
 13 any north arrow.
 14 Q. All right. Based on your familiarity with the
 15 Montgomery Ward site in Dublin, what's your belief as to
 16 the direction of north? Do you have any belief as to
 17 whether this one might be too far to the right or too far
 18 to the left? Do you have any belief one way or the
 19 other?

20 A. No, no. It's somewhere close but, you know,
 21 it could be 30 or so degrees off.
 22 Q. Based on the way this diagram is drawn, does
 23 it appear to you that Enea Plaza is to the east of the
 24 Montgomery Ward Auto Express facility, just based on this
 25 diagram?
 26 A. A little bit, yes.

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1 Q. A little bit, or directly east?
 2 A. It may be east, it may be southeast or
 3 whatever.
 4 Q. Somewhere in that vector?
 5 A. Yeah. We'll know soon.
 6 Q. You've never made any suggestions to any of
 7 your consultants as to how they should write up the
 8 compass direction of the localized water gradient at the
 9 Auto Express center, have you?
 10 A. You mean have I told them to put the north
 11 arrow this way?
 12 Q. No, no. Have you ever told any of the
 13 consultants that, no, no, no, the localized gradient at
 14 Montgomery Ward facility is to the east, not to the
 15 southeast; did you ever suggest that to anybody?
 16 A. No.
 17 MR. PIUNTI: Exhibit Number 12 is a composite
 18 exhibit of some applications for permit, consisting of
 19 control number 001602 through 001611.
 20 (Plaintiff's Exhibit Number 12 was marked for
 21 identification.)
 22 BY MR. PIUNTI: Q. Could you take a look at
 23 the name that is handwritten in in about the middle of
 24 the page? It says Bill something. Do you see that? Is
 25 that Bill Barns? Can you read that?
 26 A. Yes.

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1 Q. Did you know a Bill Barns who had anything to
 2 do with this Montgomery Ward Auto Express there in
 3 Dublin?
 4 A. I do not interpret that as Bill Barns. I
 5 interpret that as Bill Bain.
 6 Q. Do you know a Bill Bain who had something to
 7 do with that facility?
 8 A. I don't remember if I ever met that guy or
 9 not. I don't remember, no.
 10 Q. Did you ever hear of a guy named Bill Bain who
 11 had something to do with that facility?
 12 A. Yes, I remember the name Bill Bain, and I
 13 think he was a district merchandiser for the auto
 14 centers.
 15 Q. What does that mean, "district merchandiser"?
 16 A. He was a specialist in the auto center
 17 operations.
 18 Q. "A specialist" meaning what?
 19 A. He knows basically all the facets of the auto
 20 center, the repair, the repair of automobiles, the sale
 21 of parts, the order taking, the ordering of parts,
 22 everything that's associated with the merchandising and
 23 operation of that auto center.
 24 Q. Does that include the underground storage
 25 tanks, or I mean, are you dealing more with the car and
 26 car parts or does that include the retail gas sales?

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1 MR. SOMMERHALTER: Objection, compound. There
 2 are no tanks anymore.

3 THE WITNESS: There are no tanks.
 4 BY MR. PIUNTI: Q. At the time this document
 5 was generated, this is an application for permit to
 6 operate a storage tank, correct?
 7 A. Yeah, but I don't see a date on it. Do you?
 8 Q. Page 001604 has a date that looks like October
 9 19, 1987.
 10 MR. SOMMERHALTER: We're assuming all these
 11 pages go together?
 12 MR. PIUNTI: This is the way we got them.
 13 This is the way you produced them.
 14 MR. SOMMERHALTER: Do they have our Bates
 15 stamp numbers?
 16 MR. PIUNTI: Not on the front of them.
 17 MR. SOMMERHALTER: I thought it had an
 18 alpha --
 19 MR. PIUNTI: No, it doesn't have an alpha.
 20 MR. SOMMERHALTER: Then it may not be our
 21 document then. He's asked you if you've ever seen these
 22 before.
 23 BY MR. PIUNTI: Q. Let's take a look at the
 24 mailing address here. Do you see it under "Facility"?
 25 A. Yes.
 26 Q. All right. What is that?

1 A. 6900 Amador Plaza Road.
 2 Q. And what's the facility name?
 3 A. Dublin Montgomery Ward.
 4 Q. All right. Who is Mary Boyer again? I
 5 forget.
 6 A. You knew who she was. Look at your notes over
 7 there. I forget what her title was.
 8 Q. She was affiliated with that facility,
 9 correct?
 10 A. Correct. Oh, yeah, she was the gasoline
 11 island manager. That shows you how long I remember these
 12 things that are important.
 13 Q. Right. This spill is not important?
 14 A. It's not that the spill isn't important. You
 15 ask me things, from time to time, like I've got a memory
 16 like an elephant. I put my day in to do the best job I
 17 can for Montgomery Ward, not to have a memory so sharp
 18 and so retentive that I can just spill everything out to
 19 some opposing lawyer. I simply do not do that. When I
 20 tell you I don't remember, I want you to take it at face
 21 value. If I remember, I will let you know. Okay?
 22 Q. That's all I can ask of you, Mr. West --
 23 A. Thank you.
 24 Q. -- and I hope that's true.
 25 A. Well, stop right there. You made a facetious
 26 remark that I didn't consider the spill or release of

1 hydrocarbons as important. You drew that inference
 2 because I couldn't remember who Mary Boyer was.
 3 Q. That's not true.
 4 A. Now I don't like your insistence of that.
 5 MR. SOMMERHALTER: His insults are on the
 6 record. Let's move on. There's nothing you can say that
 7 will change his manner. He is the way he is.
 8 THE WITNESS: Okay.
 9 BY MR. PIUNTI: Q. Now, who is Larry Weese,
 10 or is that Larry Reese?
 11 A. You'll have to draw your own conclusion from
 12 that.

13 Q. You don't know a guy named Larry Weese?
 14 A. No.
 15 Q. Are you aware of any information other than
 16 that which is reflected under Roman IV, subsection C,
 17 that this particular gas tank that's at issue on page
 18 1602 was installed in 1980?
 19 MR. SOMMERHALTER: Take your time, Charlie,
 20 and read the entire document.
 21 BY MR. PIUNTI: Q. It's on the first page.
 22 A. 1602?
 23 Q. Yes.
 24 MR. SOMMERHALTER: Read the entire document
 25 before you answer any part of it.
 26 BY MR. PIUNTI: Q. Section IV, subsection

1 C --
 2 A. It says 1980.
 3 Q. Yes. Are you aware, based on your familiarity
 4 with the site, of any information to the contrary, that
 5 the tank was installed at sometime other than 1980?
 6 A. I have no information other than it was
 7 installed in 1980.
 8 Q. If you'd take a look at page 1606, please,
 9 Roman IV, subsection C again, this talks about unleaded
 10 10,000 gallon -- well, unleaded gasoline tank, and the
 11 address again up above is Dublin facility, 6900 Amador
 12 Plaza Road, correct?
 13 A. Correct.
 14 Q. Do you have any information that would
 15 indicate anything other than what's reflected here, that
 16 the date of installation was 1980?
 17 A. No, I don't have any information except that
 18 it was installed in 1980.
 19 Q. Is it your belief that the three tanks that
 20 were ultimately removed in May of '89 were all installed
 21 originally in 1980?
 22 MR. SOMMERHALTER: Objection, lacks
 23 foundation.
 24 THE WITNESS: All the things I have read, et
 25 cetera, indicate that they were installed in 1980.
 26 MR. PIUNTI: Marking as Number 13, Montgomery

1 Ward's response to Enea Plaza's first set of
 2 interrogatories.
 3 (Plaintiff's Exhibit Number 13 was marked for
 4 identification.)
 5 THE WITNESS: Okay.
 6 BY MR. PIUNTI: Q. If you'd flip to the
 7 second to the last page, it says "Verification" there.
 8 A. Yes.
 9 Q. Is that your signature?
 10 A. Correct.
 11 Q. Could you turn to page nine, please,
 12 interrogatory number 13?
 13 A. Okay.
 14 Q. There's a narrative that begins at about line
 15 22. Do you see that?
 16 A. Yes.
 17 Q. It begins "On or about November 21, 1988,
 18 Montgomery Ward recorded an inventory shortage of
 19 unleaded gasoline of approximately 6,200 gallons." Do
 20 you see that?
 21 A. Yes.
 22 Q. Do you believe that is the date that an

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23 inventory shortage was first reported?
24 A. I don't know of anything that tells me
25 otherwise, so I believe it.
26 Q. If you'll flip to page 14, interrogatory

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1 number 20, it asks "For each occasion identified in
2 response to interrogatory number 12 above, state the type
3 of material leaked, spilled, or otherwise released, as
4 well as the estimated quantity of each such release."
5 And interrogatory number 12 asks, "State the
6 date and circumstances of each occasion on which you were
7 made aware that any underground storage tank was
8 leaking."
9 The response to interrogatory number 20 was
10 12,500 gallons. Do you see that?
11 A. Yes.
12 Q. Is that your best estimate as to the amount of
13 product lost from the tank?
14 A. I guess so. I just hope it concurs with the
15 report I signed for the agency. I don't know how much,
16 but I have nothing to indicate that this is untrue.
17 Q. And you indicated in answering on the
18 verification that you believe that to be true, correct?
19 A. Yes.
20 Q. Do you know what the basis for the 12,500
21 gallon is as opposed to the 11,537 figure that we saw
22 before on Mary Boyer's inventory document?
23 A. What's the basis?
24 Q. Yes, what's the basis for this 12,500 gallon
25 figure?
26 A. I don't know. The report, and if this is the

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1 same as the report, was prepared by my attorney. Report
2 for release was prepared by my attorney.
3 Q. So when you said that you were informed and
4 believe, and on that basis declare, that this information
5 was true, this was coming from your attorney; that's your
6 basis for this number?
7 MR. SOMMERHALTER: The 12,500?
8 MR. PIUNTI: The 12,500.
9 THE WITNESS: It was the basis that I signed
10 sometime ago.
11 MR. SOMMERHALTER: Would it help you to see
12 the report?
13 THE WITNESS: Yes. Do you have a copy of that
14 report of release?
15 BY MR. PIUNTI: Q. I do, but it doesn't have
16 any gallonage on it.
17 A. Are you sure?
18 Q. It says in excess of 6,000 gallons, that's all
19 it says. That's why I'm trying to find out what the
20 basis for this 12,500 number is. To your memory, when
21 you said you were informed and believe that it's true, I
22 was just wondering what the basis for that was.
23 A. My memory is that 12,500 gallons that we put
24 on the form. Are you sure we didn't?
25 Q. I think I know the form you're talking about.
26 The one that you file with the Alameda County?

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1 A. Correct.
2 Q. That's my memory of it. We might come across
3 it in some of these documents.
4 A. Okay.
5 Q. So you think this number comes from the form

6 that you submitted to Alameda County; is that your
7 testimony?
8 A. Right now that's what I believe.
9 MR. PIUNTI: All right. If we could mark as
10 next in order, which is Number 14, Montgomery Ward's
11 Response To Plaintiff's Demand For Inspection Of
12 Documents.
13 (Plaintiff's Exhibit Number 14 was marked for
14 identification.)
15 BY MR. PIUNTI: Q. If you'd turn to the
16 second to the last page and confirm for us that this is
17 your verification?
18 A. Correct.
19 Q. Request Number 3 on page 4, would you turn to
20 that, please. It asks for "All documents concerning
21 monitoring at any time of the inventory of petroleum
22 stored at the site," correct?
23 A. I'm sorry, Number 3?
24 Q. Yes.
25 A. Yeah, I read Number 3.
26 Q. And the answer says, "Subject to the foregoing

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1 objections and conditions, Montgomery Ward will produce
2 whatever documents it has, if any, described in the
3 foregoing request." Correct?
4 A. Correct.
5 Q. Did you conduct or participate in any search
6 for any such records?
7 A. No.
8 Q. I'm showing you what's been marked as Exhibit
9 Number 1, the last page of it, M 000280. It says it's --
10 what does it say at the top, inventory sheet?
11 A. It says, Gas Tally Sheet Unleaded.
12 Q. Amongst the documents that Montgomery Ward
13 produced, that's the only thing that looks like an
14 inventory reconciliation sheet. Are you aware of
15 Montgomery Ward having any other records concerning
16 inventory reconciliation?
17 A. No.
18 Q. All right.
19 A. Can we have a short recess?
20 Q. You sure may.
21 (Break.)
22 BY MR. PIUNTI: Q. In 1987, what was your
23 relationship within the company to Devlin, Jack Devlin?
24 Was he like a peer? You know, how was it organized in
25 1987?
26 A. I was field engineer. I was a peer, yes.

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1 Q. And he was a field engineer?
2 A. Yes.
3 Q. And did you have a common supervisor in 1987?
4 A. Yes.
5 Q. Who was that?
6 A. Oh, '87? I think his name was Mr. Bob
7 Johnson.
8 Q. Was he out here in California or back east?
9 A. He was in Dallas.
10 Q. Was he attached to a division, an engineering
11 division, or was he corporate maintenance? What was it?
12 A. He was field engineering manager in Dallas.
13 Q. That included the area where you two worked,
14 you and Mr. Devlin, as field engineers?
15 A. Correct.

16 MR. PIUNTI: I'd like to mark as Number 15 a
17 November 19, 1987 letter from Jack Devlin, with control
18 number M 000773.
19 (Plaintiff's Exhibit Number 15 was marked for
20 identification.)
21 BY MR. PIUNTI: Q. If I could direct your
22 attention to the third full paragraph, which says, "The
23 inventory is reconciled on a daily basis by stick gauging
24 the tanks and dispenser meter reading every morning and
25 evening, at the same time everyday."
26 At that period of time after which the subject

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1 store, the one in Dublin, the Auto Express in Dublin came
2 under your jurisdiction, did you ever change or cause
3 that procedure to be changed, this method of inventory
4 reconciliation which is referenced by this document?
5 MR. SOMMERHALTER: Objection, no foundation
6 this witness knows that procedure was ever used.
7 THE WITNESS: I never had anything to do with
8 this.
9 BY MR. PIUNTI: Q. At any point did Jack
10 Devlin -- not Devlin, but Towal --
11 A. Rich Towal.
12 Q. -- he was the field engineer assigned to this
13 store and who reported to you, correct, at a later date,
14 after April '88, I believe?
15 A. Correct.
16 Q. So he took over for Devlin at this particular
17 facility, Towal did, correct?
18 A. Correct.
19 Q. This particular document, I understand,
20 predates your having under your supervision the field
21 engineering for this store. My question to you is, at
22 that period of time when you became the field engineer
23 for this store or the supervising field engineer for this
24 store, did this procedure change?
25 A. I never discussed this procedure at all.
26 Q. So you have no knowledge one way or the other

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1 as to whether or not at this particular store in Dublin
2 some method other than alternative five in section 264 l
3 as referenced in this particular letter was adopted?
4 MR. SOMMERHALTER: Objection. The question
5 assumes that he knows what the procedure was to begin
6 with, or ever, and he hasn't said that.
7 THE WITNESS: Yes, I don't know.
8 BY MR. PIUNTI: Q. And you didn't believe it
9 was part of your job to know what procedure was in place
10 there after you became the managing engineer for that
11 particular store?
12 A. The subject matter never arose.
13 Q. After that -- what was your title again as of
14 April of '88?
15 A. Field engineering manager. I didn't correct
16 you a while ago. I just don't want to lengthen the
17 deposition.
18 MR. SOMMERHALTER: It's not possible, Charlie.
19 BY MR. PIUNTI: Q. As field engineering
20 manager, did you ever make any effort to educate yourself
21 as to what method your store in Dublin, in particular,
22 was using to monitor its tanks?
23 A. No.
24 Q. At any point prior to today, were you aware
25 that a field engineer for Montgomery Ward had represented

26 to Alameda County Department of Health that it was

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1 monitoring tanks as described in this particular exhibit,
2 Number 15?
3 A. I don't know anything about that.
4 Q. I take it you've never seen this particular
5 letter before?
6 A. I don't remember seeing it.
7 Q. That means you don't know one way or the other
8 whether you have seen it before?
9 A. Right. Correct. I may have seen it, I may
10 not have seen it.
11 MR. PIUNTI: Number 16 is a three-page
12 document with control numbers M 002064 through M 002066.
13 (Plaintiff's Exhibit Number 16 was marked for
14 identification.)
15 BY MR. PIUNTI: Q. This three-page exhibit
16 was produced to us by Montgomery Ward. Have you ever
17 seen this before, Mr. West?
18 A. I don't remember seeing it.
19 Q. Do you remember the received stamp on the
20 first page where it says "Engineering Center, December 3,
21 1987"?
22 A. Yes.
23 Q. What facility has such a received stamp?
24 A. Engineering center.
25 Q. For Montgomery Ward?
26 A. Correct.

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1 Q. Is that in California or elsewhere?
2 A. It's in Walnut Creek.
3 Q. There's a carbon copy on this document to Bill
4 Pansky. Do you see that on the first page?
5 A. Yes.
6 Q. Have you ever known a Bill Pansky?
7 A. No.
8 Q. How about a Bruce A. Jacobsen?
9 A. I don't recall any of those names.
10 MR. PIUNTI: Next in order, Number 17, is
11 Bates stamp M002067 and M 002067. I'm sorry, just M
12 002067.
13 (Plaintiff's Exhibit Number 17 was marked for
14 identification.)
15 BY MR. PIUNTI: Q. This particular letter has
16 some initials and some handwriting at the top. Do you
17 recognize that handwriting or those initials?
18 A. Yes.
19 Q. Who are they?
20 A. Ed Presten.
21 Q. And Ed Presten is whom?
22 A. He was the regional operating manager.
23 Q. When you say "regional operating manager,"
24 operating manager of what?
25 A. The region.
26 Q. That would be all the stores?

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1 A. Yes, all the stores in the region at that
2 time.
3 Q. Now, when I said "stores," let me clarify, I
4 was including the Auto Expresses and the retail
5 facilities. What were you including in region?
6 A. Same thing that you were including.
7 MR. PIUNTI: Marking as Exhibit Number 18,
8 M 002068, a one-page document.

9 (Plaintiff's Exhibit Number 18 was marked for
10 identification.)

11 BY MR. PIUNTI: Q. Have you seen this before,
12 Mr. West?

13 A. I don't remember whether I have or not.

14 Q. Have you seen this particular order form
15 before? If it wasn't filled in, have you seen this form
16 before?

17 A. Yes.

18 Q. And what is this, this format?

19 A. It's an Order To Contractor.

20 Q. In the right-hand corner, do you recognize
21 that as Jack Devlin's signature?

22 A. Correct.

23 Q. This document seems to indicate that an order
24 at one point was issued for the installation of a certain
25 sort of electronic monitoring system. Are you aware that
26 such an order was ever issued for Dublin facility?

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1 A. Yes, I knew that SOS had been contracted to
2 install a monitoring system.

3 Q. What happened to that monitoring system, if
4 you know?

5 A. Basically, I don't think it ever worked.

6 Q. It was installed but never worked?

7 A. You're putting words in my mouth. I don't
8 know whether it was installed fully or not or whatever.
9 Just what I remember is that it never worked and they had
10 apparently dropped something when they were trying to
11 install it.

12 Q. Beyond what you've said, did you ever make,
13 personally make any inquiry after April of '88 in regard
14 to the electronic monitoring system? I mean, did you
15 ever personally inquire, you know, do you have one out
16 there at the Dublin facility, is it in there, is it
17 removed? Did you ever make any inquiries like that?

18 A. The only time this came up was after November
19 of 1988.

20 Q. And when you say "this," this being what?

21 A. SOS.

22 MR. PIUNTI: Next is a letter dated August 2,
23 1988. Control number M 001125.

24 (Plaintiff's Exhibit Number 19 was marked for
25 identification.)

26 BY MR. PIUNTI: Q. Showing you what's been

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1 marked as Exhibit Number 19, have you seen this letter
2 before?

3 A. I think I have.

4 Q. Do you recognize that has Ed Presten's
5 signature in the left-hand corner?

6 A. Yes.

7 Q. As of August 2, 1988, the Dublin facility was
8 one of yours, correct?

9 A. Correct.

10 Q. Did you have any discussion with Mr. Presten
11 about Montgomery Ward wanting a state of the art leak
12 detection system for your gasoline tanks?

13 A. No.

14 Q. Where is Mr. Presten, to your knowledge,
15 today? Is he with the company?

16 A. No.

17 Q. Do you know when he left, approximately?

18 A. Sometime in '91, I believe.

19 Q. Did he retire or move on to another company?

20 A. He retired.

21 Q. Do you know what town he lives in?

22 A. Up near Lafayette or somewhere in that
23 neighborhood.

24 Q. Did you ever speak with a gentleman named
25 Chris Kuiuoka, general manager of Strategic Organizational
26 Systems?

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1 A. I don't remember if he was the one or not. I
2 think I had a conversation with somebody there.

3 Q. Was that on the day that the tank was being
4 removed or at some other time?

5 A. Just previous to the tank removal.

6 Q. Do you have a memory of what you talked to the
7 SOS person just previous to the tank removal about?

8 A. About whether they had dropped something to,
9 you know, damage the tank.

10 Q. What sort of response did you receive to that
11 inquiry?

12 A. As I remember, I invited him to the site, and
13 I do think somebody came there to witness. I'm not sure
14 whether they stayed there or not. I remember somebody
15 from SOS showing up.

16 Q. When you asked the guy if they dropped
17 anything into the tank, did he say "yes" or "no" or "I
18 don't know," do you recall?

19 A. Wait a minute. You're trying to characterize
20 my testimony and say something that I didn't do. I
21 invited him to come out and witness the pulling of the
22 tank, let them protect their own interests.

23 Q. So you never asked them prior to the tank
24 removal "Do you guys remember, did you drop anything into
25 the tank," or anything like that?

26 A. I don't remember that. Maybe I did and maybe

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1 I didn't. I don't remember what it was, but the main
2 gist of the conversation was, "Guys, we're going to pull
3 this tank, you may be a responsible party, come attend
4 the party."

5 Q. I understand. So it was more informational,
6 telling them what's going on, we're going to pull the
7 tank on this day, you're welcome to be there?

8 A. That is correct.

9 MR. PIUNTI: Next in order, Number 20,
10 document control number M 000417 through M 000422.

11 (Plaintiff's Exhibit Number 20 was marked for
12 identification.)

13 BY MR. PIUNTI: Q. Mr. West, we had a
14 discussion this morning about an application to remove a
15 tank. This document purports to be Underground Tank
16 Closure/Modification Plans. Do you see that?

17 A. Correct.

18 Q. It has a stamp up there, it's kind of hard to
19 read, but it says "received January," I can't read the
20 date, and then after that, "1989." Do you see that?

21 A. Correct.

22 Q. Then there's a signature that appears to be
23 Thomas Peacock, with a 3-13-89 under acceptance stamp.
24 Do you see that?

25 A. Yes.

26 Q. Do you have any reason to believe that prior

1 to January 1989, that Montgomery Ward made an application
2 to Alameda County to close out the tank, or does this
3 appear to be the initial application to close out the
4 tank?

5 A. I think this is the initial application.

6 Q. Does this date on here of 3-13-89 underneath
7 the acceptance stamp at all refresh your memory as to
8 when it was that Alameda County got back to you and said,
9 okay, you can go ahead with your closure plan?

10 A. They never got back to me. They would have
11 gotten back to Al Selditch.

12 Q. So I'll take your answer to mean it doesn't
13 refresh your memory at all, correct?

14 A. No.

15 Q. Do you have any reason to believe that it was
16 at some date other than 3-13-89 that the Alameda County
17 Department of Environmental Health accepted the plan?

18 MR. SOMMERHALTER: Objection, call for
19 speculation, lacks foundation.

20 THE WITNESS: I have no idea.

21 BY MR. PIUNTI: Q. You have no knowledge one
22 way or another?

23 A. No.

24 MR. PIUNTI: Next in order is document control
25 number M 001747, redacted document.

26 (Plaintiff's Exhibit Number 21 was marked for

1 identification.)

2 BY MR. PIUNTI: Q. Showing you Number 21,
3 have you seen this document before?

4 A. I don't remember.

5 Q. Is the writing at the bottom yours, "(2)
6 Dublin"?

7 A. You know, that could be mine, yeah. I must
8 have seen it before.

9 Q. This talks about an estimated budget for
10 Dublin of -- what's the number there?

11 A. \$100,000.

12 Q. Does that look like your writing?

13 A. Yeah.

14 Q. Have you seen this format before?

15 A. Yes.

16 Q. What's this form used for?

17 A. Probably for setting a budget, the budget on
18 the remediation.

19 Q. Is the information that's added to this form,
20 is it generated by someone like yourself and sent off, or
21 does this come to you to be filled out?

22 A. Well, it comes to me to be filled out.

23 Q. And you return it to whom?

24 A. I forget who I'd return this to.

25 Q. Do you know the position of the person?

26 A. No. Probably some clerk in engineering that

1 would get all these together, make a list.

2 Q. Where did you come up with the estimated
3 additional funds number, how did you come up with that
4 number?

5 A. Wild guess.

6 Q. If you wanted to increase that number,
7 hypothetically, what process would you have to go
8 through, let's say at someday after May '89, what's the
9 procedure?

10 A. Next time it came around, they'd ask me how
11 much I needed for Dublin, I'd tell them.

12 Q. Just this morning you indicated that it was
13 every one or two years a budget would come around,
14 correct?

15 A. Correct.

16 Q. And until that next budget came around, were
17 you restricted to the amount which you had budgeted for
18 that particular site?

19 A. Not particularly.

20 Q. Under any circumstance? Or what do you mean
21 by "not particularly"?

22 A. Generally we'll set the budget high enough
23 where we're not going to spend over the budget in the
24 time period that we've got on here.

25 Q. In other words, you don't have a recent memory
26 of going back during a particular budget asking it to be

1 increased early?

2 A. No.

3 Q. You never did that for the Dublin site, for
4 instance?

5 A. Correct.

6 Q. Who, to your knowledge, if you know,
7 ultimately made the decision as to how much would be
8 budgeted for a particular site?

9 A. Generally, the field engineer that's in charge
10 of the project.

11 Q. Who is the field engineer in charge of Dublin?

12 A. Me.

13 Q. Have you been from the outset of the discovery
14 of the release in about Thanksgiving of 1989 -- excuse
15 me, '88?

16 A. Well, I was a field engineering manager at
17 that time, but I generally handled the project rather
18 than assigning it to Mr. Devlin or Mr. Towal. No, wait a
19 minute, Jack wasn't there then. So I handled it rather
20 than assigning it to Mr. Towal.

21 Q. When I flip by these, it means I have no
22 questions.

23 A. Are you sure? I have a feeling in about an
24 hour you're going to say, "Well, I need to go through
25 these books again."

26 MR. PIUNTI: Number 22 composite exhibit has

1 Bates stamps M 000821, M 000827 and M 000826.

2 (Plaintiff's Exhibit Number 22 was marked for
3 identification.)

4 BY MR. PIUNTI: Q. Showing you what's been
5 marked as Number 22. The first page is a letter that's
6 addressed to you from Kent Madenwald of SCS Engineers.
7 Do you see that?

8 A. Correct.

9 Q. And the second page just appears to be a
10 photocopy of that same letter, correct?

11 A. Yes.

12 Q. Do you have a memory of getting this
13 communication concerning an emergency, at least an
14 emergency according to Tom DeHollander, concerning a
15 situation of gasoline in the sewer that was traced back
16 to Montgomery Ward?

17 A. Yes, I remember that.

18 Q. What was the circumstance of this?

19 A. I think it was in the early testimony that

20 apparently we got into a little pocket of gas that
21 overwhelmed the carbon system and apparently passed too
22 high a hydrocarbon level down the sanitary sewer.
23 Q. In response to this communication, did you do
24 anything?
25 A. I don't remember what I did and the order that
26 we did.

1 Q. Understanding you might not remember the
2 specifics, do you have any general memory of any
3 responsive action on your part?
4 A. I think we had the system redesigned by
5 Environmental Audit, and I don't know the time frames or
6 anything like that. The system was a single carbon
7 filter rather than the dual carbon filter.
8 MR. PIUNTI: Exhibit 23 is an October 31, 1990
9 letter, document control number M 000251 through M
10 000254.
11 (Plaintiff's Exhibit Number 23 was marked for
12 identification.)
13 BY MR. PIUNTI: Q. Showing you Number 23,
14 this is a letter addressed to you from Daniel J. Davis,
15 SCS Engineers. Do you have a memory of receiving the
16 letter indicating at the second paragraph the remediation
17 system is off?

18 THE WITNESS: Read the question back.
19 BY MR. PIUNTI: Q. Let me try it this way:
20 Do you remember this letter?
21 A. No.
22 Q. This letter to you indicates that the -- the
23 second full paragraph, the first sentence, do you see
24 that, "Currently the remediation system is off"?
25 A. Yes.
26 Q. Is this consistent with at or about the time

1 that the initial remediation system was shut off, to your
2 memory?
3 A. No, I don't remember what the chronological
4 thing is.
5 Q. So you don't know one way or the other whether
6 it was shut off before or after October 31, 1990,
7 correct, just from your own memory?
8 A. Right, not from my own memory.
9 Q. Do you have any reason to doubt the
10 communication here from SCS Engineers that as of October
11 31, 1990 the system was off?

12 MR. SOMMERHALTER: Objection, calls for
13 speculation, lacks foundation.
14 THE WITNESS: I don't know.
15 BY MR. PIUNTI: Q. Are you aware of their
16 giving you inaccurate information as to when the system
17 was turned off?
18 A. No.
19 MR. PIUNTI: Next is a letter to Mr. West,
20 dated November 8, 1990, from SCS Engineers. Document
21 control number M 000242 and 243.
22 (Plaintiff's Exhibit Number 24 was marked for
23 identification.)
24 BY MR. PIUNTI: Q. Mr. West, do you recognize
25 this letter which is addressed to you as something you've
26 seen before?

1 A. I think I've seen this before, yes.
2 Q. This particular letter indicates that, at the

3 second sentence of the first paragraph, "The system is
4 currently not in operation due to a number of factors."
5 Do you see that?

6 A. Yes.
7 Q. Is that consistent with your memory as to
8 about November 1990 that the system remained off?
9 A. Yeah, it doesn't ring a bell with me for any
10 particular reason. I just remember seeing the letter.
11 Q. The second to the last paragraph says, "We
12 would appreciate your comments regarding any aspects of
13 this situation." Do you see that?
14 A. Yes.
15 Q. And you can go ahead and read the whole
16 letter, if you'd like, to refresh your memory as to the
17 situation, and let me know when you're done, if you need
18 to, but I would like to know when, if any, you
19 communicated any comments to SCS regarding the problems
20 with the pump and treat system?
21 A. No, I don't remember what the communications
22 were at that time.
23 Q. Did you tell them, SCS, to attempt to do a
24 redesign system?
25 A. I don't remember doing that.
26 MR. PIUNTI: Number 25, document control

1 number M 002675, and M 002673 is the next page. It's a
2 composite exhibit.
3 (Plaintiff's Exhibit Number 25 was marked for
4 identification.)
5 BY MR. PIUNTI: Q. If I can direct your
6 attention to the first page of this Exhibit Number 25,
7 this is a Notice Of Violation Of Industrial Waste
8 Regulations. Do you recognize your signature at the
9 bottom of this as the person receiving the violation?
10 A. Correct.
11 Q. And the date on this is November 12, 1990,
12 correct?
13 A. Correct.
14 Q. Do you see under the indication that --
15 there's a preprinted form and there's some typing at the
16 bottom that says, "You are thereby directed to:" Do you
17 see that, the last paragraph?
18 A. Yes.
19 Q. It says you're required to shut down the
20 treatment system, correct?
21 A. Correct.
22 Q. And you're required to redesign the system,
23 correct?
24 A. Correct.
25 Q. The next page of this exhibit is a letter from
26 you dated November 20, 1990 to Tom DeHollander, correct?

1 A. Correct.
2 Q. And at the second sentence you're telling Mr.
3 DeHollander that you will redesign the system and submit
4 it to him for approval, as you outlined in some letter,
5 correct?
6 A. Correct.
7 Q. If I can refer you back to Exhibit Number 7,
8 that refers to a redesign system coming up and being
9 operational in a few days after February 20, 1992,
10 correct?
11 A. Correct.
12 Q. That redesign system that apparently was to

13 become operational sometime during the last week of
14 February 1992, is that the same redesign of the system as
15 referred to in the letter of November 20, 1990, Exhibit
16 Number 25?
17 A. I think so.
18 Q. So, in other words, there was nothing, no
19 system operating during those periods of time, correct?
20 A. Correct.
21 Q. What took so long to get a new system on line?
22 A. I don't remember. I think there was some
23 proposed designs that were submitted to either me or
24 somewhere in Chicago, and I took some length of time to
25 get approval of it.
26 Q. Who had to approve it?

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1 A. I don't remember. I think I was working with
2 an attorney then as far as what we would do and -- yeah,
3 I think I was working with an attorney at that time on
4 these.
5 MR. PIUNTI: If we can mark as Number 26 a
6 January 4, 1991 letter from John P. Cummings to Mr. West.
7 (Plaintiff's Exhibit Number 26 was marked for
8 identification.)
9 BY MR. PIUNTI: Q. Do you recognize this
10 letter as something you've seen before?
11 A. Correct.
12 Q. It says, "Based on our discussion earlier this
13 morning." Do you have a memory of discussing with
14 someone from SCS your taking them off the job?
15 A. I think I called John and told him I was going
16 to use somebody else.
17 Q. Did you have any dissatisfaction with SCS
18 Engineers?
19 A. I can't recall why I took them off the job,
20 primarily maybe to bring Environmental Audit in.
21 Q. Prior to your taking them off the job on
22 January 4, 1991, had you requested SCS to come up with a
23 new design for the remediation system?
24 A. I think, as I recall, we had some discussions
25 as to what to do with this system, but other than some
26 discussions, I don't know whether it was with John or

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1 somebody else, I don't know what the result of those
2 discussions were.
3 MR. PIUNTI: Number 27, document control
4 number M 001563 through 1567.
5 (Plaintiff's Exhibit Number 27 was marked for
6 identification.)
7 BY MR. PIUNTI: Q. Handing to you what's been
8 marked as Number 27, do you recognize the handwriting,
9 first of all, at the top of this document?
10 A. Yes.
11 Q. Whose handwriting is that?
12 A. Greg Jonas.
13 Q. And this handwriting seems to be directed to
14 you, correct?
15 A. Correct.
16 Q. Do you have a memory of receiving this?
17 A. Yes.
18 Q. The receive stamp of February 28, 1992, that
19 corporate engineering stamp, is that used out at Walnut
20 Creek or is that some other received stamp?
21 A. This is in Chicago.
22 Q. That sort of corporate engineering received

23 stamp?
24 A. Yes.
25 Q. And it appears that he sent this back to you
26 at about March 13, 1992?

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1 A. Yes.
2 Q. And that's when he gave the okay to go ahead
3 with the soil vapors survey, correct?
4 A. Correct. And if you will look at this
5 document, it appears that the original date on it by HCI
6 is in error.
7 Q. You mean the February 27, 1991?
8 A. Correct.
9 Q. You think that's the case because of the
10 received stamp?
11 A. Correct. And his writing on it.
12 Q. HCI succeeded which consultant to the job?
13 A. I suppose SCS, I'm not sure.
14 Q. So you're not sure?
15 A. I'm not sure.
16 Q. Was there any overlap between Environmental
17 Audit and HCI?
18 A. Yes.
19 Q. There was?
20 A. Yes. We'd had a proposal for the wells and
21 then decided to get HCI to do a quick soil vapors survey
22 to determine where to place the wells.
23 Q. When you say, "We'd had a proposal for the
24 wells," you mean from Environmental Audit?
25 A. Yes, a work plan.
26 Q. Got it.

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1 MR. PIUNTI: Next in order is 28, Groundwater
2 Pumping Tests, M 000932 through 990.
3 (Plaintiff's Exhibit Number 28 was marked for
4 identification.)
5 BY MR. PIUNTI: Q. Mr. West, have you seen
6 this before?
7 A. I think so.
8 Q. Is this one of the reports commissioned by
9 Montgomery Ward of Environmental Audit?
10 A. Correct.
11 Q. This, in fact, is the report of the pump test
12 that was conducted out there, correct?
13 A. Correct.
14 Q. Would you turn to page M 000947, and 948, for
15 that matter. Do you see the north arrow indicator?
16 A. Yes.
17 Q. That seems to be going wildly in the wrong
18 direction, correct?
19 A. Yes. They had picked this -- I remember a
20 conversation with somebody, they picked this up off some
21 other drawing. It could have been Al Selditch's drawing
22 or somebody else, but I remember telling you a while ago
23 I don't believe anywhere's north until we get that
24 surveyor to put, you know, the site plan.
25 Q. But this -- in other words, if it's within a
26 30-degree range, this point is wildly in the wrong

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1 direction to the left, right?
2 A. This isn't even in the 30-degree range. I
3 don't know why I didn't catch that.
4 MR. PIUNTI: A one-page exhibit, Number 29,
5 document control number M 000271.

6 (Plaintiff's Exhibit Number 29 was marked for
7 identification.)

8 BY MR. PIUNTI: Q. Mr. West, is this your
9 signature in the left-hand corner of this document?

10 A. Correct.

11 Q. And it's dated November 13, 1991, correct?

12 A. Correct.

13 Q. It indicates that Ravi met with you and you
14 submitted to him a new work plan for a pump and treat
15 system. Do you see that?

16 A. Correct.

17 Q. And it indicates that Ravi reviewed the plan
18 and found it adequate and indicated that work should
19 begin immediately, correct?

20 A. Correct.

21 Q. Is that consistent with your memory that the
22 day you submitted a plan for a new plump and treat system
23 that Mr. Arulanantham approved it?

24 A. Yes. It says right in here, reviewed and
25 found adequate.

26 MR. SOMMERHALTER: The issue is not what the

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1 document says. The issue is what do you recall.

2 THE WITNESS: Yeah, I recall that he said it's
3 okay.

4 MR. PIUNTI: Next is Number 30, pages M 000872
5 through 874.

6 (Plaintiff's Exhibit Number 30 was marked for
7 identification.)

8 BY MR. PIUNTI: Q. Handing to you what's been
9 marked as Number 30, do you recognize the handwriting on
10 this document as being yours?

11 A. I do.

12 Q. And actually the handwriting's only on the
13 first page, correct?

14 A. Correct.

15 Q. You testified this morning about there being a
16 storm drain to the north. Did you draw that on here?

17 A. Yes.

18 Q. There seem to be some numbers here that if we
19 start at the right along Amador Plaza Road, it says,
20 "theater, building, building, building." Do you see
21 that? And there's some numbers written in.

22 A. Yes.

23 Q. What numbers were you writing in there?

24 A. This was an elevation that I took from some
25 drawing of the shopping center, giving the elevation of
26 the floor slabs, and that was where I drew my conclusion

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1 that the lay of the land is to this storm drain and the
2 groundwater flow probably was in this direction, as a
3 guess.

4 Q. When you say, "this direction," what direction
5 are you talking about?

6 A. From Montgomery Ward down to the storm drain.

7 Q. The one that you drew in there?

8 A. Right. There's no rule of thumb that water,
9 underground water, goes through with the lay of the land

10 MR. PIUNTI: Next we have Bates stamp M 000883
11 through M 000885.

12 (Plaintiff's Exhibit Number 31 was marked for
13 identification.)

14 BY MR. PIUNTI: Q. Turning to the third page
15 of this exhibit, is that your handwriting on there?

16 A. Yes, I think this is mine.

17 Q. Now, if I could direct your attention to the
18 third paragraph of the third page, the last sentence --

19 A. Yes.

20 Q. -- that begins with "Groundwater elevation
21 data," do you see the word down there "south" that's
22 circled?

23 A. Yes, you say, "Based on the groundwater map
24 included in our previous report dated," so and so, "is
25 toward the south"?

26 Q. No.

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1 MR. SOMMERHALTER: Is that what you're talking
2 about?

3 MR. PIUNTI: No. I'm reading from the second
4 paragraph. I misspoke if I said third, because you're
5 both at the third paragraph. The last sentence that
6 starts out "Groundwater elevation data."

7 MR. SOMMERHALTER: Which is the second
8 sentence, right? Okay.

9 BY MR. PIUNTI: Q. "Groundwater elevation
10 data collected to date from the on-site wells indicates
11 that the," then you add the word "localized" --

12 A. Correct.

13 Q. -- "direction of groundwater flow, when the
14 extraction and treatment system was not in operation, was
15 to the south," and you've circled that, right, and put in
16 "east"?

17 A. Yes.

18 Q. Was that your opinion at that time, is that
19 why you did that?

20 A. No, it wasn't an opinion. It was because of
21 the darn north arrow that he had wrong on his drawings.

22 Q. All right.

23 A. It was almost 90-degrees off.

24 Q. So you thought it was to the east, not to the
25 south, correct?

26 A. Correct. No, that's not correct. My thoughts

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1 were that it was always flowing to the northeast rather
2 than to the east. However, to correct him, because of
3 his arrow, I corrected him correctly in his own language,
4 if you understand what I mean, because the arrow was in
5 the wrong direction. I did not try to influence his
6 professional judgment.

7 Q. You believe he had made a mistake?

8 A. No. I knew he had made a mistake with the
9 direction of the arrow, that's it.

10 Q. All right. So you wanted him to change the
11 word south to east, correct?

12 A. No. Yes, I wanted him to change the word, and
13 I don't know whether we talked about the north arrow at
14 that time or not. It could have been.

15 MR. PIUNTI: Next we have a part of a document
16 that has a Bates stamp on the first page of M 000733 and
17 it's 11 pages long. This is Number 32.

18 (Plaintiff's Exhibit Number 32 was marked for
19 identification.)

20 BY MR. PIUNTI: Q. If you could be so kind as
21 to turn to the second page. Is that again your
22 handwriting on this draft document?

23 A. Yes.

24 Q. This document, if you look at the Bates stamp
25 numbers at the bottom, they don't go in sequence, but I

26 would like you to take a look for a moment at the fax

1 pagination number at the top. Do you see that, starting
2 in the right-hand corner?

3 A. Yes.

4 Q. It starts out with page 8 and it runs in
5 consecutive order through page 18, correct?

6 A. Page 8 to page 18, correct.

7 Q. Would you turn to the page where at the bottom
8 it says M 000734, which is also page 16 of the fax?

9 A. Correct.

10 Q. And that's your handwriting there that says
11 "Dangerous," correct?

12 A. Right.

13 Q. And you've circled an arrow, and the legend
14 indicates that that arrow corresponds with the direction
15 of groundwater flow, correct?

16 A. Correct.

17 Q. Now, you've circled this arrow indicating
18 direction of groundwater flow and it says "dangerous,"
19 correct?

20 A. Yes.

21 MR. SOMMERHALTER: It's a circle with a
22 question mark. There's two circles, and one arrow where
23 there's one word, "dangerous." They don't all go
24 together.

25 THE WITNESS: Yeah.

26 BY MR. PIUNTI: Q. You understood that that

1 line that you circled, the one that has an arrow and a
2 question mark and circled dangerous, that that
3 corresponds with a suggested direction of groundwater
4 flow, correct?

5 A. It's concerned with the fact that he didn't
6 know which way the groundwater was flowing.

7 Q. This is at the time you received this draft,
8 you understood that this was an indication of groundwater
9 flow, though, correct?

10 MR. SOMMERHALTER: Objection, lacks
11 foundation.

12 THE WITNESS: No. Yeah, you know, he puts an
13 arrow on there with a question mark. That's a very
14 dangerous thing to do on a document.

15 BY MR. PIUNTI: Q. Why is that dangerous?

16 A. If you don't know, don't put it down.

17 Q. When you say, "don't know," what do you mean
18 by "know"?

19 A. Well, if he does not know -- he's got a
20 question mark, it indicates to me that he doesn't know.
21 So why put something down that you don't know. That's a
22 dangerous thing to do.

23 Q. Was it dangerous to you, because that pointed
24 at Enea Plaza?

25 A. No, no, it wasn't. I'd always believed
26 fully -- first of all, I don't think this is enough to --

1 I didn't think this was enough to determine which way the
2 groundwater was flowing over the entire area. So to
3 characterize something here as gospel or to put something
4 down in question, you don't do that.

5 Q. So did you ask him to remove that arrow?

6 A. I don't remember. I guess I did. You'd have
7 look and see if they removed the thing.

8 Was that your intention?

9 A. Yes.

10 Q. Who is currently doing the monitoring for
11 Montgomery Ward for the quarterly reports to Alameda
12 County?

13 A. Environmental Audit.

14 Q. Now, this document, for lack of any other
15 date, has at the top March 18, 1992. Correct?

16 A. Is that this document here?

17 Q. Yes, I'm referring to Number 32.

18 A. Yes, March 18th, 1992.

19 Q. Is this date consistent with your memory as to
20 whether HCI or Hydrologic Consultants, Inc., was still
21 doing work for you as late as March of 1992?

22 A. Yes.

23 Q. I apologize if I've asked this before, but why
24 did you part ways with HCI? Why did they leave the site,
25 the job?

26 A. Oh, Ravi didn't like what they did. I think

1 you have something in one of the exhibits that shows he
2 doesn't like it.

3 MR. PIUNTI: Number 33 is a composite exhibit
4 consisting of a fax cover sheet from Environmental Audit,
5 first page number M 001048, and then a fax draft text of
6 some report, last page being M 001051.

7 (Plaintiff's Exhibit Number 33 was marked for
8 identification.)

9 BY MR. PIUNTI: Q. I'm showing this to you,
10 Mr. West. Do you recognize this as a draft report faxed
11 to you from Environmental Audit?

12 A. Yes.

13 Q. And on the very last page there are the words
14 "general direction of groundwater flow" circled in
15 handwriting with the word "out" written. Did you place
16 that on there?

17 A. Yes, I think I did. I'm not sure.

18 Q. That looks like your writing on "out," doesn't
19 it?

20 A. Let me look at this a little bit more. No, I
21 think that's Frank's. I'm not sure, but I think it's
22 Frank Muramoto.

23 Q. So you don't think that that's your writing,
24 correct?

25 A. Right.

26 Q. But you didn't like that indication of the

1 direction of groundwater flow there, correct?

2 MR. SOMMERHALTER: Objection, mischaracterizes
3 his testimony, argumentative.

4 THE WITNESS: Wait a minute. I didn't say
5 that.

6 MR. SOMMERHALTER: It also lacks foundation.

7 BY MR. PIUNTI: Q. I mean, you indicated
8 earlier that you don't think you can -- you don't believe
9 the contour lines, correct?

10 A. Right, they're a guess. I mean, if you go to
11 any geologist, he will tell you these are a guess, you
12 don't really know.

13 Q. And so the general idea of indicating
14 groundwater indication on here, you didn't like that very
15 much, correct?

16 A. Yeah. I like it even less now. As a matter
17 of fact, in the future, unless there is an overwhelming
18 reason, we're not even going to have the gradient on the

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19 drawing.
20 Q. Are you aware of the protocol of Alameda
21 County in regard to putting on contours on these maps?
22 A. I'm not familiar with what they require, but I
23 understand now it's totally unnecessary in most places.
24 But since it's a guess, people begin to look at it and
25 think it's gospel, so to eliminate confusion in the
26 future, we're just going to take them out. We'll just

1 put the numbers on there and let people draw their own
2 conclusions.
3 MR. PIUNTI: Number 34 is a Groundwater
4 Monitoring Report with a letter cover sheet. The
5 composite exhibit is pages M 002017 through M 002035.
6 (Plaintiff's Exhibit Number 34 was marked for
7 identification.)
8 BY MR. PIUNTI: Q. Mr. West, is this a copy
9 of a quarterly groundwater monitoring report commissioned
10 by Montgomery Ward of Environmental Audit and a cover
11 letter concerning the same?
12 A. Yes.
13 Q. And what's the date of that report, sir?
14 A. September 4, 1992.
15 MR. PIUNTI: Number 35, Groundwater Monitoring
16 Report, control numbers M 000896 through M 000917.
17 (Plaintiff's Exhibit Number 35 was marked for
18 identification.)
19 BY MR. PIUNTI: Q. Mr. West, would you take a
20 look at Exhibit Number 35 and let us know if this is a
21 copy of a groundwater monitoring report commissioned by
22 Montgomery Ward for the Dublin facility to be done by
23 Environmental Audit?
24 A. It appears to be so.
25 MR. PIUNTI: Next we have a composite exhibit,
26 Number 36, consisting of Bates stamps M 001584 through M

162

1 001589.
2 (Plaintiff's Exhibit Number 36 was marked for
3 identification.)
4 BY MR. PIUNTI: Q. Showing you Exhibit Number
5 36, sir, and I think it's best we start with the last two
6 pages which are handwritten. Is this a draft of a letter
7 you wrote in your own hand to Mr. Arulanantham?
8 A. Correct.
9 Q. And the first page of this Exhibit Number 36
10 is a typed rough draft of that same letter?
11 A. Correct.
12 Q. And then the next two pages are photocopies of
13 the final version of that letter, correct?
14 A. Correct.
15 Q. You were chuckling about that letter.
16 A. Yeah.
17 Q. What struck you as amusing?
18 A. I just recall the initial refusal of the
19 adjacent property owner to allow access, it was one of
20 the reasons we don't move out real quick.
21 Q. That would be Dublin Associates?
22 A. It beats me who they are. I guess they are, I
23 don't know.
24 Q. You're talking about neighbors on the same
25 side of Dublin Boulevard as Auto Express, correct?
26 A. Correct.

163

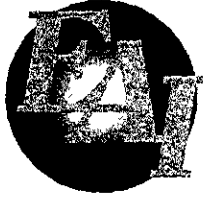
1 MR. PIUNTI: Next, 37 is a composite exhibit
2 consisting of Environmental Audit, Inc.'s quarterly
3 Groundwater Monitoring Report, dated December 14, 1992.
4 Exhibit composite Bates stamp numbers of M 002036 through
5 M 002058.
6 (Plaintiff's Exhibit Number 37 was marked for
7 identification.)
8 BY MR. PIUNTI: Q. Handing you what's been
9 marked as Number 37, does this appear to be a cover
10 letter and corresponding groundwater monitoring report
11 done by Environmental Audit for Montgomery Ward?
12 A. Yes.
13 MR. PIUNTI: Number 38 consists of document
14 control numbers M 002814 through M 002845.
15 (Plaintiff's Exhibit Number 38 was marked for
16 identification.)
17 BY MR. PIUNTI: Q. Mr. West, do you recognize
18 that document?
19 A. No.
20 Q. Do you know what kind of system that comes off
21 of?
22 A. No.
23 MR. PIUNTI: Thank you very much. That's all
24 I have.
25 (The deposition was concluded at 3:50 p.m.)
26

164

1 ///
2 I declare under penalty of perjury that the
3 foregoing is true and correct.
4
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6
7 Date and Place CHARLIE ROBINSON WEST
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165

Rec'd 10/18/94



ENVIRONMENTAL AUDIT, INC.

1000-A ORTEGA WAY • PLACENTIA, CA 92670-7125
714/632-8521 • FAX: 714/632-6754

October 17, 1994

Project No. 1233

Ms. Eva Chu
Hazardous Materials Specialist
Alameda County Health Care Services
Department of Environmental Health
1131 Harbor Bay Parkway, Room 250
Alameda, CA 94502-6577

**SUBJECT: MONTGOMERY WARD AUTO SERVICE CENTER AND
Enea PROPERTIES SITES
DUBLIN, CA**

Dear Ms. Chu:

Environmental Audit, Inc. hereby submits for your review the following two reports dated October 14, 1994:

- Phase III Subsurface Investigation, Montgomery Ward Auto Service Center and Enea Properties Sites, Dublin, California; and
- Risk Based Corrective Actions Analysis, Montgomery Ward Auto Service Center and Enea Properties Sites, Dublin, California.

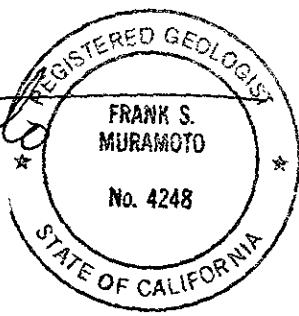
Please give us a call if you have any questions or need additional information.

Sincerely,

ENVIRONMENTAL AUDIT, INC.

Frank S. Muramoto

Frank S. Muramoto, R.G.
Senior Geologist



X 220

FSM:SAB:sh

enclosures

- cc: C. West, Montgomery Ward & Co., Incorporated
G. Jonas, Montgomery Ward & Co., Incorporated
M. Gilmartin, Straw & Gilmartin
R. Enea, Enea Properties

714 (510) 794-2277



ENVIRONMENTAL AUDIT, INC.

1000-A ORTEGA WAY • PLACENTIA, CA 92670-7125

714/632-8521 • FAX: 714/632-6754

October 4, 1994

Project No. 1233

24:3 11 9-100 45
9:00 PM 3:42

HAZMAT
COT

Ms. Eva Chu
Hazardous Materials Specialist
Alameda County Health Care Services
Department of Environmental Health
1131 Harbor Bay Parkway, Rm 250
Alameda, CA 94502-6577

**SUBJECT: MONTGOMERY WARD AUTO SERVICE CENTER
7575 DUBLIN BOULEVARD, DUBLIN, CA**

Dear Ms. Chu:

Pursuant to our telephone conversation on September 30, 1994, this letter confirms our understanding that a two week extension to October 14, 1994 was granted to submit the report on the results of the recent investigation and analyses of data regarding the Montgomery Ward and Enea Properties sites in Dublin, California. Please give the undersigned a call at 714/632-8521, ext. 245 or Steven A. Bright at ext. 250, if you have any questions.

Sincerely,

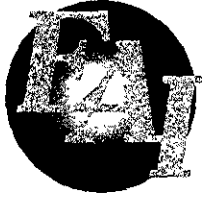
ENVIRONMENTAL AUDIT, INC.

Frank S. Muramoto, R.G.
Senior Geologist

FSM:SAB:sh

cc: M. Gilmartin, Straw & Gilmartin
C. West, Montgomery Ward
R. Enea, Enea Properties

FSM WORD 1233L103 DOC



ENVIRONMENTAL AUDIT, INC.

1000-A ORTEGA WAY • PLACENTIA, CA 92670-7125

714/632-8521 • FAX: 714/632-6754

JW
ALCO
HAZMAT
94 SEP -7 P11 3:34

August 31, 1994

Project No. 1233

Ms. Eva Chu
Hazardous Materials Specialist
Alameda County Health Care Services
Department of Environmental Health
1131 Harbor Bay Parkway, Rm 250
Alameda, CA 94502-6577

**SUBJECT: MONTGOMERY WARD AUTO SERVICE CENTER
7575 DUBLIN BOULEVARD, DUBLIN, CA**

Dear Ms. Chu:

In accordance with our telephone conversation on this date, this will confirm that you have verbally granted us an extension to September 30, 1994 to submit the report on the results of the recent cone penetrometer testing conducted at the Montgomery Ward and Enea Properties sites in Dublin, California. We have requested this extension so that the results of a health and environmental risk assessment and corrective actions, if any, could be included in the report describing the CPT results.

Please give the undersigned a call at 714/632-8521, ext. 245 or Steven A. Bright at ext. 250, if you have any questions.

Sincerely,

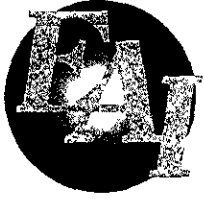
ENVIRONMENTAL AUDIT, INC.

Frank S. Muramoto, R.G.
Senior Geologist

FSM:SAB:sh

cc: M. Gilmartin, Straw & Gilmartin
C. West, Montgomery Ward
R. Enea, Enea Properties

FSM WORD 1233L831.DOC



ENVIRONMENTAL AUDIT, INC.

1000-A ORTEGA WAY • PLACENTIA, CA 92670-7125

714/632-8521 • FAX: 714/632-6754

MEMORANDUM

Project No. 1233

DATE: July 14, 1994

TO: Eva Chu
Alameda County Department of Environmental Health

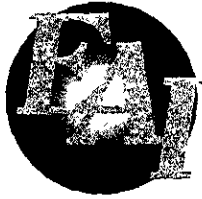
FROM: Sandra S. Snowden

RE: **AMENDED NOTIFICATION OF WORK**

Please be advised that work associated with site assessment activities at the Montgomery Ward & Co., Incorporated and Enea Plaza sites has been changed from 8:00 AM on July 19, 1994 to July 20, 1994. This change was necessary due to a problem with the CPT equipment.

Please call if you have any questions.

SSS:WORD:1233M.DOC



ENVIRONMENTAL AUDIT, INC.

1000-A ORTEGA WAY • PLACENTIA, CA 92670-7125

714/632-8521 • FAX: 714/632-6754

MEMORANDUM

Project No. 1233

DATE: July 13, 1994

TO: Eva Chu
Alameda County Department of Environmental Health

FROM: Frank S. Muramoto

RE: **NOTIFICATION OF WORK**

Please be advised that work associated with site assesement activities at the Montgomery Ward & Co., Incorporated and Enea Plaza sites will commence at 8:00 AM on July 19, 1994.

Please call if you have any questions.

cc: C. West, Montgomery Ward
M. Gilmartin, Straw & Gilmartin

FSM-WORD:1233M714.DOC

27:5 119 61 700 45
HAZMAT
OCT 1



Environmental Audit, Inc.

Planning, Environmental Analyses and Hazardous Substances Management and Remediation

1000 ORTEGA WAY, SUITE A
PLACENTIA, CA 92670-7125

(714) 632 - 8521
FAX (714) 632 - 6754

TELECOMMUNICATIONS COVER PAGE

Please Deliver the Following Pages to:

Name: Eva Chu

Organization: Alameda County Dept. of Envir. Health

Fax No.: (510) 337-9335

Sent From:

Name: Frank Muramoto

@ ext.: 245

Environmental Audit, Inc.
(714) 632-8521

Total Number of Pages Transmitted: 2 (Including cover page)

Message: _____

Date: 7/12/94 Time: 12:40 am pm Project No.: 1233

Original Will Be Sent Via: Mail Overnight Courier
 Messenger Will Not Be Sent

If Total No. of Pages Not Received, Call as Soon as Possible!

Privacy Warning: The papers corresponding to this cover sheet may possess information that is owned by Environmental Audit, Inc., which is privileged and confidential. The documents contained herein are solely for the use of the above-named party. If you are not the person or entity mentioned above, then you are warned that any reproduction, photocopying, disclosure, or acting in reliance on the information contained in this telecopy is prohibited. If you have mistakenly received this facsimile, please notify us as soon as possible. Upon request we will pay for any reasonable expenses that are incurred.

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY

DAVID J. KEARS, Agency Director



RAFAT A. SHAHID, ASST. AGENCY DIRECTOR

StID 1054

June 13, 1994

Mr. Frank Muramoto
Environmental Audit
1000 A Ortega Wy
Placentia, CA 92670-7125

DEPARTMENT OF ENVIRONMENTAL HEALTH
State Water Resources Control Board
Division of Clean Water Programs
UST Local Oversight Program
80 Swan Way, Rm 200
Oakland, CA 94621
(510) 271-4530

**Subject: Workplan Approval for Montgomery Ward Auto Service,
7575 Dublin Blvd, CA 94568**

Dear Mr. Muramoto:

I have completed review of Environmental Audit, Inc's (EAI's) May 1994 Status Report and Work Plan for the above referenced site. EAI's proposal to use Cone Penetrometer Testing to further evaluate soil lithology at the vicinity and to obtain two ground water grab samples to delineate the extent of the contaminant plume is acceptable. Information gathered from this investigation will be used to develop a Corrective Action Plan for the remediation of the site(s). Field activities should commence **within 45 days of the date of this letter**. Please notify this office at least 72 hours prior to the start of field work. A report documenting this investigation is also due 45 days after completion of field work.

If you have any questions, I can be reached at (510) 271-4530.

Sincerely,

eva chu
Hazardous Materials Specialist

cc: Charlie West, Montgomery Ward, 39201 Fremont Blvd, Fremont
CA 94583
Andrew Piunti, Keiley, Enea & Piunti, 60 S. Market, Suite
730, San Jose, CA 95113
Mark Gilmartin, Straw & Gilmartin, 100 Wilshire Blvd, Suite
1325, Santa Monica, CA 90401
files

mtgmry3

STRAW & GILMARTIN
A PROFESSIONAL LAW CORPORATION
100 WILSHIRE BOULEVARD
SUITE 1325
SANTA MONICA, CALIFORNIA 90401
TELEPHONE (310) 395-5577
FACSIMILE (310) 395-8971

LAWRENCE J. STRAW, JR.
MARK B. GILMARTIN
ADAM LE BERTHON
OF COUNSEL
PAUL T. GOUGH

Handwritten mark

*5/10/94 per F. Muramoto, a summary
of site invest. etc. will be sent
w/in 2 wks*

FILE NO. 1349

March 15, 1994

Eva Chu
Hazardous Materials Specialist
Alameda County Health Care Services Agency
Department of Environmental Health
80 Swan Way, Room 200
Oakland, California 94621

ALCO
HAZMAT
94 MAR 17 PM 2:30

**Re: Montgomery Ward & Co., Incorporated
7575 Dublin Blvd.
Dublin, CA**

Dear Ms. Chu:

This letter confirms our telephone conference of this morning regarding your letters to Montgomery Ward dated February 10, 1994 and March 2, 1994.

I informed you that Montgomery Ward is currently in the process of obtaining environmental reports and data relating to the Enea Plaza property and we are finalizing an Agreement for Right of Entry. Montgomery Ward's consultant Environmental Audit, Inc. ("EAI") will gauge and sample all monitoring wells installed by EAI as well as those installed by Enea Plaza's consultants as soon as the Agreement for Right of Entry is executed. All groundwater samples will be analyzed for BTEX. Selected groundwater samples will be analyzed for TPH-G.

We agreed the date for submission of a Corrective Action Plan will be extended. Instead, EAI will submit a status report providing a summary of the investigative and remedial activities performed to date on both the Montgomery Ward and Enea Plaza properties. We anticipate that both the monitoring report and the status report will be submitted to you in May 1994.

Your courtesy and cooperation regarding this matter are appreciated.

Very truly yours,

Handwritten signature of Mark B. Gilmartin
Mark B. Gilmartin

MBG:klh

cc: Charlie West, Montgomery Ward
Steven A. Bright, Environmental Audit, Inc.

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY

DAVID J. KEARS, Agency Director



RAFAT A. SHAHID, ASST. AGENCY DIRECTOR

DEPARTMENT OF ENVIRONMENTAL HEALTH
State Water Resources Control Board
Division of Clean Water Programs
UST Local Oversight Program
80 Swan Way, Rm 200
Oakland, CA 94621
(510) 271-4530

StID 1054

March 2, 1994

Mr. Charlie West
Montgomery Ward
39201 Fremont Blvd
Fremont, CA 94583

**Subject: Groundwater Sampling On- and Off-site at the Former
Montgomery Ward Auto Center, 7575 Dublin Blvd., Dublin,
CA 94568**

Dear Mr. West:

I have completed review of two recent reports, Cypress Environmental's February 1994 Groundwater Pumping Test Results for Enea Plaza, and Environmental Audit's (EAI) February 1994 Quarterly Groundwater Monitoring Report for the above referenced site. EAI's report did not show laboratory analysis results of groundwater collected from Enea's wells, MW-1, MW-2, MW-3 and MW-4. Future sampling episodes should include these wells, as they provide pertinent data related to the contaminant plume emanating from the Montgomery Ward site.

Quarterly reports should also include a brief summary of the volume of groundwater and TPH-G and benzene extracted from well B-12.

Please be reminded that the requested Corrective Action Plan (letter from this office dated February 10, 1994) is due by April 1, 1994. If you have any questions, I can be reached at (510) 271-4530.

A handwritten signature in cursive script, appearing to read "Eva Chu".

eva chu
Hazardous Materials Specialist

cc: Frank Muramoto, EAI, 1000-A Ortega Wy, Placentia, CA 92670
files

mtgmry2

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY

DAVID J. KEARS, Agency Director



RAFAT A. SHAHID, ASST. AGENCY DIRECTOR

StID 1054

February 10, 1994

Mr. Charlie West
Montgomery Ward
39201 Fremont Blvd.
Fremont, CA 94583

DEPARTMENT OF ENVIRONMENTAL HEALTH
State Water Resources Control Board
Division of Clean Water Programs
UST Local Oversight Program
80 Swan Way, Rm 200
Oakland, CA 94621
(510) 271-4530

**Subject: CAP for Montgomery Ward Auto Center, 7575 Dublin Blvd.,
Dublin, CA 94568**

Dear Mr. West:

I have completed review of the case file for the above referenced site. When one of the gasoline underground storage tanks (USTs) failed a tank tightness test in November 1988, Montgomery Ward management elected to close down the gasoline dispensing portion of the facility. It was reported that 12,500 gallons of fuel may have been lost from the UST. In May 1989 three 10,000 gallon fiberglass UST were removed.

Soil borings were advanced to determine the extent of soil contamination as the result of the unauthorized release of fuel products at this site. Soil samples collected from these borings exhibited up to 2,180 ppm TPH-G and groundwater grab samples collected exhibited up to 196 ppm TPH-G and 20 ppm benzene. Borings advanced in the former UST pit were converted into 4" observation wells. Approximately 1,350 gallons of free product *were* recovered from these wells.

Additional wells were installed both on- and off-site ~~in attempts~~ to delineate the groundwater contaminant plume. To date, the furthest downgradient well MW-1 (at the ENEA Plaza) exhibited up to 5,700 ppb TPH-G and 76 ppb benzene when sampled in October 1993.

The California Health and Safety Code (CHSC), Section 25298, states that underground storage tank closure is incomplete until the responsible party characterizes and remediates the contamination resulting from product discharge. At this time, pursuant to Section 2721 et seq. of Article 11, Title 23, California Code of Regulations, you are hereby requested to develop a Corrective Action Plan (CAP) for further investigation of this site, and to identify and evaluate all feasible alternatives for cleanup of soil and groundwater, both on- and off-site, caused by the unauthorized release of petroleum products.

The referenced CAP is due in this office within 45 days of the date of this letter. Include a time schedule for the completion

or by March April 1994.

Mr. Charlie West
re: CAP for 7575 Dublin Blvd
February 10, 1994

Page 2

of each aspect of the remediation process, as well as a proposal for the determination of the lateral extent of groundwater contamination at this site.

Please be advised that this is a formal request for technical reports pursuant to Title 23, CCR, Section 2722(c). Any extensions of the stated deadlines, or modifications of the required tasks, must be confirmed in writing by this agency.

Should you have any questions about the content of this letter, please contact me at (510) 271-4530.

Sincerely,

eva chu
Hazardous Materials Specialist

cc: Gil Jensen, Alameda County District Attorney's Office
Frank Muramoto, EAI, 1000-A Ortega Wy, Placentia, CA 92670
files

mtgmry1

LOP - RECORD CHANGE REQUEST FORM

printed:
02/03/94

Mark Out What Needs Changing and Hand to LOP Data Entry
(Name/Address changes go to Annual Programs Data Entry)

AGENCY # : 10000 SOURCE OF FUNDS: f SUBSTANCE: 8006619
 StID : 1054
 SITE NAME: Montgomery Wards DATE REPORTED : 12/01/88
 ADDRESS : 6900 Amadro Plaza Rd DATE CONFIRMED: 12/01/88
 CITY/ZIP : Dublin 94568 MULTIPLE RPs : n

SITE STATUS

CASE TYPE: g CONTRACT STATUS: 4 PRIOR CODE: EMERGENCY RESP:
 RP SEARCH: S DATE COMPLETED: 02/03/94
 PRELIMINARY ASMNT: U DATE UNDERWAY: 7/26/89 DATE COMPLETED:
 REM INVESTIGATION: DATE UNDERWAY: DATE COMPLETED:
 REMEDIAL ACTION: DATE UNDERWAY: DATE COMPLETED:
 POST REMED ACT MON: DATE UNDERWAY: DATE COMPLETED:

ENFORCEMENT ACTION TYPE: 1 DATE ENFORCEMENT ACTION TAKEN: 02/03/94
 LUFT FIELD MANUAL CONSID: HSCAWGO
 CASE CLOSED: DATE CASE CLOSED:
 DATE EXCAVATION STARTED : REMEDIAL ACTIONS TAKEN:

RESPONSIBLE PARTY INFORMATION

RP#1-CONTACT NAME: Attn. Charlie West
 COMPANY NAME: Montgomery Ward
 ADDRESS: 39201 Fremont Blvd
 CITY/STATE: Fremont, C A 94538

INSPECTOR VERIFICATION:

NAME _____ SIGNATURE _____ DATE _____

DATA ENTRY INPUT:

Name/Address Changes Only			Case Progress Changes	
ANNPMS _____	LOP _____	DATE _____	LOP _____	DATE _____

ALAMEDA COUNTY HAZARDOUS MATERIALS DIVISION

09/05/95

UNDERGROUND STORAGE TANK CLEANUP SITE

AGENCY#: 10000 SOURCE OF FUNDS: F-FEDERAL INSPECTOR: EC
 StID: 2127 SUBSTANCE: 8006619 -Gasoline
 SITE NAME: Shamrock Ford DATE REPORTED : 06/23/93
 ADDRESS : 7499 Dublin Blvd DATE CONFIRMED: 06/25/93
 CITY/ZIP : Dublin, CA 94568 MULTIPLE RP's : N

CASE TYPE: G CONTRACT STATUS: 4 PRIOR:3A1 EMERGENCY RESPONSE:

RP SEARCH	: S	DATE END:	07/09/93
PRELIM ASSESSMENT	:	DATE BEGIN:	DATE END:
REMEDIAL INVESTIG	:	DATE BEGIN:	DATE END:
REMEDIAL ACTION	:	DATE BEGIN:	DATE END:
POST REMED MONITOR:	DATE BEGIN:	DATE END:	

TYPE ENFORCEMENT ACTION TAKEN: 1 DATE OF ENFORC. ACTION: 07/09/93

UNDERGROUND STORAGE TANK CLEANUP SITE - SCREEN #2

LUFT FIELD MANUAL CONSIDERATION: CASE CLOSED: on:

DT EXC START: REMEDIAL ACTIONS TAKEN:

RP #1: CONTACT: Attn. Jim Woulfe RP COST:
 RP COMPANY NAME: Shamrock Ford Ph:
 ADDRESS: 7499 Dublin Blvd
 CITY/STATE: Dublin, C A 94568

ΔCIMENT:



DEPARTMENT OF ENVIRONMENTAL HEALTH
Hazardous Materials Program
80 Swan Way, Rm. 200
Oakland, CA 94621
(415)

FACSIMILE TRANSMITTAL

TO: 916 739 4100. Floor/Room # _____
Fax Phone Number
Name: Anna Cervin Title/Section _____
Agency: SWRCB
Address: _____
Phone #: ()

FROM: _____ Floor/Room # _____
Fax Phone Number
Date: 12/28/92 Time Sent: _____
Sender: Ravi Title/Section _____
Phone #: 510 271-4320

Number of Pages Including Transmittal Sheet: 4
Special Instructions/Comments:

APPLICATION FOR PERMIT TO OPERATE UNDERGROUND STORAGE TANK

() 01 NEW PERMIT () 05 RENEWED PERMIT () 07 TANK CLOSED () 09 DELETE FROM FILE (NO FEE)
 () 02 CONDITIONAL PERMIT () 06 AMENDED PERMIT () 08 MINOR CHANGE (NO SURCHARGE)

 OWNER

NAME (CORPORATION, INDIVIDUAL OR PUBLIC AGENCY) SCHERMAN PULP & PAPER INC.		PUBLIC AGENCY ONLY () 01 FED () 02 STATE () 03 LOCAL	
STREET ADDRESS 1321 5TH ST.	CITY BERKELEY	STATE CA	ZIP 94710

II FACILITY

FACILITY NAME SASSOON-SCHERMAN FIBERS CO.		DEALER/FOREMAN/SUPERVISOR EVERARDO MARTIN	
STREET ADDRESS 1321 5TH ST.		NEAREST CROSS STREET GILLMAN ST.	
CITY BERKELEY		COUNTY ALAMEDA	ZIP 94710
MAILING ADDRESS P.O. BOX 24303		CITY OAKLAND	STATE CA ZIP 94623
PHONE W/AREA CODE 415-524-8921	TYPE OF BUSINESS () 01 GASOLINE STATION (X) 02 OTHER SECONDARY FIBER		
NUMBER OF CONTAINERS 2	RURAL AREAS ONLY :	TOWNSHIP	RANGE SECTION

III 24 HOUR EMERGENCY CONTACT PERSON

DAYS: NAME (LAST NAME FIRST) AND PHONE W/AREA CODE KEN LANE 415-465-9700	NIGHTS: NAME (LAST NAME FIRST) AND PHONE W/AREA CODE KEN LANE 415-276-5249
---	---

COMPLETE THE FOLLOWING ON A SEPARATE FORM FOR EACH CONTAINER

IV DESCRIPTION

A. (X) 01 TANK () 04 OTHER:	CONTAINER NUMBER 1
B. MANUFACTURER (IF APPROPRIATE):	YEAR MFG: C. YEAR INSTALLED (X) UNKNOWN
D. CONTAINER CAPACITY: 8000 GALLONS () UNKNOWN	E. DOES THE CONTAINER STORE: () 01 WASTE (X) 02 PRODUCT
F. DOES THE CONTAINER STORE MOTOR VEHICLE FUEL OR WASTE OIL ? (X) 01 YES () 02 NO IF YES CHECK APPROPRIATE BOX(ES): () 01 UNLEADED () 02 REGULAR () 03 PREMIUM (X) 04 DIESEL () 05 WASTE OIL () 06 OTHER	

V CONTAINER CONSTRUCTION

A. THICKNESS OF PRIMARY CONTAINMENT: () GAUGE () INCHES () CM (X) UNKNOWN
B. () 01 VAULTED (LOCATED IN AN UNDERGROUND VAULT) () 02 NON-VAULTED (X) 03 UNKNOWN
C. () 01 DOUBLE WALLED () 02 SINGLE WALLED () 03 LINED
D. () 01 CARBON STEEL () 02 STAINLESS STEEL () 03 FIBERGLASS () 04 POLYVINYL CHLORIDE () 05 CONCRETE () 06 ALUMINUM () 07 STEEL CLAD () 08 BRONZE () 09 COMPOSITE () 10 NON-METALLIC (X) 12 UNKNOWN () 13 OTHER:

CLARENCE J. FERRARI, JR.
KENT E. OLSEN
JOHN M. OTTOBONI
RICHARD S. BEBB
JAMES J. ELLER
ROBERT C. DANNESKIOLD
ANNE L. ENEA
TERENCE M. KANE
EMMA PEÑA MADRID
JOHN P. THURAU
ROGER D. WINTLE
EDWARD M. ALVAREZ
OF COUNSEL

LAW OFFICES OF
FERRARI, ALVAREZ, OLSEN & OTTOBONI
A PROFESSIONAL CORPORATION
333 WEST SANTA CLARA STREET, SUITE 700
SAN JOSE, CALIFORNIA 95113
(408) 280-0535
TELECOPIER (408) 280-0151

PALO ALTO OFFICE
550 HAMILTON AVENUE
PALO ALTO, CALIFORNIA 94301
(415) 327-3233

MICHAEL D. BRAYTON
J. TIMOTHY MAXIMOFF
JOSEPH W. MELL, JR.
GEORGE P. MULCAIRE
ANDREW J. PIUNTI
JEFFREY F. RYAN
DIANA M. SACA
C. DAVID SPENCE
MELVA M. VOLLERSEN

December 10, 1992

Ravi Arulanantham
Alameda County Health Department
80 Swan Way, Room 200
Oakland, CA 94621

Re: Montgomery Ward, Dublin, California

Dear Mr. Arulanantham:

When we last spoke on October 28, 1992 you indicated that Alameda County would be requiring Montgomery Ward to take borings in Dublin Boulevard. Would you be so kind as to inform whether Montgomery Ward has submitted a work plan for this drilling. If it has, by return phone call or correspondence as you prefer, could you provide two alternative earliest available dates for our coming in to review and/or copy portions of the Montgomery Ward file including the referenced work plan.

Thank you again for your continued courtesies.

Very truly yours,



ANDREW J. PIUNTI

AJP:dlh

cc: Client

17th of 21st

ALAMEDA COUNTY HEALTH CARE SERVICES AGENCY
DEPARTMENT OF ENVIRONMENTAL HEALTH
DIVISION OF HAZARDOUS MATERIALS

MEMORANDUM

DATE: November 20, 1992
TO: Rafat A. Shahid
FROM: Ravi Arulanantham *Ravi*
SUBJECT: MONTGOMERY WARD, 6900 Amador Plaza Road, Dublin, CA.

This is to verify that the Alameda County Hazardous Materials Division of the Department of Environmental Health has been continuously involved in the groundwater monitoring of the Montgomery Ward store, 6900 Amador Plaza Road, Dublin, CA. since 1988.

I have summarized all the activities in a chronological order to document our involvement in the above-captioned site.

Attachment
RA:fh

MWard

Engineering Center

~~XXXXXXXXXX~~ 510 794-2277

November 17, 1992

Ravi Arulanantham, Ph.D.
Hazardous Materials Specialist
Division of Hazardous Materials
Department of Environmental Health
80 Swan Way, Room 200
Oakland, CA 94621

Dear Dr. Arulanantham,

Re: Montgomery Ward Auto Center
Dublin, CA

Enclosed for your review is a report entitled, Investigation to Identify Hydrocarbons in Ground Water in the Vicinity of Montgomery Ward Auto Service Center, Dublin, California, dated November 17, 1992. This report has been prepared by Hydrologic Consultants, Inc., of Davis, California.

Please call me if you have any questions concerning this report. Thank you.

Yours truly,



Charlie R. West
Field Engineer

Enc.

92 Nov 17 11 23 AM



ENVIRONMENTAL AUDIT, INC.

1000-A ORTEGA WAY • PLACENTIA, CA 92670-7125

714/632-8521 • FAX: 714/632-6754

October 30, 1992

Project No. 1233

Mr. Ravi Arulanantham
Alameda County Department of Environmental Health
Hazardous Materials Division
80 Swan Way, #200
Oakland, CA 94621

RE: 7575 Dublin Boulevard, Dublin, CA

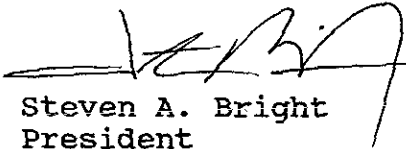
Dear Mr. Arulanantham:

As directed by Montgomery Ward & Co. Incorporated, enclosed herewith is a check in the amount of \$1,000.00 to cover County oversight costs associated with the property located at 7575 Dublin Boulevard.

Please call Charlie West at 510/794-2277 if you have any questions.

Sincerely,

ENVIRONMENTAL AUDIT, INC.


Steven A. Bright
President

SAB:pb

enclosure: Check No. 8080

cc: C. West, Montgomery Ward

SAB:WARD8.8

10/30/92 1:10:55

Engineering Center

~~xxxxxxx~~ 510 794-2277

October 29, 1992

pages: 1-800-759-7243
pin: 44710

Ravi Arulanantham, Ph.D.
Hazardous Materials Specialist
Division of Hazardous Materials
Department of Environmental Health
80 Swan Way, Room 200
Oakland, CA 94621

Dear Dr. Arulanantham,

Re: Montgomery Ward
Dublin, CA

Thank you for your telephone call on October 28, 1992.

In March 1992 Hydrologic Consultants, Inc., (HCI) submitted to you a plan for the above site to take a soil vapor survey, which you approved. In order to do the survey it was necessary to secure approval of the adjacent property owner who was extremely reluctant to grant permission to enter. After many requests, we became frustrated and proceeded to complete the portion of the soil survey on the Montgomery Ward property. Because of the extremely stiff clay at the site the soil vapor survey was unsuccessful.

As an alternate, HCI proposed to take a soil sample at just below ground water by a method similar to hydropunch and analyze same for constituents. The soil samples were taken on the Montgomery Ward and adjacent property from 8/31/92 to 9/2/92. (Permission to enter the adjacent property had finally been granted.) After reviewing the preliminary data, it was determined that the sample locations were not sufficient along the south boundary. We have decided to take four samples in the median of Dublin Boulevard. Including these sample locations ensures that we will have extended the sampling program completely around the former tank location.

Let me apologize that you were not kept informed of our activities. We have been diligently carrying out the soil sample program. Because of circumstances not within our control (lack of good results in the first soil vapor survey and initial refusal of the adjacent property owner to allow access) we have been unable to submit the final report.

HCI plans to accomplish the field work in Dublin Boulevard on November 10, 1992. We should have the report to you by December 15, 1992. The quarterly gauging and sampling of the wells was accomplished last week and you will be receiving the report at the normal timing.

Yours truly,



Charlie R. West
Field Engineer

Mr. West came to see me today and talked about the near future activities for this site
Ravi
10/29/92

Montgomery Ward

RECEIVED 10/29/92



9211212 11:23

March 20, 1992

HCI-1038

Ravi Arulanantham, Ph.D.
Hazardous Materials Specialist
Department of Environmental Health
County of Alameda
80 Swan Way, Room 200
Oakland, CA 94621

SUBJECT: Soil-Gas Survey at Montgomery Ward Auto Service Center in
Dublin, CA

Dear Dr. Arulanantham:

Montgomery Ward & Co., Inc. has requested that Hydrologic Consultants, Inc. (HCI) conduct a soil-gas survey at their Auto Service Center at 7575 Dublin Boulevard in Dublin, California. The purpose of the soil-gas survey is to help identify the lateral occurrence of hydrocarbon vapors in soils. The results of the survey will be used to select the best locations for additional monitoring wells.

HCI has prepared the attached proposed Workplan for the soil gas survey. We invite your comments on the intended work, which is tentatively scheduled to occur within the next month. If you have any questions about this Workplan, please contact me in our Davis office at (916) 756-0925.

Sincerely,

HYDROLOGIC CONSULTANTS, INC.

Timothy J Durbin
Timothy J. Durbin, P.E.
Vice President

TJD:rmc

Attachment: Workplan

*- Work plan approved
- Give me 4 hr notice before survey
- Send results to my attention
Remi
3/30/92*

Engineering Center

~~XXXXXX~~ 510 794-2277

92102-5 10:30

March 5, 1992

Ravi Arulanantham, Ph.D.
Alameda County Department of Environmental Health
Hazardous Materials Division
80 Swan Way, #200
Oakland, CA 94621

RE: Montgomery Ward
Dublin, CA

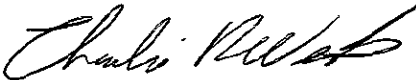
Dear Dr. Arulanantham,

In response to your 2-20-92 site inspection, Montgomery Ward will conduct additional subsurface investigation at the Dublin, CA., Montgomery Ward Auto Center. This investigation will initiate with a soil vapor survey in order to strategically located the placement of the monitoring wells you requested. This investigation will aid in better defining the extent of the plume.

Mr. Greg Jonas and I attempted to contact you by telephone conference today to explain this approach. However you are out of the office until March 9, 1992. In light of your absence, we request that you grant us an extension until march 20, 1992 to detail this approach with a written work plan. Absent any objection from you we will proceed in this manner.

Please call me at 510 794-2277 if you have any questions.

Yours truly,



Charlie R. West
Field Engineer

cc: Greg Jonas

white -env.health
 yellow -facility
 pink -files

ALAMEDA COUNTY, DEPARTMENT OF ENVIRONMENTAL HEALTH

80 Swan Way, #200
 Oakland, CA 94621
 (415) 271-4320

Hazardous Materials Division Inspection Form

Site ID# _____ Site Name Montgomery Ward Today's Date 02 20, 92
 Site Address 6900 ~~Dub~~ Amador Plaza Blvd. EPA ID# _____
 City Dublin Zip 94568 Phone _____

MAX Amt. Stored > 500lbs/55g/200cf? Y N
 Hazardous Waste generated per month? _____

Inspection Categories:

- I. Haz. Mat/Waste GENERATOR/TRANSPORTER
- II. Business Plans, Acute Hazardous Materials
- III. Underground Tanks

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

LA GENERATOR (Title 22)

	<input type="checkbox"/> 1. Waste ID	* 66471
	<input type="checkbox"/> 2. EPA ID	66472
	<input type="checkbox"/> 3. > 90 days	66508
	<input type="checkbox"/> 4. Label dates	66508
	<input type="checkbox"/> 5. Biennial	66493
Manifest	<input type="checkbox"/> 6. Records	66492
	<input type="checkbox"/> 7. Correct	66484
	<input type="checkbox"/> 8. Copy sent	66492
	<input type="checkbox"/> 9. Exception	66484
Misc.	<input type="checkbox"/> 10. Copies Rec'd	66492
	<input type="checkbox"/> 11. Treatment	66371
	<input type="checkbox"/> 12. On-site Disp. (H.S.&C.)	26189.5
Prevention	<input type="checkbox"/> 13. Ex Haz. Waste	66570
	<input type="checkbox"/> 14. Communications	67121
	<input type="checkbox"/> 15. Aisle Space	67124
	<input type="checkbox"/> 16. Local Authority	67126
	<input type="checkbox"/> 17. Maintenance	67120
	<input type="checkbox"/> 18. Training	67105
Contingency	<input type="checkbox"/> 19. Prepared	67140
	<input type="checkbox"/> 20. Name List	67141
	<input type="checkbox"/> 21. Copies	67141
	<input type="checkbox"/> 22. Emg. Coord. Trng.	67144
Containers, Tanks	<input type="checkbox"/> 23. Condition	67241
	<input type="checkbox"/> 24. Compatibility	67242
	<input type="checkbox"/> 25. Maintenance	67243
	<input type="checkbox"/> 26. Inspection	67244
	<input type="checkbox"/> 27. Buffer Zone	67246
	<input type="checkbox"/> 28. Tank Inspection	67259
	<input type="checkbox"/> 29. Containment	67245
	<input type="checkbox"/> 30. Safe Storage	67261
	<input type="checkbox"/> 31. Freeboard	67257
		<input type="checkbox"/> 32. Applic./Insurance
	<input type="checkbox"/> 33. Comp. Cert./CHP insp.	66448
	<input type="checkbox"/> 34. Containers	66465
Manifest	<input type="checkbox"/> 35. Vehicles	66465
	<input type="checkbox"/> 36. EPA ID #s	66531
	<input type="checkbox"/> 37. Correct	66541
	<input type="checkbox"/> 38. HW Delivery	66543
	<input type="checkbox"/> 39. Records	66544
Cont'n's	<input type="checkbox"/> 40. Name/ Covers	66545
	<input type="checkbox"/> 41. Recyclables	66800

Comments:

Today I visited the site in Dublin/Montgomery Ward. A new, much efficient ground water extraction system is being installed. Mr. Seved indicates to me that the system will begin operation in a few days. This office is satisfied with the extraction system (Although the pump well appears to be located up gradient).

In addition to this work, It is necessary to perform further subsurface investigation to fully understand the extent of Contaminant. Please I submit a work plan in Ten (10) working days to this office. This work plan should address how you plan to delineate the extent of Contaminant and a complete Time Table of all the work that will be performed.

Contact: CHARLIE R. WEST
 Title: FIELD ENGINEER
 Signature: Charlie R West

Inspector: R. Arlanmiller
 Signature: RA

Engineering Center

~~XXXXXX~~ 510 794-2277

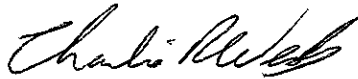
Mr. Ravi Arulanantham
Alameda County Department of Health Services
Division of Hazardous Materials
Department of Environmental Health
80 Swan Way, Room 200
Oakland, CA 94621

Dear Mr. Arulanantham;

RE: Montgomery Ward
Auto Center
Dublin, CA

Enclosed please find a report by Environmental Audit Inc., entitled Ground Water Pumping Test And A Review Of The Ground Water Treatment System, Montgomery Ward Auto Center, 7575 Dublin Boulevard, Dublin, California, and dated November 1, 1991. Unless you have objections we will begin immediately to implement the recommendations contained therein.

Yours truly,



Charlie R. West
Field Engineer

enc

approved
11/13/91



ENVIRONMENTAL AUDIT, INC.

1000-A ORTEGA WAY • PLACENTIA, CA 92670-7125

714/632-8521 • FAX: 714/632-6754

November 13, 1991

Project No. 1233

Mr. Ravi Arulanantham
Alameda County Department of Environmental Health
Hazardous Materials Division
80 Swan Way, #200
Oakland, CA 94621

SUBJECT: MONTGOMERY WARD & CO. INCORPORATED
7575 Dublin Boulevard
Dublin, California

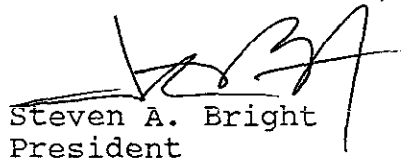
Dear Mr. Arulanantham:

As requested in your "Inspection Form" regarding the site dated November 13, 1991, enclosed herewith is a check in the amount of \$700.00.

Please call me or Seyed Mortazavi if you have any questions or need additional information.

Sincerely,

ENVIRONMENTAL AUDIT, INC.


Steven A. Bright
President

SAB:pb

enclosure

cc: C. West

SAB:WARD23.2

Charlie West:
Free product identified
Extraction System Shut down (temporarily)
91 NOV 13 11:11:26

white -env.health
 yellow -facility
 pink -files

ALAMEDA COUNTY, DEPARTMENT OF ENVIRONMENTAL HEALTH

80 Swan Way, #200
 Oakland, CA 94621
 (415) 271-4320

Hazardous Materials Division Inspection Form

Site ID# _____ Site Name Montgomery Ward Today's Date 11/13/91
 Site Address 6900 Amador Plaza EPA ID# _____
 City Dublin Zip 94 Phone _____

MAX Amt. Stored > 500lbs/55g/200cf? Y N
 Hazardous Waste generated per month? _____

Inspection Categories:

- I. Haz. Mat/Waste GENERATOR/TRANSPORTER
- II. Business Plans, Acute Hazardous Materials
- III. Underground Tanks

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

I.A GENERATOR (Title 22)

- | | | |
|-------------------|--|--|
| | <input type="checkbox"/> 1. Waste ID | * 66471 |
| | <input type="checkbox"/> 2. EPA ID | 66472 |
| | <input type="checkbox"/> 3. > 90 days | 66508 |
| | <input type="checkbox"/> 4. Label dates | 66508 |
| | <input type="checkbox"/> 5. Biennial | 66493 |
| Manifest | <input type="checkbox"/> 6. Records | 66492 |
| | <input type="checkbox"/> 7. Correct | 66484 |
| | <input type="checkbox"/> 8. Copy sent | 66492 |
| | <input type="checkbox"/> 9. Exception | 66484 |
| | <input type="checkbox"/> 10. Copies Rec'd | 66492 |
| Misc. | <input type="checkbox"/> 11. Treatment | 66371 |
| | <input type="checkbox"/> 12. On-site Disp. (H.S.&C.) | 26189.5 |
| | <input type="checkbox"/> 13. Ex Haz. Waste | 66570 |
| Prevention | <input type="checkbox"/> 14. Communications | 67121 |
| | <input type="checkbox"/> 15. Aisle Space | 67124 |
| | <input type="checkbox"/> 16. Local Authority | 67126 |
| | <input type="checkbox"/> 17. Maintenance | 67120 |
| | <input type="checkbox"/> 18. Training | 67105 |
| Contn. Agency | <input type="checkbox"/> 19. Prepared | 67140 |
| | <input type="checkbox"/> 20. Name List | 67141 |
| | <input type="checkbox"/> 21. Copies | 67141 |
| | <input type="checkbox"/> 22. Emg. Coord. Tmg. | 67144 |
| Containers, Tanks | <input type="checkbox"/> 23. Condition | 67241 |
| | <input type="checkbox"/> 24. Compatibility | 67242 |
| | <input type="checkbox"/> 25. Maintenance | 67243 |
| | <input type="checkbox"/> 26. Inspection | 67244 |
| | <input type="checkbox"/> 27. Buffer Zone | 67246 |
| | <input type="checkbox"/> 28. Tank Inspection | 67259 |
| | <input type="checkbox"/> 29. Containment | 67245 |
| | <input type="checkbox"/> 30. Safe Storage | 67261 |
| | <input type="checkbox"/> 31. Freeboard | 67257 |
| | | <input type="checkbox"/> 32. Applic./Insurance |
| | <input type="checkbox"/> 33. Comp. Cert./CHP Insp. | 66448 |
| | <input type="checkbox"/> 34. Containers | 66465 |
| Manifest | <input type="checkbox"/> 35. Vehicles | 66465 |
| | <input type="checkbox"/> 36. EPA ID #s | 66531 |
| | <input type="checkbox"/> 37. Correct | 66541 |
| | <input type="checkbox"/> 38. HW Delivery | 66543 |
| | <input type="checkbox"/> 39. Records | 66544 |
| Cont'rs | <input type="checkbox"/> 40. Name/ Covers | 66545 |
| | <input type="checkbox"/> 41. Recyclables | 66800 |

Comments:

Today I had a meeting with Mr. Charlie West of Montgomery Ward.
~~Excess~~ Mr. West submitted the new work plan for a pump/treat system. I reviewed the plan and find adequate. Please begin actual work immediately.
 All monitoring wells on site should be monitored on a quarterly basis and results send to this office.
 Please also submitte \$ 700.⁰⁰ as overage fee to this office.

I.B TRANSPORTER (Title 22)

- | | | |
|----------|--|-------|
| | <input type="checkbox"/> 32. Applic./Insurance | 66428 |
| | <input type="checkbox"/> 33. Comp. Cert./CHP Insp. | 66448 |
| | <input type="checkbox"/> 34. Containers | 66465 |
| Manifest | <input type="checkbox"/> 35. Vehicles | 66465 |
| | <input type="checkbox"/> 36. EPA ID #s | 66531 |
| | <input type="checkbox"/> 37. Correct | 66541 |
| | <input type="checkbox"/> 38. HW Delivery | 66543 |
| | <input type="checkbox"/> 39. Records | 66544 |
| Cont'rs | <input type="checkbox"/> 40. Name/ Covers | 66545 |
| | <input type="checkbox"/> 41. Recyclables | 66800 |

Contact: CHARLIE R. WEST
 Title: FIELD ENGINEER
 Signature: Charlie West

Inspector: R. Chandanath
 Signature: Rain

white -env.health
 yellow -facility
 pink -files

ALAMEDA COUNTY, DEPARTMENT OF ENVIRONMENTAL HEALTH
 Hazardous Materials Inspection Form

80 Swan Way, #200
 Oakland, CA 94621
 (415) 271-4320

II, III

Site ID # _____ Site Name Montgomery Ward Today's Date 5/18/89

Site Address 6900 Amador Plaza Rd.

City Dublin Zip 94568 Phone _____

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

Inspection Categories:

- I. Haz. Mat/Waste GENERATOR/TRANSPORTER
- II. Business Plans, Acute Hazardous Materials
- III. Underground Tanks

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

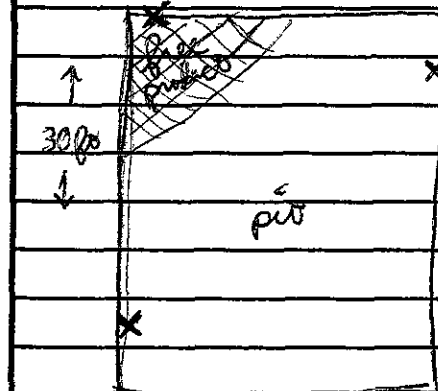
Comments:

Second day of tank removal at site. It turns out that 2 of the three tanks were removed last night (5/17). Third tank removed about 10:30 a.m. As soon as tank is removed, pumping begins of free product from the bottom of the pit - liquid is pumped to tank on-site.
 Pea gravel backfill continues to be moved to another portion of the site for aeration - amount estimated to be several hundred yards.
 All but one or two of the monitoring wells apparently destroyed by excavation.

SAMPLES taken as shown

water sample from pit was taken

* = soil samples - taken from sidewalk above apparent waterline



AUTO EXPRESS BLDG. II, III

II.A BUSINESS PLANS (Title 19)

- 1. Immediate Reporting 2703
- 2. Bus. Plan Strcs. 25503(b)
- 3. RR Cars > 30 days 25503.7
- 4. Inventory Information 25504(a)
- 5. Inventory Complete 2730
- 6. Emergency Response 25504(b)
- 7. Training 25504(c)
- 8. Deficiency 25505(a)
- 9. Modification 25505(b)

II.B ACUTELY HAZ. MAT'L'S

- 10. Registration Form Filed 25533(a)
- 11. Form Complete 25533(b)
- 12. RMPP Contents 25534(c)
- 13. Implement Sch. Req'd? (Y/N)
- 14. OnSite Conseq. Assess. 25524(c)
- 15. Probable Risk Assessment 25534(d)
- 16. Persons Responsible 25534(g)
- 17. Certification 25534(i)
- 18. Exemption Request? (Y/N) 25536(b)
- 19. Trade Secret Requested? 25538

III. UNDERGROUND TANKS (Title 23)

- General
- 1. Permit Application 25284 (H&S)
 - 2. Pipeline Leak Detection 25292 (H&S)
 - 3. Records Maintenance 2712
 - 4. Release Report 2651
 - 5. Closure Plans 2670

- Monitoring for Existing Tanks
- 6. Method
 - 1) Monthly Test
 - 2) Daily Vadose Semi-annual groundwater One time soils
 - 3) Daily Vadose One time soils Annual tank test
 - 4) Monthly Groundwater One time soils
 - 5) Daily Inventory Annual tank testing Cont pipe leak det Vadose/groundwater mon.
 - 6) Daily Inventory Annual tank testing Cont pipe leak det
 - 7) Weekly Tank Gauge Annual tank testing
 - 8) Annual Tank Testing Daily Inventory
 - 9) Other _____

- 7. Precip Tank Test Date: _____ 2643
- 8. Inventory Rec. 2644
- 9. Soil Testing. 2646
- 10. Ground Water. 2647

- New Tanks
- 11. Monitor Plan 2632
 - 12. Access. Secure 2634
 - 13. Plans Submit Date: _____ 2711
 - 14. As Built Date: _____ 2635

Rev 6/88

Contact: ALAN SEDITZ
 Title: Consultant to Mont Ward
 Signature: Alan Seditz

Inspector: _____
 Signature: Gilbert M. Wister

white -env.health
 yellow -facility
 pink -files

ALAMEDA COUNTY, DEPARTMENT OF ENVIRONMENTAL HEALTH

80 Swan Way, #200
 Oakland, CA 94621
 (415) 271-4320

Hazardous Materials Inspection Form

II, III

II.A BUSINESS PLANS (Title 19)

- ___ 1. Immediate Reporting 2703
- ___ 2. Bus. Plan Stats. 25503(b)
- ___ 3. RR Cars > 30 days 25503.7
- ___ 4. Inventory Information 25504(a)
- ___ 5. Inventory Complete 2730
- ___ 6. Emergency Response 25504(b)
- ___ 7. Training 25504(c)
- ___ 8. Deficiency 25505(a)
- ___ 9. Modification 25505(b)

II.B ACUTELY HAZ. MATLS

- ___ 10. Registration Form Filed 25533(a)
- ___ 11. Form Complete 25533(b)
- ___ 12. RMPP Contents 25534(c)
- ___ 13. Implement Sch. Req'd? (Y/N)
- ___ 14. OffSite Conseq. Assess. 25524(c)
- ___ 15. Probable Risk Assessment 25534(d)
- ___ 16. Persons Responsible 25534(g)
- ___ 17. Certification 25534(f)
- ___ 18. Exemption Request? (Y/N) 25536(b)
- ___ 19. Trade Secret Requested? 25538

III. UNDERGROUND TANKS (Title 23)

- General**
- ___ 1. Permit Application 25284 (H&S)
 - ___ 2. Pipeline Leak Detection 25292 (H&S)
 - ___ 3. Records Maintenance 2712
 - ___ 4. Release Report 2651
 - ___ 5. Closure Plans 2670
- Monitoring for Existing Tanks**
- ___ 6. Method
 - 1) Monthly Test
 - 2) Daily Vadose Semi-annual groundwater One time soils
 - 3) Daily Vadose One time soils Annual tank test
 - 4) Monthly Groundwater One time soils
 - 5) Daily Inventory Annual tank testing Cont pipe leak det Vadose/gndwater mon.
 - 6) Daily Inventory Annual tank testing Cont pipe leak det
 - 7) Weekly Tank Gauge Annual tank testing
 - 8) Annual Tank Testing Daily Inventory
 - 9) Other _____
 - ___ 7. Precis Tank Test Date: _____ 2643
 - ___ 8. Inventory Rec. 2644
 - ___ 9. Soil Testing . 2646
 - ___ 10. Ground Water. 2647
- New Tanks**
- ___ 11. Monitor Plan 2632
 - ___ 12. Access. Secure 2634
 - ___ 13. Plans Submit Date: _____ 2711
 - ___ 14. As Built Date: _____ 2635

Site ID # _____ Site Name Montgomery Ward Today's Date 5/17/89

Site Address 6900 Amador Plaza Rd.

City Dublin Zip 94568 Phone _____

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

Inspection Categories:

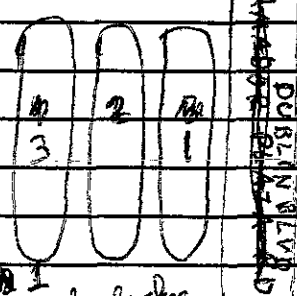
- ___ I. Haz. Mat/Waste GENERATOR/TRANSPORTER *Gravel being aerated on-site*
- ___ II. Business Plans, Acute Hazardous Materials *BAA&MD on-site*
- III. Underground Tanks

Alan Selditch

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

Comments:

I have 10,000-gal. fiberglass gas tanks to be removed. Significant contamination already discovered when it was learned in 1988 that up to 10,000 gal. of gas may have been released to ground. - Course gravel backfill without strong gas smell when I arrive at site (2 of 3 tanks uncovered) 3 tanks lined up together:



Tank #1 suspected to be leaker

2:30 p.m. - free product evident in bottom of pit - tanks still have not been pulled.

Left site about 4:15 because it was clear that no samples would be taken today. Tom Hathcox from Dublin PD will remain on-site to witness removal of one of the three tanks (the leaker) before sundown. Plan is to remove the tank, pump out visible free product from pit, and secure site. According to Alan Selditch, no one will enter pit. I plan to return on site tomorrow about 10 a.m.

SHOPPING CENTER ENTRANCE (Golden Gate Dr.)

To witness removal of one of the three tanks (the leaker) before sundown. Plan is to remove the tank, pump out visible free product from pit, and secure site. According to Alan Selditch, no one will enter pit. I plan to return on site tomorrow about 10 a.m.

Contact: ALAN SELDITCH PH.D. P.E. REA.

Title: Consultant to Mod Ward Inspector:

Signature: Alan Selditch

Signature: Gilbert M. Wisner

A.D. Selditch and Assoc. Inc.
62678- Joaquin Murietta Ave., Newark, CA 94560

January 27, 1989

RECEIVED
JAN 27 1989

HAZARDOUS MATERIALS/
WASTE PROGRAM

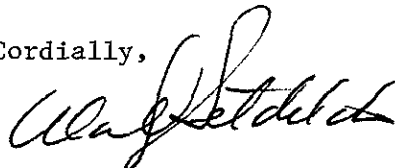
Alameda County Deptment of Health Services
Hazardous Materials Division
80 Swan Way, Room 200
Oakland, CA 94621

Attn: Mr. Tom Peacock

Tom:

In accordance with our conversation, please accept the attached
Closure Plan for the Montgomery Ward site located at 6900 Amador
Plaza Road, Dublin, CA 94568.

Cordially,



Dr. Alan D. Selditch, P.E., R.E.A.

Attachment

ads/mc

cc: Tom Hathcox, Fire Captain
Dublin-San Ramon Services District
Headquarters Station
9399 Fircrest Lane
San Rmaon CA 94583

Hossain Kazemi, Sanitry Engr. Assoc.
Regional Water Quality Control Board
San Francisco Bay Region
1111 Jackson St.
Room 6040
Oakland CA 94607

ALAMEDA COUNTY HEALTH CARE SERVICES AGENCY
 DEPARTMENT OF ENVIRONMENTAL HEALTH
 HAZARDOUS MATERIALS DIVISION

80 SWAN WAY, ROOM 200

OAKLAND, CA 94621
 PHONE NO. 415/271-4320

ACCEPTED

DEPARTMENT OF ENVIRONMENTAL HEALTH
 470 - 27th Street, Third Floor
 Oakland, CA 94612
 Telephone: (415) 874-7237

These plans have been reviewed and found to be acceptable and essentially meet the requirements of State and local health laws. Changes to your plans indicated by this Department are to assure compliance with State and local laws. The project proposed herein is now released for issuance of any required building permits for construction.

One copy of these accepted plans must be on the job and available to all contractors and craftsmen involved with the removal.

Any change or alterations of these plans and specifications must be submitted to this Department and to the Fire and Building Inspection Department to determine if such changes meet the requirements of State and local laws. Notify this Department at least 48 hours prior to the following required inspections:

- _____ Removal of Tank and Piping
- _____ Sampling
- _____ Final Inspection

Issuance of a permit to operate is dependent on compliance with accepted plans and all applicable laws and regulations.

THERE IS A FINANCIAL PENALTY FOR NOT OBTAINING THESE NUCLE TICNS.

Thomas [Signature]
 3-13-89

UNDERGROUND TANK CLOSURE/MODIFICATION PLANS

1. Business Name Montgomery Ward - Auto Express
 Business Owner Montgomery Ward
2. Site Address 6900 Amador Plaza Road
 City Dublin Zip 94568 Phone 415/833-3256
3. Mailing Address Montgomery Ward - Attn: Charles West
 City 39201 Fremont Blvd., Fremont Zip 94538 Phone 415/794-2337
4. Land Owner Montgomery Ward
 Address 39201 Fremont Blvd. Fremont City, State CA Zip 94538
5. EPA I.D. No. CAC 000 137 685
6. Contractor Erickson, Inc. Bigge Crane & Rigging Co.
 Address 255 Parr Blvd. 10700 Bigge Ave.
Richmond CA 94801 San Leandro CA 94577
 City 415/235-1393 Phone 415/638-8180
 License Type _____ ID# CA-163
7. Consultant A. D. Selditch & Assoc., Inc.
 Address 6267E Joaquin Murieta
 City Newark CA 94560 Phone 415/490-1759

8. Contact Person for Investigation

Name Charles West Title Field Engineering Manager
A. D. Selditch Consultant
415/794-2337
Phone 415/490-1759

9. Total No. of Tanks at facility 3

10. Have permit applications for all tanks been submitted to this office? Yes [] No []

11. State Registered Hazardous Waste Transporters/Facilities

a) Product/Waste Tranporter

Name Erickson, Inc. EPA I.D. No. CAD 009 466 392
Address 255 Parr Blvd.
City Richmond State CA Zip 94801

b) Rinsate Transporter

Name Erickson, Inc. EPA I.D. No. CAD 009 466 392
Address 255 Parr Blvd.
City Richmond State CA Zip 94801

c) Tank Transporter

Name Erickson, Inc. EPA I.D. No. CAD 009 466 392
Address 255 Parr Blvd.
City Richmond State CA Zip 94801

d) Contaminated Soil Transporter

Name Erickson, Inc. EPA I.D. No. CAD 009 466 392
Address 255 Parr Blvd.
City Richmond State CA Zip 94801

12. Sample Collector

Name A. D. Selditch
Company A. D. Selditch & Associates, Inc.
Address 6267E Joaquin Murieta
City Newark State CA Zip 94560 Phone 415/490-1759

13. Sampling Information for each tank or area

Tank or Area		Material sampled	Location & Depth
SW corner of Site			
Capacity	Historic Contents (past 5 years)		
10,000 gal	Regular Gasoline	Gasoline	11'6" from slab to tank bottom
10,000 gal	Unleaded Gasoline	Gasoline	11'6" from slab to tank bottom
10,000 gal	Premium Unleaded Gasoline	Gasoline	11'6" from slab to tank bottom
			All tanks located under 20' x 20' x 9" reinforced concrete slab in SW corner of lot

14. Have tanks or pipes leaked in the past? Yes [] No [x] Remove

If yes, describe. The only known incident occurred in late November 1988 -

15. NFPA methods used for rendering tank inert? Yes [x] No []

If yes, describe. To be done upon removal - insert dry ice 24 hours prior to tank/slab removal

An explosion proof combustible gas meter shall be used to verify tank inertness.

16. Laboratories

Name Scientific Environmental Lab

Address 924 Industrial Ave.

City Palo Alto State CA Zip 94303

State Certification No. 241

17. Chemical Methods to be used for Analyzing Samples

Contaminant Sought	EPA, DHS, or Other Sample Preparation Method Number	EPA, DHS, or Other Analysis Number
Total Petroleum Hydrocarbons as Gasoline	EPA-8013	EPA-8015
Benzene	EPA-8020	EPA-8020
Toluene	EPA-8020	EPA-8020
Ethyl Benzene	EPA-8020	EPA-8020
Xylene	EPA-8020	EPA-8020
Lead (Totla)	EPA-7420	EPA-7420

18. Submit Site Safety Plan

19. Workman's Compensation: Yes No

Copy of Certificate enclosed? Yes No

Name of Insurer Provided by outside contractor

20. Plot Plan submitted? Yes No

21. Deposit enclosed? Yes No

22. Please forward to this office the following information within 60 days after receipt of sample results.

- a) Chain of Custody Sheets
- b) Original Signed Laboratory Reports
- c) TSD to Generator copies of wastes shipped and received
- d) Attachment A summarizing laboratory results

HEALTH AND SAFETY COMPLIANCE AGREEMENT

I, the undersigned, have received a copy of the health and safety plan for the project identified below. I have read the plan, understand it, and agree to comply with all of the health and safety requirements therein. I understand that I may be prohibited from continuing work on the project for failing to comply.

I have have not (check one) been briefed by a project safety authority on the health and safety requirements of the project.

Project Number: 1188002-R

Project Title: Montgomery Ward - Dublin Remedial

Date of Plan: 1/24/89

CHARLIE R. WEST
Charlie R. West
Print Name

Charlie R. West
Signature

MONTGOMERY WARD
Firm

January 30, 1989
Date

UNDERGROUND TANK CLOSURE/MODIFICATION PLANS

ATTACHMENT A

SAMPLING RESULTS

Tank or Area	Contaminant	Location & Depth	Results (specify units) all units mg/kg (ppm)
Well #12 Soil	TPH (g)	5 ft.	.7
	TPH (g)	10 ft.	87.
	TPH (g)	20 ft.	4.5
	TPH (g)	25 ft.	0.5
	Benzene	25 ft.	<0.1
	Toluene	25 ft.	<0.1
	Xylene	25 ft.	<0.1
	Ethyl Benzene	25 ft.	<0.1
Well #12 Water	TPH (g)	12-13 ft.	95%
Well #13 Soil	TPH (g)	13 ft.	2180
	Benzene	13 ft.	0.18
	Toluene	13 ft.	0.30
	Xylene	13 ft.	0.09
	Ethyl Benzene	13 ft.	0.06
Well #13 Water	TPH (g)	13 ft.	118
	Benzene	13 ft.	13.9
	Toluene	13 ft.	18.3
	Ethyl Benzene	13 ft.	2.8
	Xylene	13 ft.	4.1

A.D. Selditch and Assoc. Inc.
62678- Joaquin Murieta Ave., Newark, CA 94560

Closure Plan

Closure Plan
Montgomery Ward
Dublin Blvd.
Dublin, CA

INTRODUCTION

This preliminary closure plan designed to describe the activities anticipated to be required in the performance of the site remedial activities. This closure plan will be altered as state of the project uncovers additional or changed information which indicates the need for revision. All program alterations will be reviewed with cognizant agencies prior to incorporation except in the event of an emergency.

SITE LOCATION

Site is located on the northern side of Dublin Blvd. approximately 1/2 mile east of San Ramon Road. Site is currently in use as a Tire, Battery Accessory and Auto Maintenance Shop. Site currently houses, in addition to a retail tire and accessory shop, a mechanical auto maintenance facility. Until late November 1988, the site housed a gasoline dispensing operation consisting of three 10,000 gallon underground storage tanks. These tanks held unleaded, premium unleaded and regular gasoline. In late November the 10,000 gallon unleaded tank was determined to be leaking. As a result, management elected to close down the gasoline dispensing portion of this facility. Remedial activities are under way now.

DISCUSSION

Montgomery Ward is not aware of any prior incidents at this site. Further, tank test data reveals that tanks have met the criteria of NFPA 329 each time they were tested.

The logs of borings installed by J. H. Kleinfelder and Associates in January, 1978, indicate a fairly consistent stiff clay lens extending throughout the southwestern corner of the Montgomery Ward TBA site. This stiff gray to gray-brown clay extending from 3-1/2 feet to 10-14 feet below grade offers a reasonable resistance to horizontal and vertical spread of contaminants.

Kleinfelder, in their reports, displays a Table of Groundwater levels found through the Montgomery Ward site. We have found them to be consistent with borings being installed at this time and consistent with historic groundwater data for this area. Groundwater gradient through the Dublin area is to the south by southeast. Kleinfelder's Table of Groundwater levels follows. Location of their borings is displayed in Exhibit I. Figure 8.

Groundwater Levels

<u>Boring No.</u>	<u>Depth to Groundwater (Feet)</u>
1	No free groundwater
2	12
3	12
4	14
5	10
6	10
7	10
8	10
9	10
10	10
11	10
12	8.5
13	8.5
14	8.5
15	11
16	8

SERVICES PERFORMED

Immediately upon determination of the existence of a leak in the 10,000 gallon unleaded tank, investigative efforts to determine its impact began. This continued investigation to date consisted of:

- ~ Cessation of operation of all the underground gasoline tanks on site.
- ~ Removal of dispensing pumps.
- ~ Enclosure of tank area to reduce safety hazards and control access.
- ~ Installation of borings 5, 6, 7, 8, 9, 12 and 13.
- ~ Conversion of boring to observation wells capable of being modified for free product or vapor extraction.
- ~ Collection and analysis of soil and liquid samples from borings 12 and 13.
- ~ Begin removal and collection of free product.
- ~ Meetings with BAAQMD, Dublin City Fire Department, to establish emergency procedures and permitting requirements.
- ~ Environmental engineering, liaison and planning to develop remediation plan and evaluate alternative actions.

The results of boring and sample gathering available as of this date follow. Location of borings are displayed in Figure 3.

A.D. Selditch and Assoc. Inc.

Borings 5, 6, 8, and 9 were installed in the pea-gravel backfill and converted to 4" observatin wells capable of being used for product or vapor recovery. See Well Logs, Exhibit I, for construction details. Free product ranging from 1/8 to 1 1/2 inches was observed during drilling. Converted wells are being allowed to develop prior to ascertaining of true free product level.

Table 1

Analytical Results of Samples Gathered
Montgomery Ward
Dublin, CA

All values mg/kg(ppm) unless otherwise noted

Well/Sample ID	TPH	Benzene	Toluene	Ethyl Benzene	Xylene	Free Product (in.)*
Soil						
12-1-2	0.7					
12-2-2	87.					
12-3-2						
12-4-2	4.5					
12-5-2	<0.5	<0.1	<0.1	<0.1	<0.1	
13x	2180					
Water						
12W	95%					2 ATD
13W	118	13.9	18.3	2.8	4.1	3-1/4 ATD

See Exhibit I for well construction details.

*Recovered free product ~ 1350 gallons is being stored on site in a skid mounted 6,000 gallon steel tank protected by a chain-link fence. This operation has been reviewed and approved by the Dublin Fire Department, Hazardous Materials Section.

BACKFILL

Backfill bottom measures 26' x 26' x 12" with 1:1 sloping sides. A concrete slab 26' x 26' x 12" rests in the backfill bottom and acts as a hold down anchor for the 3 reinforced fiberglass (10,000 gallon each) tanks. The backfill material is pea gravel. A 20' x 20' x 9" reinforced concrete slab and surrounding black top a acts as the backfill cover. At this time there are indications that released product is contained in the backfill area.

Gasoline, being highly volatile, has rapidly begun to volatilize and fill the air voids formed by the pea gravel, creating a distinct fire/explosion hazard.

REMEDIAL ACTION PLAN

The following remedial action plan, though preliminary in concept, provides a framework upon which the final remedial action plan will be built. This plan, because sufficient data is lacking to complete necessary calculations required to determine most economical risk related plans/actions, is preliminary.

Basically, the plan entails:

- ~ Safe removal and disposal of free product.
- ~ Use of vapor extraction techniques for safe removal and release of treated volatilized gasoline fumes.
- ~ Removal after rendering inert and disposal of three FRP 10,000 gallon tanks.
- ~ Disconnection, removal of gasoline pumps.
- ~ Removal, treatment (cleaning) and re-use of the pea gravel backfill material.
- ~ Treatment and disposal of pea gravel wash water resulting from pea gravel cleanup.
- ~ Development of a safe method of top slab removal.
- ~ Sampling and analysis of base and side walls of backfill to determine extent of contamination, if any, and remedial activities, if needed.
- ~ Development of post closure monitoring plan as required.
- ~ Restoration of site to near original condition.
- ~ Related engineering, liaison, permit activities and project management.

VAPOR EXTRACTION

Vapor extraction of volatile materials is accomplished by mechanically moving air through the soil openings (pores) and causing liquid and/or moist material to convert to a gaseous state. Once the gaseous state has been achieved, the air in motion carries the gases to the extraction (vacuum) wells and then through treatment units should the regulations or permits require further decontamination. The more volatile the material the better the systems work.

The operating principle for a VES is to cause a flow of air through a soil mass contaminated with volatile compounds. The air flow is caused by applying vacuum to the soil mass, through extraction wells completed in the zone of contamination. It is expected that before the start of VES operations, the contaminants are present and in equilibrium, in both the liquid and vapor phases in the soil. The vapor phase contaminants are moved with the air flowing through the soils. The extracted air is replaced with atmospheric (clean) air.

Equilibrium considerations require volatilization from the liquid phase contaminants in the soil to replace the vapor phase contaminants extracted with the air.

Design and operation of the VES has advanced to the point that the performance of the installed systems, both initially and over an extended operating period, can reasonably be predicted. From the available experience, it is clear that the design must be site specific, and that it is possible to make reasonable estimates of the expected system performance in advance of operation, after field performance testing has been accomplished to determine area, contaminant levels, and flow characteristics.

Vapor Extraction System

Applying vacuum to a soil mass is a simple process. Typically, the vacuum is applied through one or more extraction wells, which differ from conventional groundwater monitoring wells in that the screened sections must extend above the water table surface. In order to enhance airflow through zones of maximum contamination, it is desirable to include air inlet wells in the installation.

If air emissions control is required for an installation, a vapor phase activated carbon adsorber system probably will be the most practical system, although catalytic oxidation units have produced promising results in recent applications.

Vapor Extraction Systems Applicability

The following describes general guidelines that should be useful for deciding if a VES is applicable at a site. Most important are contaminant and site characteristics, although cost is also important.

Character of Spilled Materials

A vapor phase vacuum extraction system is an effective remedial measure for compounds that exhibit significant volatility at ambient temperatures in the contaminated soils. Gasoline exhibits this characteristic - high volatility.

Character of Contaminated Soil

The air conductivity of the contaminated soils controls the rate at which air can be caused to flow through the soils by the applied vacuum. Grain size, moisture content and stratification probably are the most important properties in this regard. In stratified soil there generally will be significant differences in the air conductivity of the various strata. The pea gravel backfill offers high air conductivity.

Site Characteristics

The location of contamination on this property and the type and extent of development in the vicinity of the contamination favors the installation of a VES. Use of the VES will restrict contamination to the site.

SAFETY CONSIDERATIONS

Gasoline, the contaminant in question, is a highly volatile compound. The backfill is pea gravel. Pea gravel by definition, consists of small slightly porous gravel particles. It is estimated that 40-50% of the volume of the pea gravel portion of the backfill is air space now occupied by gasoline vapors. This concentration of flammable vapors has raised the risk associated with normal tank removal operations. To reduce the fire/explosion risk, we recommend the operation of a vapor removal system to evacuate the vapors prior to tank removal. Vapor extraction normally relies on the introduction of ambient air to maintain equilibrium during operation. In this situation, the introduction of ambient air adds to the risk in that, as the gaseous vapors are removed, they will be replaced with an oxygen rich air. According to the BAAQMD this occurs in gravel and sand packs where air space is high and is normally not encountered where soil is found and volume of air is minimal. To reduce this risk, we recommend that the input wells of the vapor extraction be injected with a nitrogen or carbon dioxide and air mixture.

SOIL BORINGS

In order to ascertain the extent of spread of the contaminant, 5 soil borings and 2 monitoring wells are in the process of being installed. It is hoped that weather will hold and scheduled drilling of initial borings and monitoring wells will be completed by January 31, 1989. Appropriate EPA protocols will be observed during sample gathering, well purging, sample identification, preservation, transportation and custody control. Scientific Environmental Laboratories, a California Approved Laboratory, has been selected to perform the analysis.

SAMPLE COLLECTION AND ANALYSIS

Soil samples will be obtained using a California Modified split-barrel dry sampler containing four clean brass liners. The drive sampler will be driven ahead of the borehole to obtain an undisturbed soil sample. Upon

A.D. Selditch and Assoc. Inc.

removal of the soil sampler from the bore hole, the ends of each brass tube containing the soil samples are covered with teflon sheets and capped with plastic caps. Plastic caps are then taped shut to form an airtight seal. Sample label displaying the unique sample identification number, the sample depth, and the time and date when the sample was obtained, is attached to each brass tube. Soil samples are then placed on ice in coolers for transportation to the California approved laboratory.

A screening method will be utilized to determine which samples will be composited.

The screening method involves placing a small amount of soil from each of the adjacent brass tubes into a laboratory clean glass jar. In the event of significant oil change, the screening sample will also include a small amount of soil from the appropriate end of the brass tube selected for possible analysis. The screening method involves placing a small amount from the end of each of the adjacent brass tubes into a clean zip-lock bag which is then zipped closed and placed into a laboratory clean glass jar. Glass jar is sealed utilizing a sheet of teflon and put aside for approximately one hour to permit volatilization to occur. The head space in the sealed glass jar and zip-lock bag are measured for volatilized volatile organic compounds utilizing an Organic Vapor Analyzer (OVA) or Photo Ionization Device (PID).

REGULATORY AGENCY ACCEPTANCE AND PERMITTING

Permitting - obtaining of all necessary permits and variances from regulatory agencies.

Installation and operation of a VES requires prior approval by the appropriate regulatory agencies. Preliminary meetings with BAAQMD personnel indicates a high probability of early approval of the VES proposal.

The proposal given to the regulatory agency should include an estimate of the VOC extraction rate, a discussion of how the rate will be determined and the actions that will be taken if the estimate is significantly in error.

Bay Area Air Quality Management District (BAAQMD) permits are not quickly obtained. Permit application preparation is estimated to require 3-4 weeks and receipt of Authority to Construct and/or Operate may taken 30-60 days.

Additional permits are required from:

- ~ California Department of Health Services - relief from treatment site status.
- ~ Dublin Sanitation District - permit to discharge treated water to sewer.

SAMPLE DOCUMENTATION

Field documentation includes the completion of the boring logs which note lithology changes indicated by soil sampling within each borehole, soil sample intervals, water at time of drilling, and after recharge and back-filling procedures are appropriate. Well drilling logs also indicate well construction details and materials used. Chain-of-custody forms are prepared for all samples submitted to the laboratory to document each sample obtained. Laboratory selected for sample analysis is certified by the California Department of Health Services for analysis of volatile organic compounds in both water, soil and hazardous waste.

EQUIPMENT DECONTAMINATION

Prior to their initial use and after each subsequent use in other boreholes, all augers, drill rods and sampling tools will be steam cleaned to avoid cross contamination. Further, the California modified soil sampler is washed in a TSP solution and double rinsed in fresh water between each sampling interval to avoid potential cross contamination from sample gathering to sample gathering.

DISPOSAL OF SOIL CUTTINGS AND BACKFILLING PROCEDURES

Soil cuttings and other waste materials produced during sampling of the boreholes and wells is placed in drums and sealed. Temporary identifications designated the drums as potential hazardous material will be attached and corrected as soon as sample analyses are received. Material will be disposed in accordance with current applicable regulations. Proper disposal of drums, materials is the responsibility of Montgomery Ward.

Upon completion of the sampling, all borings will be backfilled with a mixture of neat cement grout containing 3 to 5% bentonite powder. After the cement grout mixture has settled, boreholes will be capped off until they are flush with the ground surface with matching material. Thickness of either the asphalt cold patch or the concrete patch will be similar to that of the original material.

SUMMARY

Data collected during the execution of preliminary activities designed to determine the extent of the problem can be summarized as follows:

- ~ Product recovery wells, though slow, have removed approximately 1350 gallons of gasoline to date.
- ~ Installation of additional scheduled wells and borings will provide further information regarding additional or alternative locations for product recovery and vapor extraction.
- ~ Borings installed and oil data gathered to date lead to the belief that the contamination is confined to the backfill and immediate area.

- ~ Soil characteristics, stiff, gray to gray-brown clay, surrounding the backfill indicate a resistant to contaminant flow.
- ~ Pea gravel backfill provides an excellent media for vapor extraction operation and success.

- ~ The contaminated area is secured and protected by a chain link fence.

RECOMMENDATION

We recommend continuation of the product recovery operation, the installation of additional recovery/vapor extraction wells, and the engineering necessary for vapor extraction system design and operation and the obtaining of required Bay Area Air Quality Management District Permits.



Dr. A. D. Selditch, P.E., R.E.A.

mw(dub).169/mc

A.D. Selditch and Assoc. Inc.
62678- Joaquin Murieta Ave., Newark, CA 94560

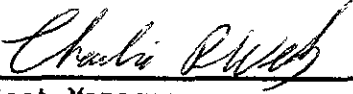

HEALTH AND SAFETY PLAN

Montgomery Ward
Dublin, CA

ADMINISTRATIVE INFORMATION

Project Number:	1188002-R
Task Number:	
Project Manager:	Charles West
Site Safety Office (SSO): Alternate	Alan Selditch To be determined
Health and Safety Officer	Charles West
Author of Plan:	Alan Selditch
Expiration Date:	August 8, 1988

APPROVALS

	
Project Manager	Date

INTRODUCTION

This Health and Safety Plan identifies the health and safety procedures for work described below (Work To Be Performed). It is the responsibility of the Project Manager to implement the requirements of this plan. The Site Safety Officer assists the Project Manager in carrying out this responsibility at the work site by means of authority to temporarily suspend work to protect health and safety and to suspend individuals from the site for failure to comply with the requirements of the health and safety plan. The Site Safety Officer or alternate designated in this plan shall be present on-site at all times that A. D. Selditch & Associates, Inc. or subcontractor personnel are working. The Corporate Health and Safety Officer may suspend or limit work, or direct changes in work practices, if the health and safety plans or the work practices being used, are inadequate to protect health and safety.

This plan may not be used for work other than that described in Work to be Performed section below. It may not be substantially modified or used beyond the expiration date of this plan, without the written approval of the Corporate Health and Safety Officer.

SITE LOCATION

Site is located on the northern side of Dublin Blvd. approximately 1/2 mile east of San. Ramon Road. Site is currently in use as a Tire, Battery Accessory and Auto Maintenance Shop. Site currently houses, in addition to a retail tire and accessory shop, a mechanical auto maintenance facility. Until late November 1988 the site housed a gasoline dispensing operation consisting of three 10,000 gallon underground storage tanks. These tanks held unleaded premium unleaded and regular gasoline. In late November the 10,000 gallon unleaded gasoline tank was determined to be leaking. As a result management elected to close down the gasoline dispensing portion of this facility. Remedial activities are under way now.

WORK TO BE PERFORMED

Environmental Engineering Management, Liaison and Consulting

- ~ Necessary project management, agency liaison, permit preparation and acquisition from City of Dublin, Bay Area Air Quality Management District, San Francisco Bay Area Regional Water Quality Control Board, Alameda County Department of Health, Hazardous Materials Group, Alameda County Flood Control and Water Conservation District Zone 7, and other agencies as required.
- ~ Environmental engineering, sample gathering and analyses, including system design to commence and complete remedial activities. Remedial

A.D. Selditch and Assoc. Inc.

Activities may include product recovery, vapor extraction, biodegradation, etc. as well as tank removal and destruction and backfill decontamination as required.

- ~ Development of Health and Safety Plan
- ~ Report preparation and distribution as required.

Tank Removal

- ~ Tank removal cannot begin until assurance that volatile gasoline fumes are minimized and tanks rendered inert. Then the concrete slab can be size reduced and removed. After slab removal the rendered inert tanks can be removed and disposed as scrap.

Remedial Activities

- ~ Remedial activities may evolve around vapor extraction, biodegradation, free product removal aeration and/or contaminated soil removal. Additional engineering and sampling will determine most practical remediation activity. Health and Safety plan will be modified as remedial activities are engineered.

CLASSES OF HAZARDOUS MATERIALS

Petroleum Hydrocarbons

Aside from the individual properties of the petroleum hydrocarbon expected to be encountered such as flammability, toxicity containment may be difficult. The gasoline must be kept from entering groundwater supplies and sewer systems. Common gasolines expected to be encountered are regular (leaded) gasoline, unleaded and premium unleaded gasolines.

The major problem associated with spills of gasoline are containment, vapor control and ultimate accumulation and disposal. Vapor control, in particular, is normally very difficult and in this incident because of the pea gravel backfill, can be very extensive and poses the greatest hazard. Vapors of some materials may be toxic or irritating while gasoline vapors are flammable as well. It is therefore clear that vapor reduction is the rule for this spill.

SPECIFIC HAZARDOUS MATERIALS WHICH MAY BE ENCOUNTERED

Gasoline

Toxic and Hazard Review - high to moderate via inhalation route. Repeated or prolonged dermal exposure causes dermatitis, can cause blistering of the skin. Entry via inhalation and/or oral routes can cause central nervous system depression. Pulmonary aspiration can cause severe pneumonitis. Even brief inhalation exposure to high concentration can cause pulmonary edema.

A.D. Selditch and Assoc. Inc.

A very dangerous fire hazard from heat, flame and/or powerful oxidizers
Its vapors are heavier than air and can flash back to an ignition source.

Properties - clear, aromatic, volatile liquid, a mixture of aromatic and
aliphatic hydrocarbons. Flash point - 50°F., density <1, vapor density 3-
4, ULC 95-100, lel 1.3%, uel 60 c. after 50% distilled 110 c., after 90%
distilled 170°C, final bp 204°C, insoluble in water, freely soluble in abs
alcohol, ether, CH Dlz, bz.

Lead:

(Metallic Lead) Only short-term exposure is anticipated, if any. However,
prolonged absorption of lead or its inorganic compounds results in severe
gastrointestinal disturbance and anemia. The upper limits of lead
traditionally classified as normal are 40 µg/100 ml blood and 80 µg/l of
urine; the lower limit of values classified as excessive are 80 µg/100 ml
blood and 150 µg/liter of urine. At or above these levels action must be
taken to reduce workers absorption of lead. There is evidence that
prolonged exposure to lead during pregnancy has resulted in neurological
disorders in infants. The TWA set by OSHA is 50 µg/m³ while the California
Standards for Hazardous Waste for STLC and TTLC are 5 and 1000 mg/kg net
weight, respectively.

FOR ALL TASKS

Prohibitions

Drinking and eating are prohibited on-site except in areas designated by
the Site Safety Officer. Smoking and the use of any flame (except for a
GC) is prohibited on-site.

Working alone outside of visual contact. It is sufficient to work in the
presence of responsible client or site cleanup contractor personnel.

Heat Stress

Temperatures at the site may range between 70°F and 90°F. A source of
potable water shall be immediately available and consumption encouraged.

Protective Clothing

Hearing protection shall be required within those areas where a normal
conversation cannot be heard when standing 2 feet from the speaker.

A long sleeve work shirt and long pants shall be worn to minimize skin
contact with potential contaminants and to reduce exposure to ultraviolet
radiation. Safety boots with steel shanks shall be worn at all times on-
site.

Latex gloves shall be worn during all sampling. After sampling is
completed, gloves shall be placed in disposal bins.

A.D. Selditch and Assoc. Inc.

Hard hats are required for all operations.

HEALTH AND SAFETY CLEARANCES

A. D. Selditch and Associates and subcontract personnel authorized to go on-site must meet the following requirements, (1) successfully complete a 40-hour safety training course and 8-hours of refresher training annually thereafter; (2) receive clearance from an approved physician to wear respiratory protective devices and to work with chemicals; and (3) pass a respirator fit test.

SAFETY MEETING PRIOR TO STARTING WORK

All members of the site team (including subcontractor employees) must attend a safety meeting before beginning any activity described. The meeting shall be conducted by the Project Manager or the Site Safety Officer. The meeting agenda shall include a review of the work plan and this health and safety plan, identification of the chain of command, location of telephones, restrooms, safety retreat area, and posted emergency telephone numbers and directions to the hospital and checking of respirators and medical and training clearances of subcontractor employees.

INCIDENT REPORTING

If an accident resulting in injury or illness occurs, the Project Manager must report the incident to the Business Unit Health and Safety Officer within 24 hours of occurrence using the accident/incident form.

SITE CONTROL/SECURITY MEASURES

Access to areas where tear down, demolition and steam cleaning is performed is limited to avoid injury and chemical exposure to site personnel, client, employees and other observers. To control access to such areas, a restricted area shall be established for the project. The boundaries of restricted areas must be at least 25 feet away from the nearest activity and clearly defined with barricades, chain link fencing, stakes, traffic cones, or some other suitable equipment connected with ribbon or safety tape. Entry to restricted areas shall be limited to individuals who must work in the area.

DECONTAMINATION

- a. Within the site boundary, wash hands with water before performing a different task. Leather boots are to be wiped down with a wet cloth.
- b. Remove gloves and clean and sanitize respirator if worn.
- c. Wash hands, face and neck with soap and water before eating and before leaving the site.

A.D. Selditch and Assoc. Inc.

AUTHORIZED A. D. SELDITCH & ASSOCIATES PERSONNEL

The A. D. Selditch & Associates, Inc. and subcontract personnel listed below meet the requirements for medical clearance, training and respirator fit-testing as of the date of approval of this plan by the Safety Officer and are authorized to conduct the operations covered by this plan as long as they continue to meet those requirements:

Alan D. Selditch
Louise Hauke
Ike Houval

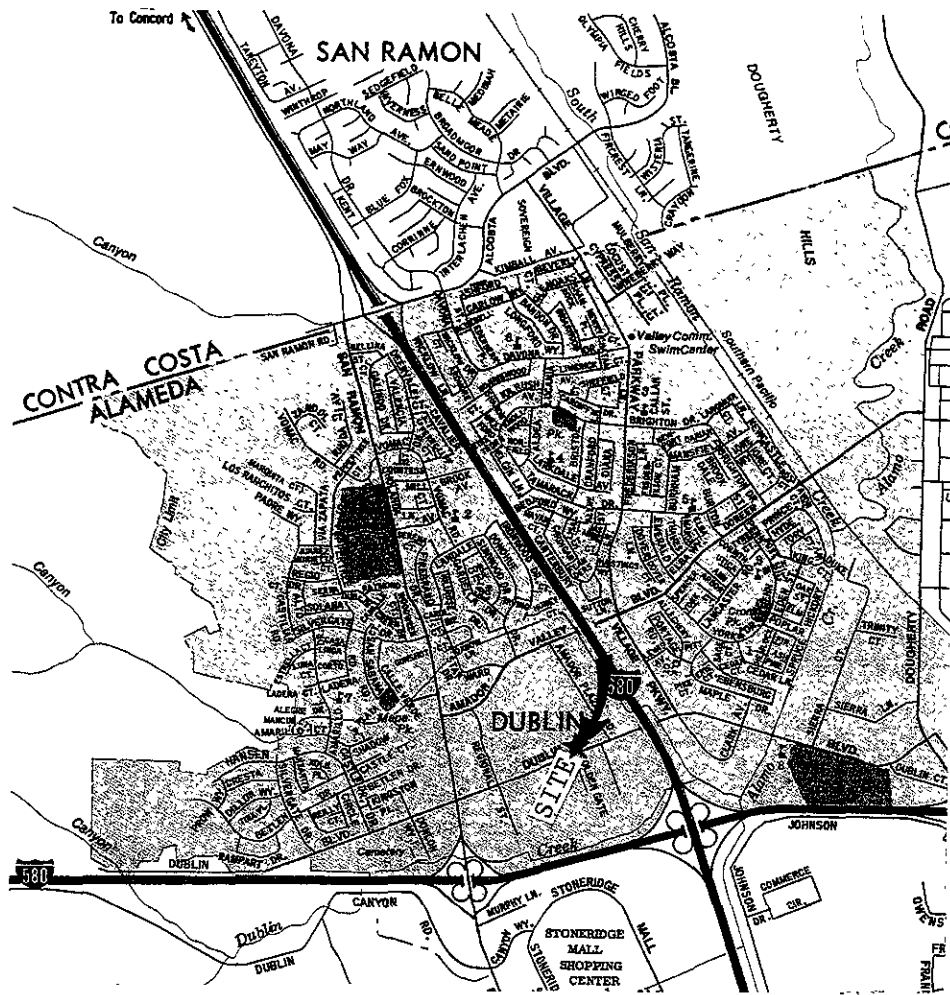
EMERGENCY RESPONSE PROCEDURES

In the event of a serious accident, illness or other emergency, telephone 911 for assistance. In the event of a minor medical emergency, the nearest medical facility is Valley Memorial Hospital, 1111 East Stanley Blvd., Livermore, (415)447-7000.

From the work place, drive west on Dublin Blvd. to San Ramon, turn South (left) on San Ramon to I-580. Drive east on I580 to Portola Avenue. Drive South on Portola Avenue to Murrieta Blvd.. Continue South on Murrieta Blvd. to Stanley Blvd. Turn left on Stanley Blvd. and drive to Valley Memorial Hospital.

The Site Safety Officer must drive the route described above, prior to beginning work, to check the completeness of the information provided.

mw(dub).169/mc



A.D. Schlitz and Assoc. Inc.
 62675 - Joopas Marina Ave., Newark, CA 94560
 415-890-1789
 Fax: 415-770-9608
 Environmental Management and Engineering

DRAWN <i>RP</i>	DATE 1/14/89
CHECKED <i>all</i>	DATE 1/14/89
APPROVED <i>all</i>	DATE 1/14/89

MATERIAL

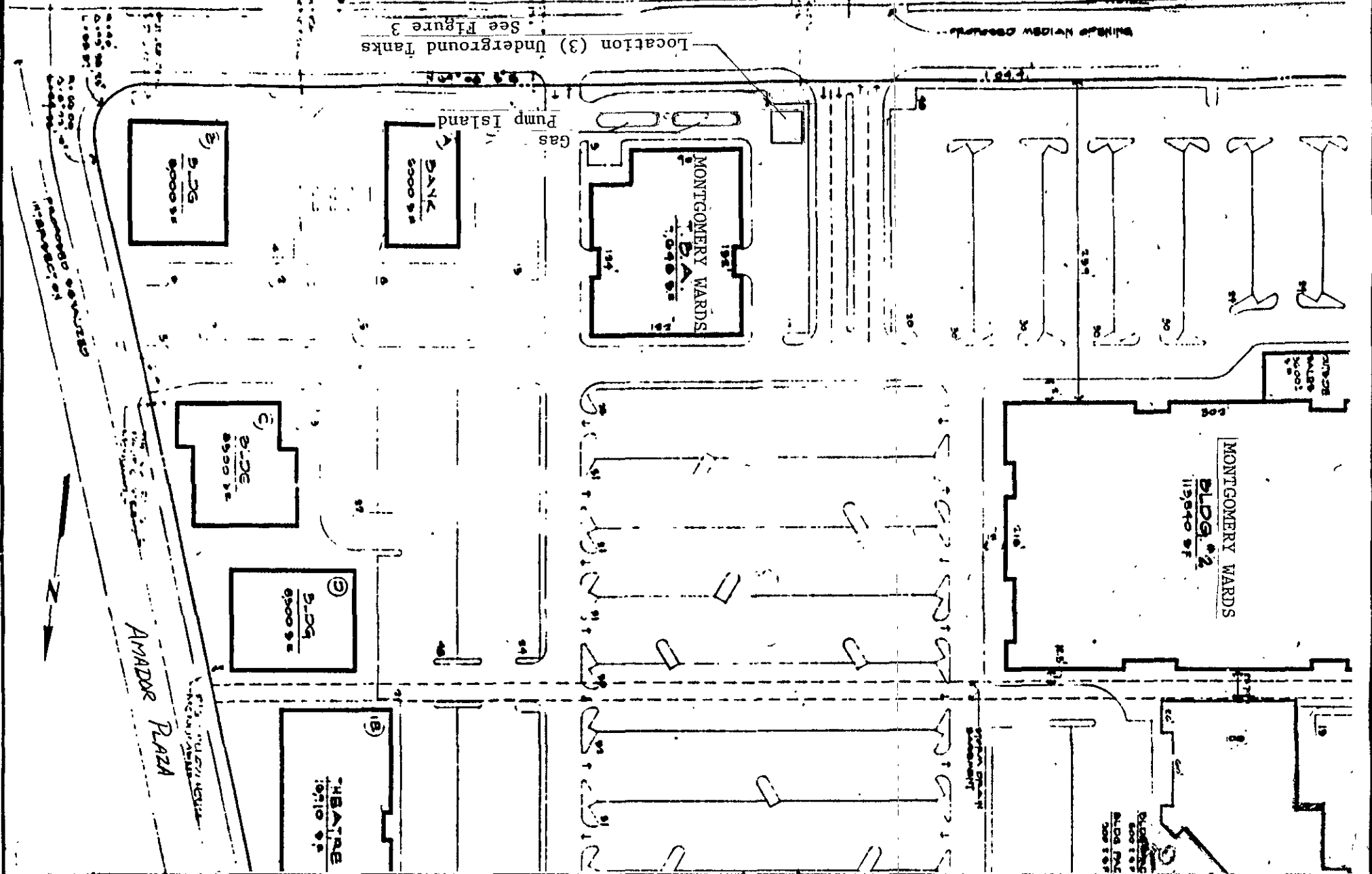
SCALE
SHT. OF

DWG. NO. A	FIGURE ONE
----------------------	------------

ISSUE

TITLE AREA MAP--SITE LOCATION
 MONTGOMERY WARD
 DUBLIN CA

ISSUE	DWG. NO	SCALE	MATERIAL	DATE	DRAWN	A.G. Selich and Assoc. Inc. 62675 - Gougan, Newark, NJ 07102 415-490-1759 Fax 415-770-9608 Environmental Management and Engineering
				1/14/89	RR	
FIGURE TWO	A	SHT. OF	TITLE	DATE	CHECKED	
				1/14/89	RR	
PLOT PLAN			MONTGOMERY WARD		DUBLIN CA	



Location (3) Underground Tanks
See Figure 3

DUBLIN

BLVD.

MONTGOMERY WARDS
BLDG #2
113' x 216'

BANK
5000 sq ft

D-JG
8000 sq ft

D-JG
8000 sq ft

D-JG
8000 sq ft

HEATING
5710 sq ft

MONTGOMERY WARDS
BLDG #2
113' x 216'

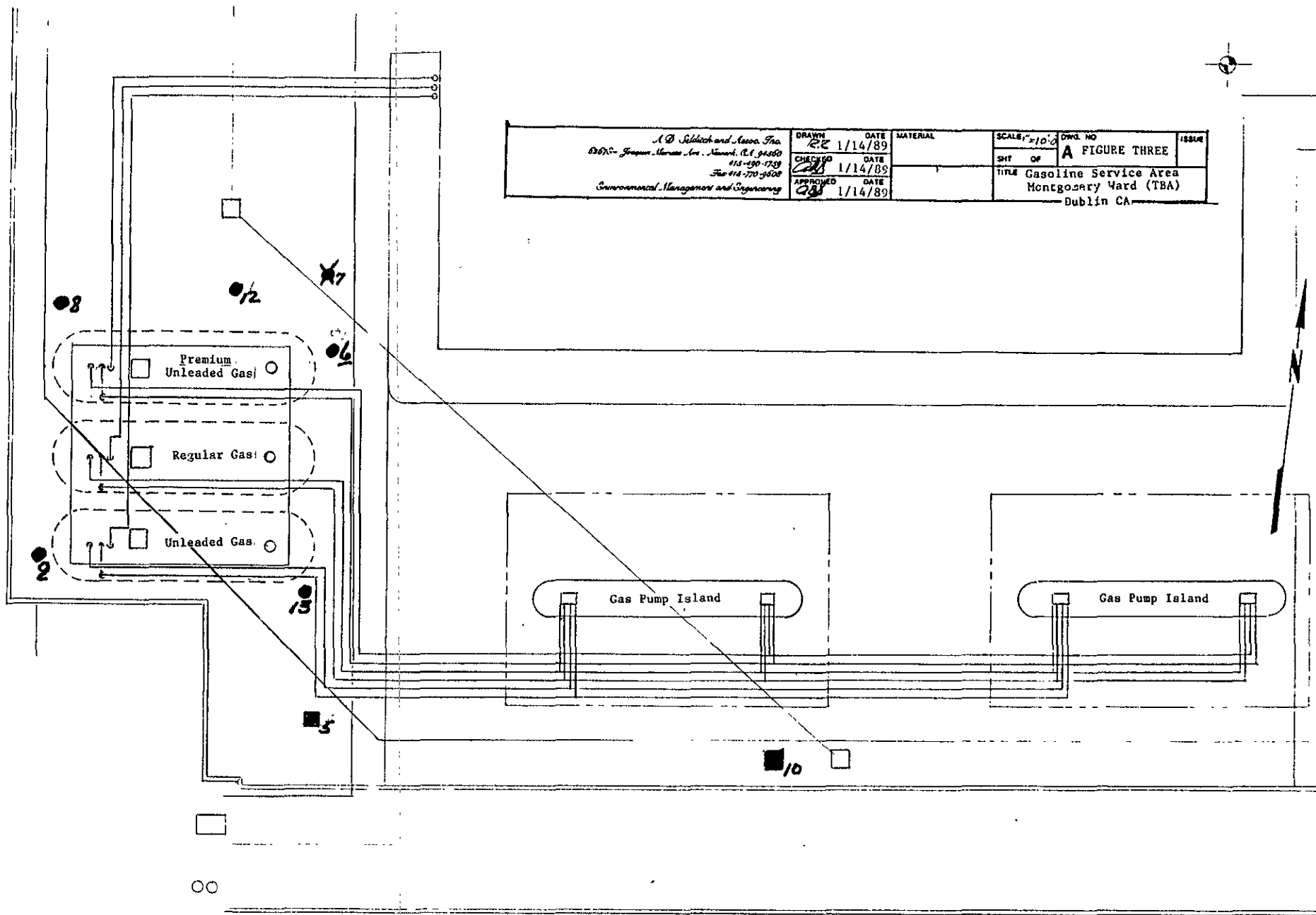
AMADOR PLAZA

Pump Island Gas

AMADOR PLAZA



<i>A. D. Selditch and Assoc. Inc.</i> <i>230 E. Sprague Street, New York, N.Y. 10008</i> <i>212-510-1729</i> <i>Fax 212-770-9600</i> <i>Environmental Management and Engineering</i>		DRAWN <i>EE</i>	DATE 1/14/89	MATERIAL	SCALE: 1"=10'-0" SHEET OF	DWG. NO. A	ISSUE
		CHECKED <i>CS</i>	DATE 1/14/89		TITLE Gasoline Service Area Montgomery Ward (TBA) Dublin CA		
		APPROVED <i>CS</i>	DATE 1/14/89				



- Vapor/Product Removal Well
- Monitoring Well
- ✕ Abandoned

Dublin Blvd.

Figure 3

A.D. Selditch and Assoc. Inc.
 62675- Jouquin Murietta Ave., Newark, CA 94560
 415-490-1759
 Fax 415-770-9608
 Environmental Management and Engineering

DRAWN *RR* DATE 1/14/89
 CHECKED *ASB* DATE 1/14/89
 APPROVED *ASB* DATE 1/14/89

MATERIAL FRP - Tanks

SCALE
 SHT. OF

DWG. NO. **A** 1188002R-D3

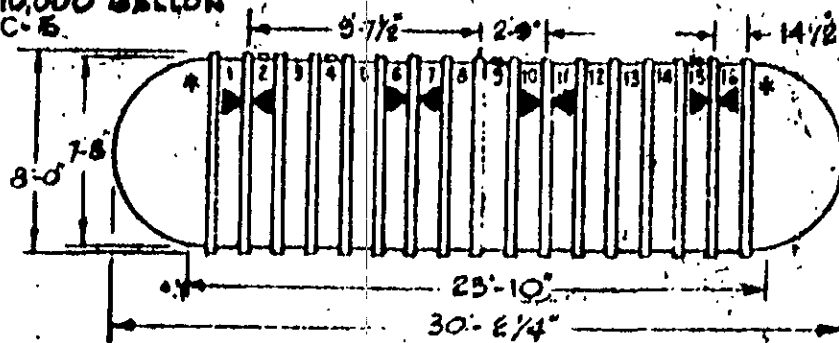
ISSUE

TITLE UNDERGROUND TANK
 MONTGOMERY WARD
 DUBLIN, CA.

NEXT ASSY	ISSUE	REVISIONS	DATE	APPROVAL

Model C-5 Tank

10,000 GALLON
 C-5



SIZE IN GALLONS MODEL #	ACTUAL CAPACITY GALLONS	NO. OF POSSIBLE FITTINGS	STANDARD FITTING POSITION	USM. VEST. LOS
850-G	850	5	SHOWN	500
10,000 C5	9,562	16	8,475	2500

NOTE

▶ ◀ HOLD DOWN STRAP RIB LOCATIONS ARE INDICATED BY ARROWS.

* FITTINGS CANNOT BE INSTALLED IN THESE LOCATIONS.

PROVIDE CALIBRATED MEASURING STICK PER EA. TANK. STICK TO BE MADE OF WOOD.

Tank	Size
1	10,000 gal Premium Unleaded
2	10,000 gal Unleaded
3	10,000 gal Regular

DETAIL (GASLINE TANKS)

NO SCALE

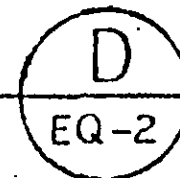
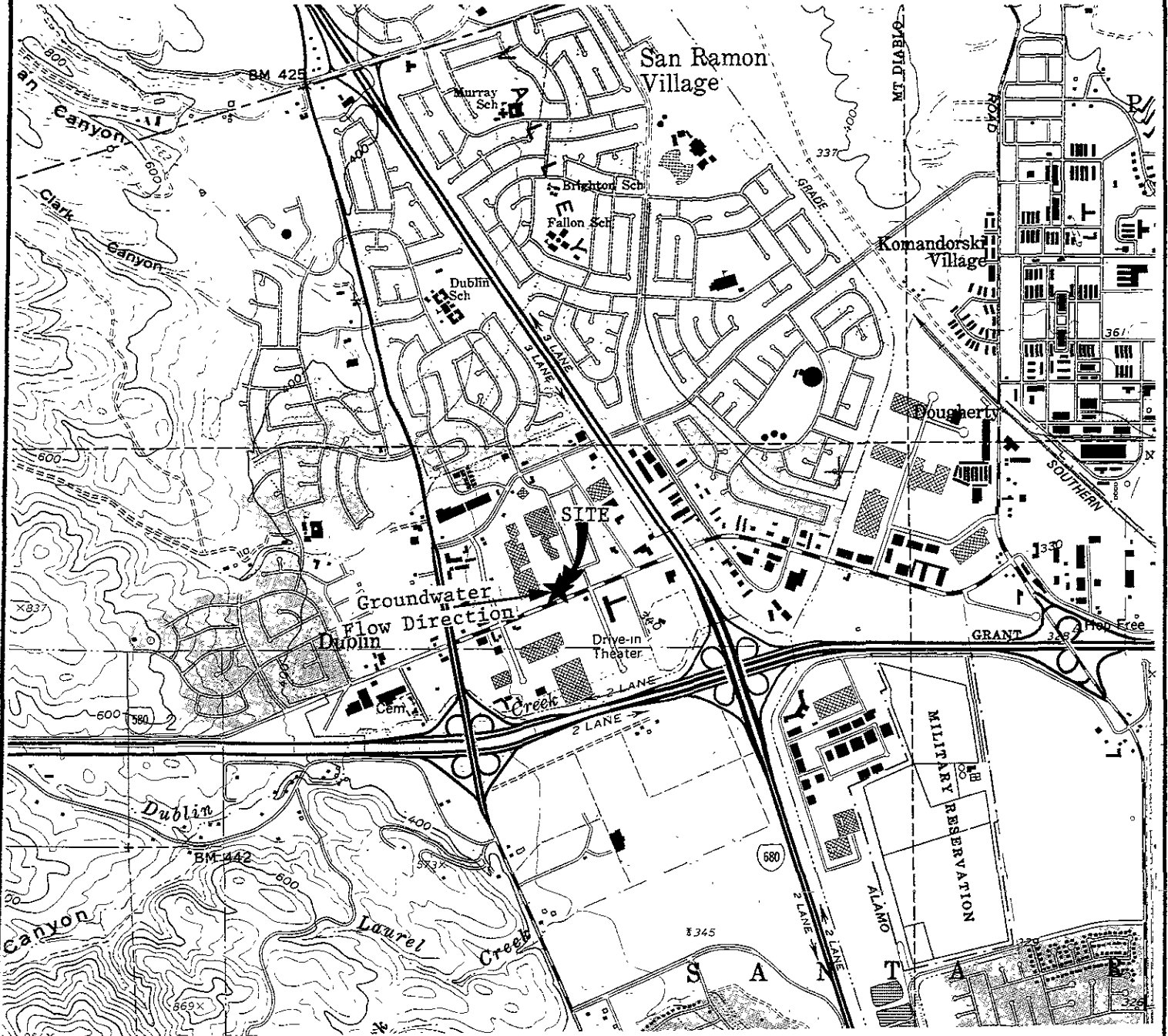
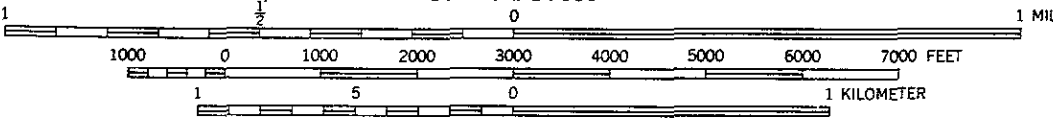


Figure 4

DUBLIN QUADRANGLE
 CALIFORNIA
 7.5 MINUTE SERIES (TOPOGRAPHIC)
 NW/4 LIVERMORE 15' QUADRANGLE

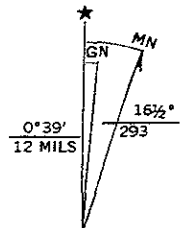


SCALE 1:24 000



CONTOUR INTERVAL 40 FEET

DOTTED LINES REPRESENT 10-FOOT CONTOURS
 NATIONAL GEODETIC VERTICAL DATUM OF 1929



UTM GRID AND 1980 MAGNETIC NORTH
 DECLINATION AT CENTER OF SHEET

A.D. Seltsch and Assoc. Inc.
 6267 - Japan Marine Ave., Newark, CA 94560
 415-890-1749
 Fax 415-770-9608
Environmental Management and Engineering

DRAWN	DATE	MATERIAL
	1/14/89	
CHECKED	DATE	
	1/14/89	
APPROVED	DATE	
	1/14/89	

SCALE	DWG. NO.	ISSUE
SHT. OF	A Figure 5	
TITLE		
MONTGOMERY WARD		
DUBLIN CA		



<i>A.D. Selditch and Assoc. Inc.</i> 6267 E. Joaquin Avenue, Newark, CA 94560 415-390-1769 Fax 415-770-9608 <i>Environmental Management and Engineering</i>	DRAWN	DATE	MATERIAL	SCALE	DWG. NO.	ISSI
	CHECKED	DATE		SHT. OF	A	
	APPROVED	DATE		1/11 Aerial Photograph (5/5/78) Future Site Montgomery Ward Dublin, CA		

Figure 6

8-18-88

12000

AV 3368



<p><i>A.D. Solditch and Assoc. Inc.</i> 62675 - Joaquin Maricela Ave., Newark, CA 94560 415-490-1789 Fax: 415-770-9608 <i>Environmental Management and Engineering</i></p>	DRAWN	DATE	MATERIAL	SCALE	DWG. NO.	ISSU
	CHECKED	DATE		SHT. OF	A	
	APPROVED	DATE		"Aerial Photograph (8/18/88) Montgomery Ward Dublin, CA		

Figure 7

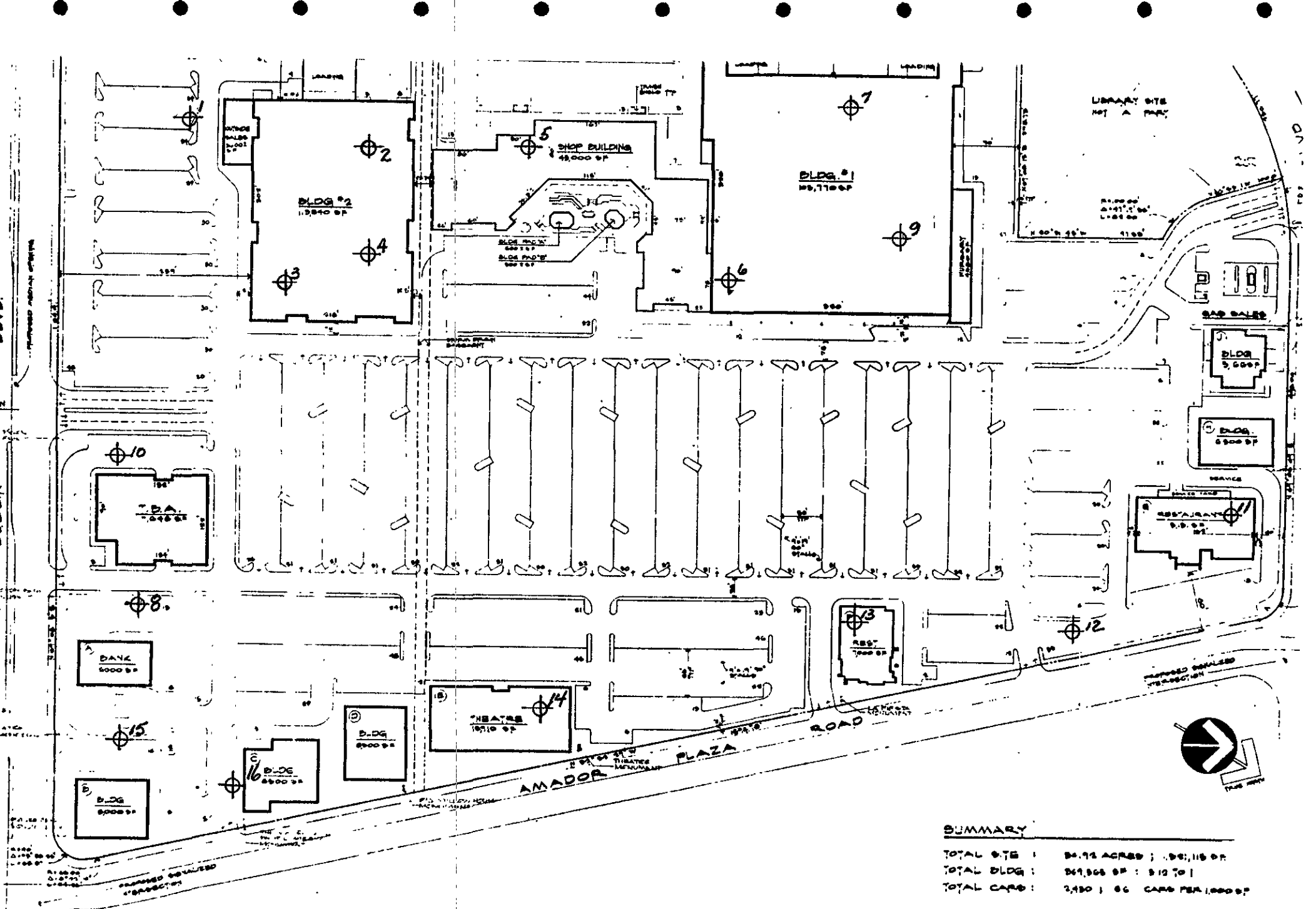


Figure 8

APPROXIMATE LOCATIONS
KLEINFELDER BORINGS

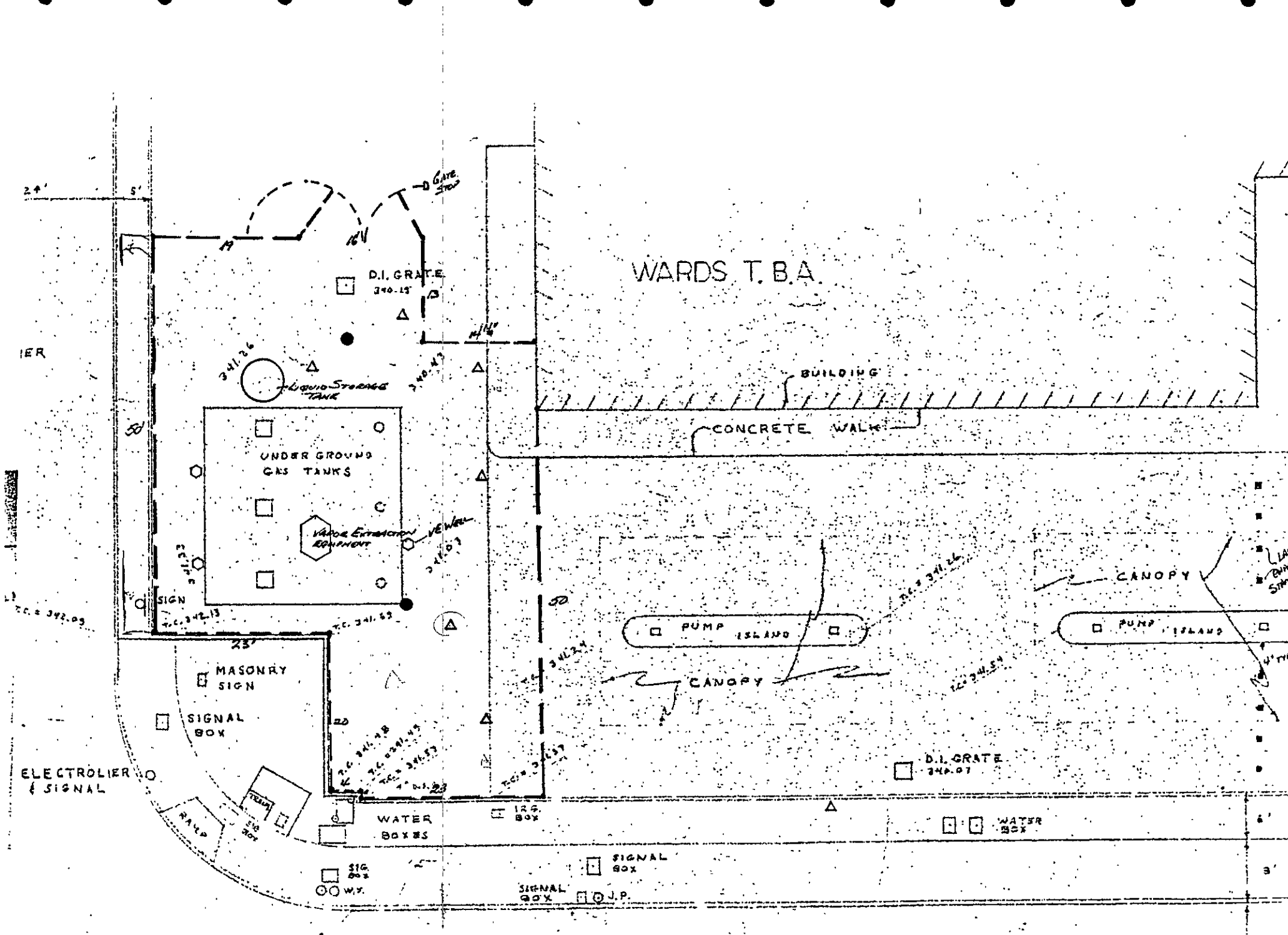


Figure 9

Chain Link Fence Location

A.D. Selditch and Assoc. Inc.
62678- Joaquin Murieta Ave., Newark, CA 94560

Exhibit I

WELL LOG

415-490-1759
 A.D. Schlitch and Assoc. Inc.
 6267th - Joaquin Herrera Ave. Newark, Ct. 04560
 Project Name: MONTGOMERY WARD
 DUBLIN

Boring/Well ID: 1188002R-5	Date Started: 1/11/89	Date Completed: 1/11/89
Project and Task Number: 1188002R	Datum:	No. of Samples: 4
Size and Type of Casing: 2" PVC	Completion Depth: 22'	Water Level Depth: 12" ATD
Drilling Method/Equip: DIEDRICH D-25	Perf: 0.02 Slotted	From: 7' To: 22'
Drilling Agency: ENSCO	Pack: Sand	From: 5' To: 22'
Driller: Cam	Drill Bits: Hollow Core	Seal 1: Bentonite From: 4' To: 5'
Elev TOC: MSL	Elev WL: MSL	Seal 2: Concrete From: Grade To: 4"

Depth (feet)	Sample	Blws/ft	LITHOLOGIC DESCRIPTION	WELL	REMARKS
			AC Black top		
			BC Gravel, medium brown, sandy, silty, slightly moist,		
			Clay, medium to dark brown, sandy, silty, moist, becoming more sandy		
5	15		Clay, light brown, stiff, moist, slightly silty,		Sample No. 5-1-2 No Odor
10	11		Clay, light gray, mottled brown, soft, moist to wet.		Sample No. 5-2-2 Slight odor at tip ▽ ATD
15	5		Clay, light gray, mottled brown, sandy, wet soft,		Sample No 5-3-2 No Odor
20	8		Clay, light brown mottled gray, soft moist.		Sample No. 5-4-2 No Odor
			Bottom Of Boring		
25					
30					

Logged by: IMH
 Figure
 Page 1 of

* INDICATE WELL COVER AND / OR LOCK

WELL LOG

415-490-1759 Fax 415-770-9608		<i>A.D. Schlitch and Assoc. Inc.</i> 6267 th - Joannina Marata Ave., Newark, Ct 04560		Project Name: MONTGOMERY WARD DUBLIN	
Boring/Well ID: 1188002R-6		Date Started: 1/11/89		Date Completed: 1/11/89	
Project and Task Number: 1188002R		Datum:		No. of Samples: none	
Size and Type of Casing: 4" PVC		Completion Depth: 12' 6"		Water Level Depth: 11' 6"	
Drilling Method/Equip: Diedrich D-25		Perf: 0.02 Slotted		From: 2'	To: 12' 6"
Drilling Agency: ENSCO		Pack: PEA GRAVEL		From: 2'	To: 12' 6"
Driller: Cam	Drill Bit: 10" Hollow Core	Seal 1: Concrete	From: Grade	To: 2'	
Elev TOC: MSL	Elev WL: MSL	Seal 2:	From:	To:	

Depth (feet)	Sample	Blws/ft	LITHOLOGIC DESCRIPTION	WELL	REMARKS
			AC Black Top	[Hatched Pattern]	
			BC Gravel, light Brown, sandy silty, slightly moist to moist.	[Hatched Pattern]	
5			Gravel, light to dark gray, moist (Pea Gravel Backfill)	[Hatched Pattern]	
10				[Hatched Pattern]	▽ ATD
			Strong Product Odor on Bottom auger		
15			Refusal at 12"6" (Concrete Slab 12")		
20			Note: Friction Cap Installed, Pending Installation of Vapor Recovery System		
25					
30					

* INDICATE WELL COVER AND / OR LOCK

Logged by: IMH

Figure

Page 1 of

WELL LOG

415-290-1759 Fax 415-770-9608		<i>A.D. Sedlitz and Assoc. Inc.</i> 6267 th - Joann Maria Ave., Newark, C.I. 94560		Project Name: MONTGOMERY WARD DUBLIN	
Boring/Well ID: 1188002R-8		Date Started: 1/12/89		Date Completed: 1/12/89	
Project and Task Number: 1188002R		Datum:		No. of Samples: NONE	
Size and Type of Casing: 4" pvc		Completion Depth: 12'6"		Water Level Depth: 11'6"	
Drilling Method/Equip: Diedrich D-25		Perf: 0.02" Slotted		From: 2' To: 12'6"	
Drilling Agency: ENSCO		Pack: Pea Gravel		From: 2' To: 12'6"	
Driller: JR		Drill Bit 10' Hollow Core		Seal 1: Concrete	
Elev TOC: MSL		Elev WL: MSL		Seal 2: From: To:	

Depth (feet)	Sample	Blws/ft	LITHOLOGIC DESCRIPTION	WELL	REMARKS
			AC Black Top		Note: Friction Cap Installed Pending Installation of Vapor Recovery System
			BC Gravel, light brown, sandy, silty, slightly moist to moist		
5			Gravel, light to dark gray, moist (Pea Gravel Backfill)		
10			Free Product on Augers, Strong Product Odor on Bottom Auger Refusal at 12'6" (Concrete slab 12')		▽ ATD
			Bottom of Bore		
15					
20					
25					
30					

Logged by: IMH
Figure
Page 1 of

* INDICATE WELL COVER AND / OR LOCK

WELL LOG

415-490-1759 Fax 415-770-9608		<i>A.D. Seiblich and Assoc. Inc.</i> 6267 th - Joann Maria Ave. Newark, Ct. 94560		Project Name: Montgomery Ward Dublin.	
Boring/Well ID: 1188002R-11		Date Started: 12-1-88		Date Completed: 12-1-88	
Project and Task Number: 1188002R		Datum:		No. of Samples: 2	
Size and Type of Casing: 4" PVC		Completion Depth: 13'6"		Water Level Depth: NA	
Drilling Method/Equip: Mobile B-61		Perf: 0.02"		From: 1'0" To: 13'6"	
Drilling Agency: EnSCO		Pack: Monterey Sand #2		From: 1'0" To: 13'6"	
Driller: Scott Davison		Drill Bit: 8" Hollow Core		Seal 1: Bentonite	
Elev TOC: MSL		Elev WL: MSL		Seal 2:	
				From: To:	

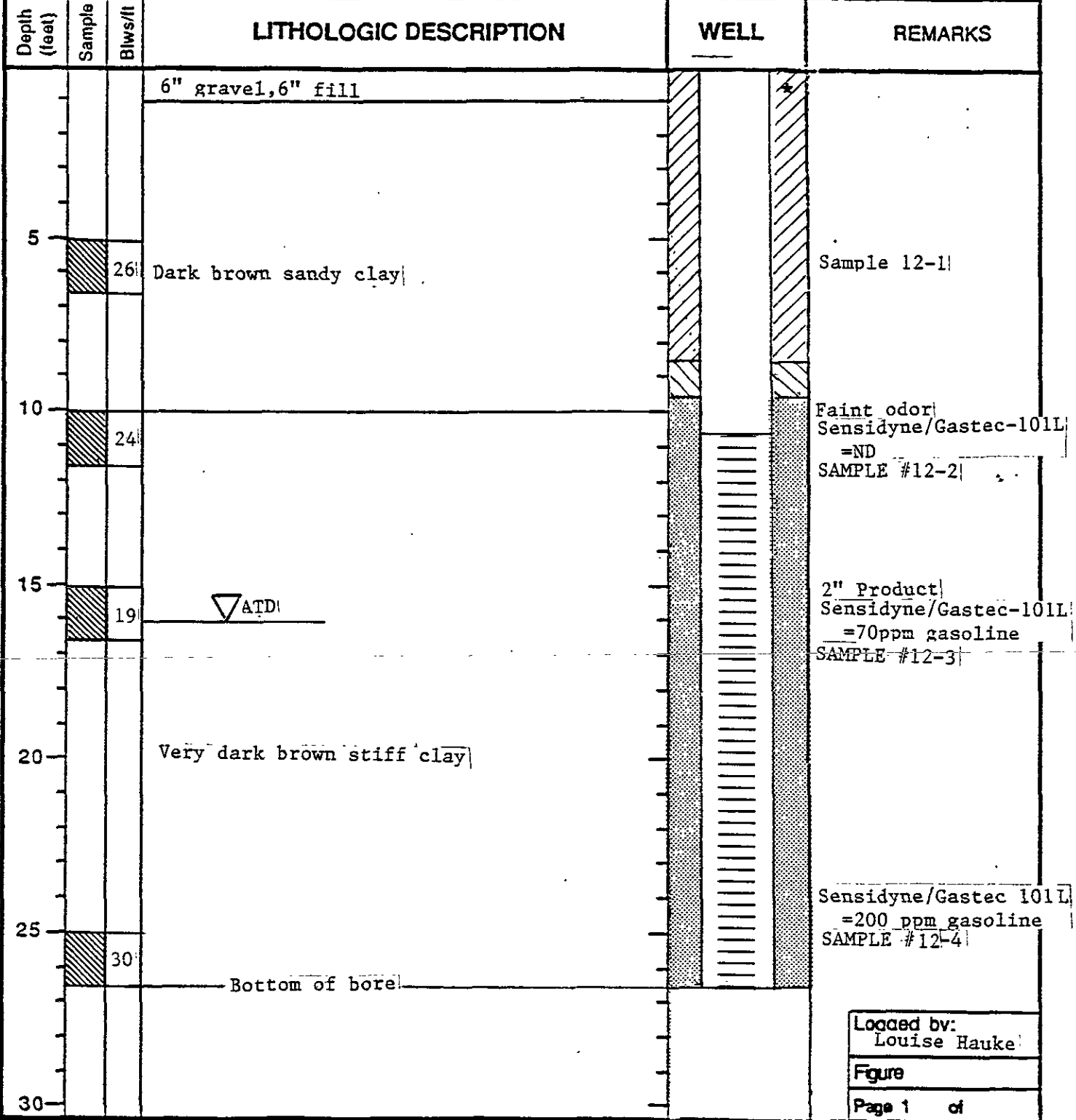
Depth (feet)	Sample	Blws/ft	LITHOLOGIC DESCRIPTION	WELL	REMARKS
			6" Asphalt	[Well Diagram]	
5	[Sample]	5	Pea gravel		No odor Sample Lost
10					
15			100% Product Wet Pea Gravel Refusal at 13'6" - 12" concrete slab		Strong gasoline odor Disturbed pea gravel (Sample #11-0-1) Gasoline Sample #RW-1
20					
25					
30					

Logged by: <i>CSB</i>
Figure
Page 1 of

* INDICATE WELL COVER AND / OR LOCK

WELL LOG

115-190-1759 Fax 415-770-9008		<i>A.D. Sedlich and Assoc. Inc.</i> 62675 - Joaquin Murria Ave... Newark, CA 94560		Project Name: Montgomery Ward, Dublin CA	
Boring/Well ID: 118800 2R-12:		Date Started: 12-2-88		Date Completed: 12-2-88	
Project and Task Number: 1188002R:		Datum:		No. of Samples: 4	
Size and Type of Casing: 4" PVC		Completion Depth: 26'6"		Water Level Depth: 16' ATD	
Drilling Method/Equip: Mobile B-61		Perf: 0.02"		From: 10'6" To: 26'6"	
Drilling Agency: Ensco		Pack: Monterey Sand #2		From: 9'6" To: 26'6"	
Driller: Scott Davison		Drill Bit: 8" Hollow Core		Seal 1: Bentonite From: 8'6" To: 9'6"	
Elev TOC: MSL		Elev WL: MSL		Seal 2: Concrete From: 0 To: 8'6"	



Logged by:
 Louise Hauke
 Figure _____
 Page 1 of _____

* INDICATE WELL COVER AND / OR LOCK

415-190-1759

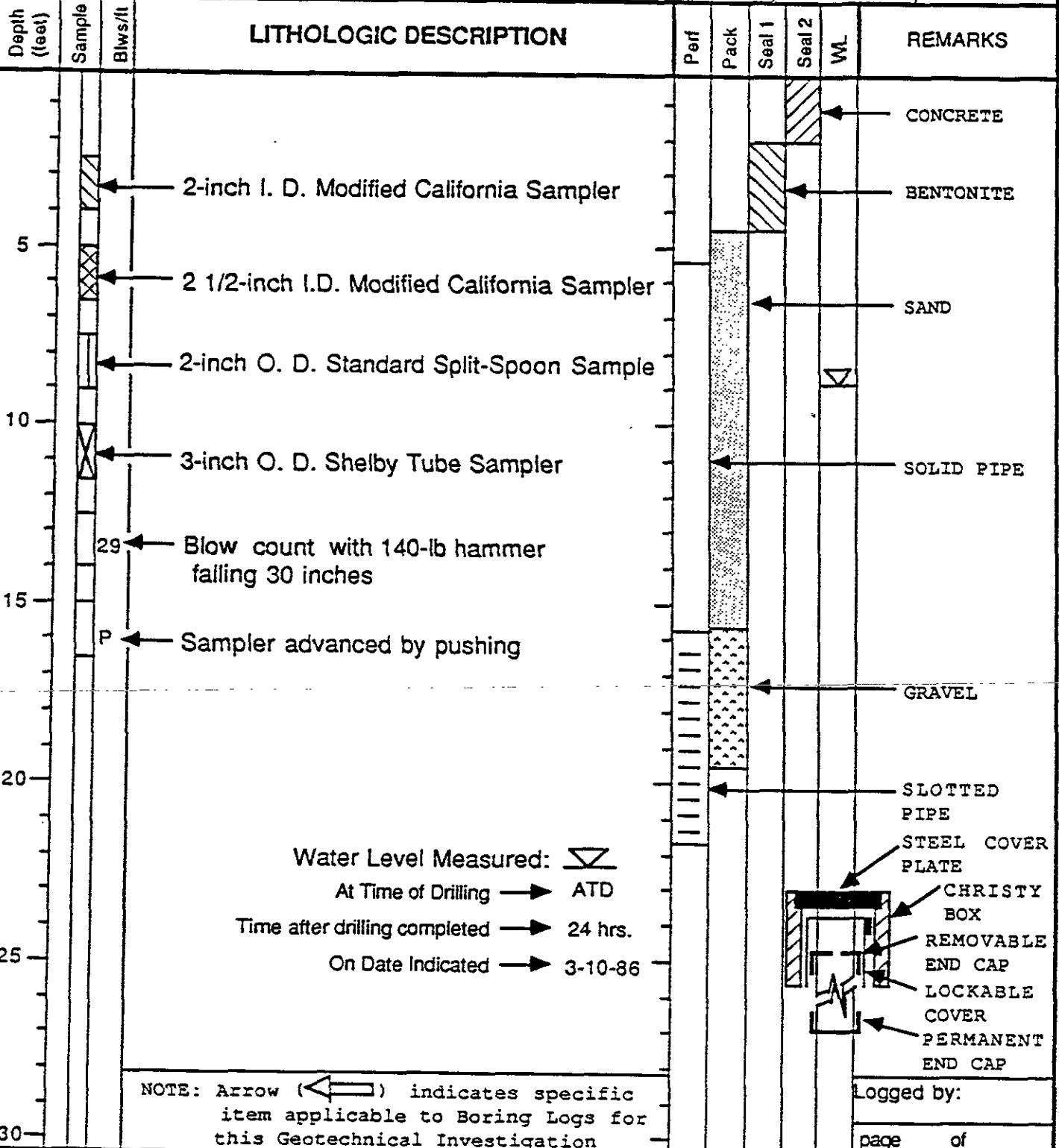
A.D. Seidich and Assoc. Inc.

Fax 415-770-9608

62673- Joacum -Lurica -Ave., Newark, C.I. 94560

Project Name:

Boring/Well ID:		Date Started:		Date Completed:	
Project and Task Number:		Datum:		No. of Samples:	
Size and Type of Casing:		Completion Depth:		Water Level Depth:	
Drilling Method/Equip:		Perf:	From:	To:	
Drilling Agency:		Pack:	From:	To:	
Driller:	Drill Bit:	Seal 1:	From:	To:	
Elev TOC:	MSL	Elev WL:	MSL	Seal 2:	From: To:



A.D. Selditch and Assoc. Inc.
6267E- Joaquin Marieta Ave., Newark, CA 94560

Exhibit II



**SCIENTIFIC ENVIRONMENTAL
LABORATORIES, INC.**

Dr. Alan Selditch
6267 Joaquin Murietta Suite E
Newark, CA 94560

Released Date : 12-21-88
Lab. ID : WW880926
Rev'd : 12-5-88
Col'd : 12-2-88
Analyzed : 12-5-88
Analyst : DH
Project # : 1088002R
Sample ID : 12-1-2
Matrix : Soil

Method : EPA 8015

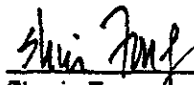
Analysis

Result (mg/kg)

Total Petroleum Hydrocarbons

0.7

SF:tt



Shui Fong
Director, Water Laboratory



SCIENTIFIC ENVIRONMENTAL
LABORATORIES, INC.

Dr. Alan Selditch
6267 Joaquin Murietta Suite E
Newark, CA 94560

Released Date : 12-21-88
Lab. ID : WW880928
Rev'd : 12-5-88
Col'd : 12-2-88
Analyzed : 12-5-88
Analyst : DH
Project # : 1088002R
Sample ID : 12-2-2
Matrix : Soil

Method : EPA 8015

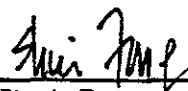
Analysis

Result (mg/kg)

Total Petroleum Hydrocarbons

87

SF:tt



Shui Fong
Director, Water Laboratory



SCIENTIFIC ENVIRONMENTAL
LABORATORIES, INC.

Dr. Alan Selditch
6267 Joaquin Murieta Suite E
Newark, CA 94560

Released Date : 12-21-88
Lab. ID : WW880929
Rev'd : 12-5-88
Col'd : 12-2-88
Analyzed : 12-5-88
Analyst : DH
Project # : 1088002R
Sample ID : 12-4-2
Matrix : Soil

Method : EPA 8015

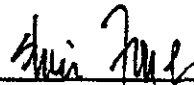
Analysis

Result (mg/kg)

Total Petroleum Hydrocarbons

4.5

SF:tt



Shui Fong
Director, Water Laboratory



SCIENTIFIC ENVIRONMENTAL
LABORATORIES, INC.

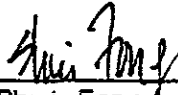
Dr. Alan Selditch
6267 Joaquin Murieta Suite E
Newark, CA 94560

Released Date : 12-21-88
Lab. ID : Ww880930
Rev'd : 12-5-88
Col'd : 12-2-88
Analyzed : 12-5-88
Analyst : DH
Project # : 1088002R
Sample ID : 12-5-0
Matrix : Soil

Method : EPA 602 and EPA 8015

<u>Analysis</u>	<u>Results (mg/kg)</u>
Benzene	< 0.1
Toluene	< 0.1
Xylene	< 0.1
Ethyl Benzene	< 0.1
Total Petroleum Hydrocarbons	< 0.5

SF:tt



Shui Fong
Director, Water Laboratory



SCIENTIFIC ENVIRONMENTAL
LABORATORIES, INC.

Dr. Alan Selditch
6267 Joaquin Murietta Suite E
San Jose Ca. 95113

Released Date : 12-28-88
Lab. ID : WW880950
RUSH
Recv'd : 12-6-88
Col'd : 12-5-88
Analyzed : 12-6-88
Analyst : SF
Project # : 1188002R
Sample ID : 12 W
Matrix : Liquid

Method: EPA 8015

Analysis

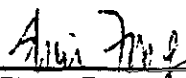
Results (mg/L)

Total Petroleum Hydrocarbons

95%

Remark: Very high gasoline content

SF:dc



Shui Fong
Director, Water Laboratory



SCIENTIFIC ENVIRONMENTAL
LABORATORIES, INC.

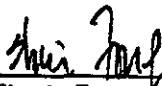
Dr. Alan Selditch
6267 Joaquin Murieta Suite E
Newark, CA 94560

Released Date : 12-21-88
Lab. ID : Ww880931
Rev'd : 12-5-88
Col'd : 12-2-88
Analyzed : 12-5-88
Analyst : DH
Project # : 1088002R
Sample ID : 13X
Matrix : Soil

Method : EPA 602 and EPA 8015

<u>Analysis</u>	<u>Results (mg/kg)</u>
Benzene	0.18
Toluene	0.30
Xylene	0.09
Ethyl Benzene	0.06
Total Petroleum Hydrocarbons	2180

SF:tt



Shui Fong
Director, Water Laboratory



SCIENTIFIC ENVIRONMENTAL

LABORATORIES, INC

Dr. Alan Selditch
6267 Joaquin Murieta Suite E
San Jose, Ca. 95113

Attn: Dr. Alan Selditch

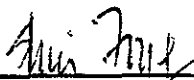
Released Date: 12-28-88
Lab. ID : WW880949 RUSH
Recv'd : 12-6-88
Col'd : 12-5-88
Analyzed : 12-13-88
Analyst : SF
Project # : 1188002-R
Sample ID : 13 W
Matrix : Liquid

Method: EPA 8015

Analysis

Results (mg/L)

Total Petroleum Hydrocarbon	118
Benzene	13.9
Toluene	18.3
Ethyl Benzene	2.8
Xylene	4.1



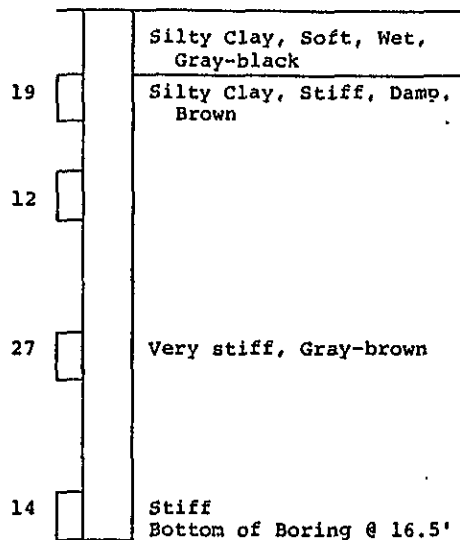
Shui Fong
Director, Water Laboratory

SF:dc

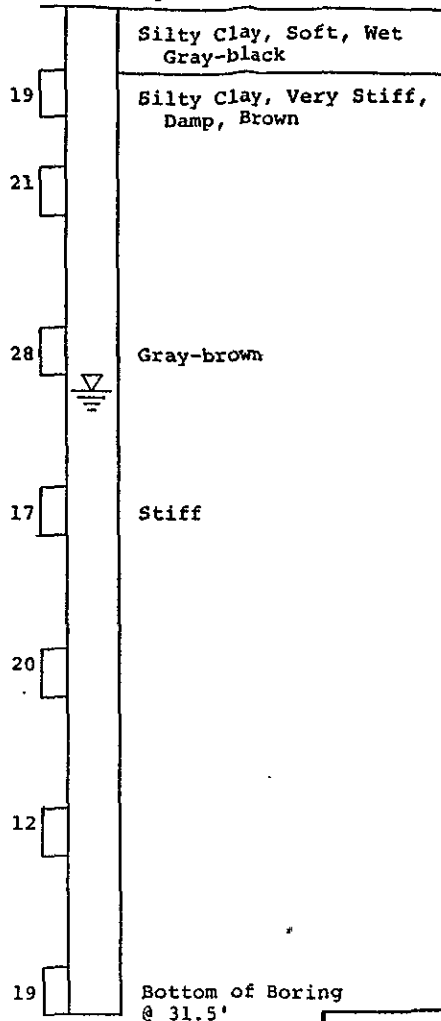
A.D. Selditch and Assoc. Inc.
6267B- Joaquin Murietta Ave., Newark, CA 94560

Exhibit III

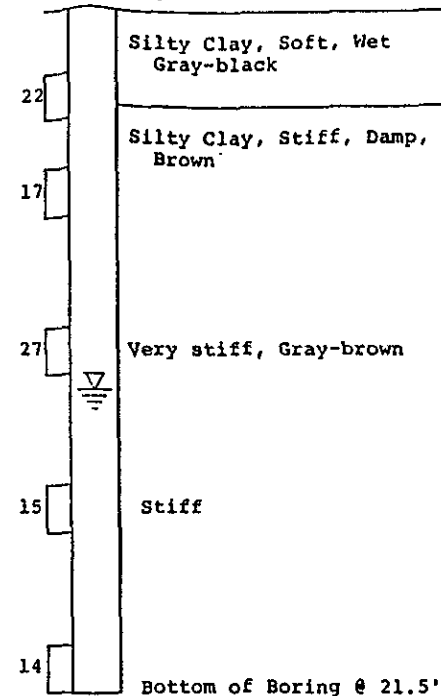
Boring No. 1



Boring No. 2



Boring No. 3



NOTES

1. Samples at the locations shown and the blow counts indicated were obtained with a Modified Porter Sampler (2½" O.D., 2" I.D.).
2. Water levels shown are at the time of drilling.

Vertical Scale: 1" = 4'



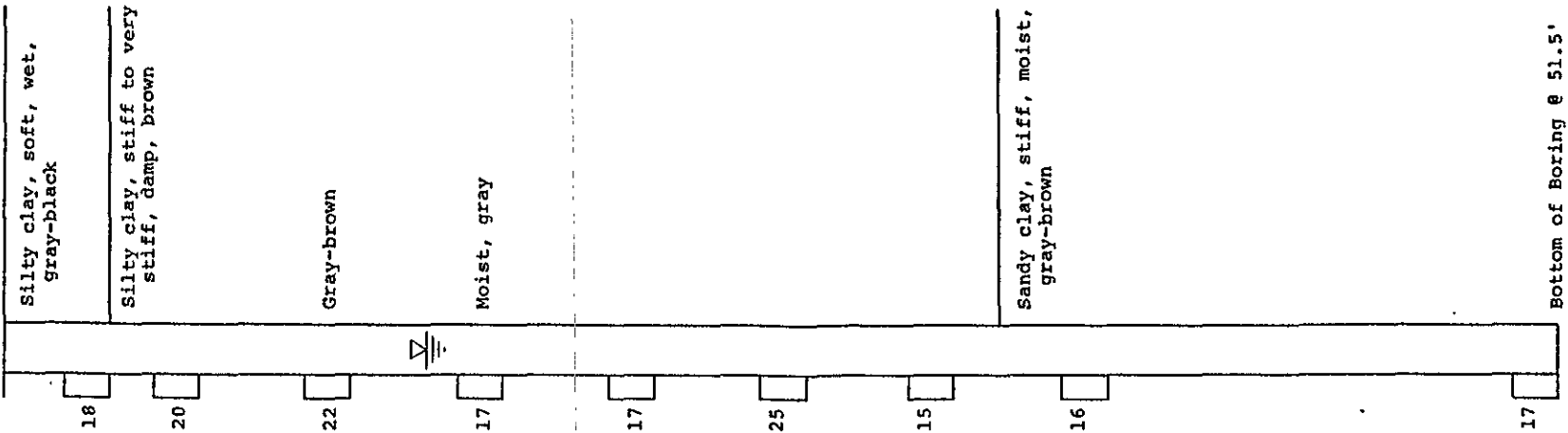
J. H. KLEINFELDER & ASSOCIATES
 GEOTECHNICAL CONSULTANTS — ENGINEERING LABORATORIES

LOG OF BORINGS 1, 2 & 3

PREPARED BY: DRC DATE 2/8/78
 CHECKED BY: CMM DATE 2/8/78

Dublin Shopping Center
 PROJECT NO B-1007-1 PLATE NO 1

Boring No. 4



Bottom of Boring @ 51.5'

NOTES

1. Samples at the locations shown and the blow counts indicated were obtained with a Modified Porter Sampler (2½" O.D., 2" I.D.).
2. Water levels shown are at the time of drilling.

Vertical Scale: 1" = 4'



J. H. KLEINFELDER & ASSOCIATES

GEOTECHNICAL CONSULTANTS -- ENGINEERING LABORATORIES

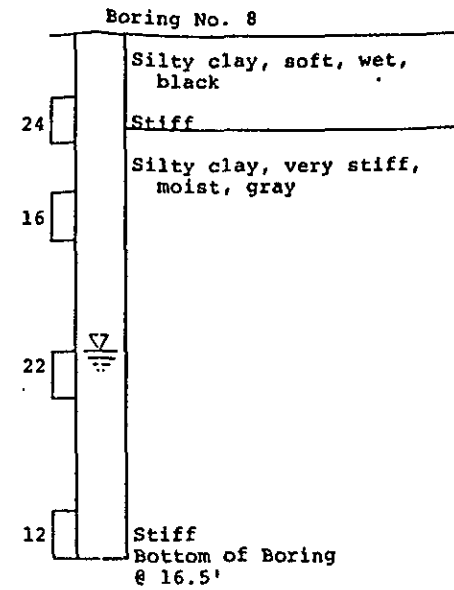
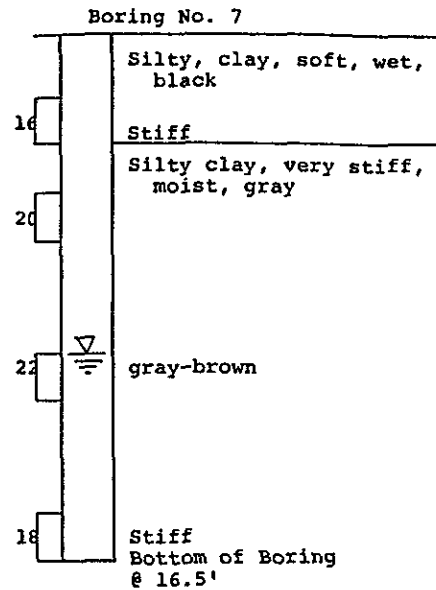
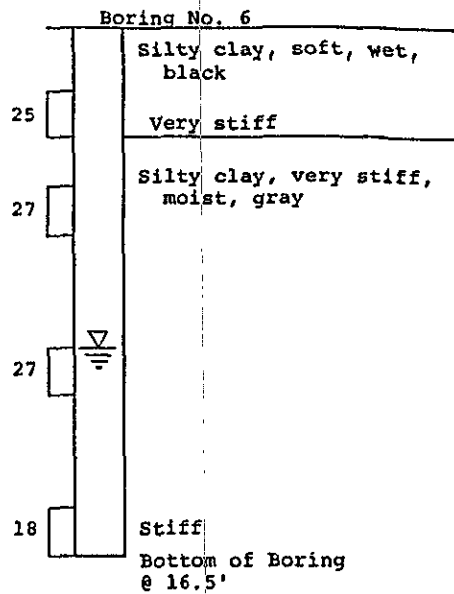
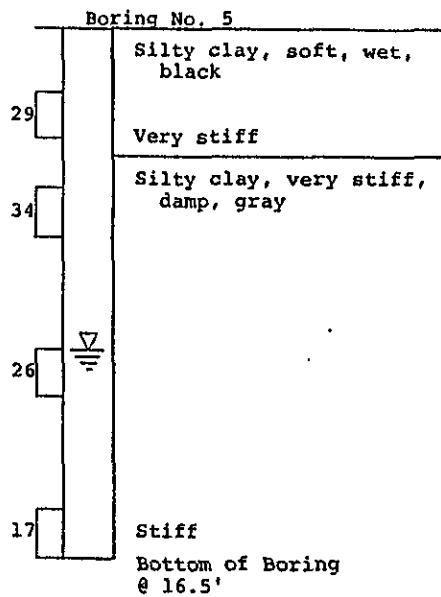
LOG OF BORING 4

PREPARED BY: DRC DATE 2/8/78

Dublin Shopping Center

CHECKED BY: CMM DATE 2/8/78


PROJECT NO B-1007-1 PLATE NO. 4

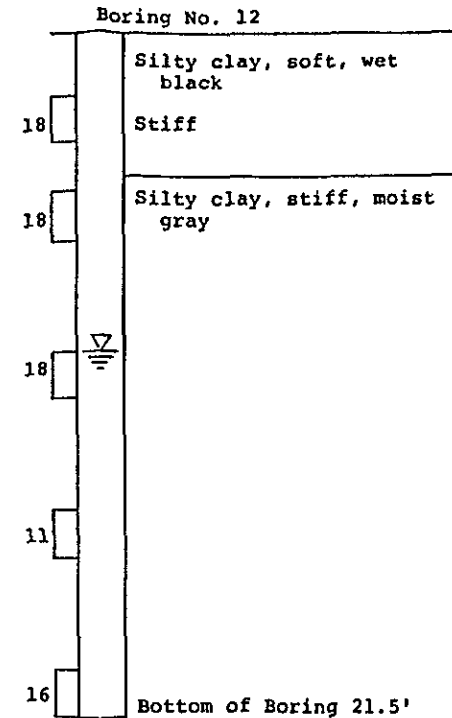
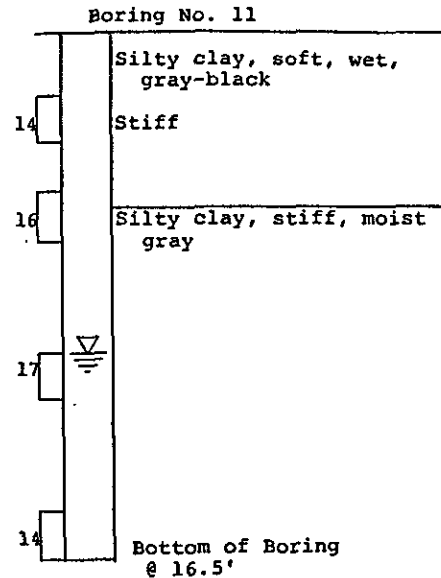
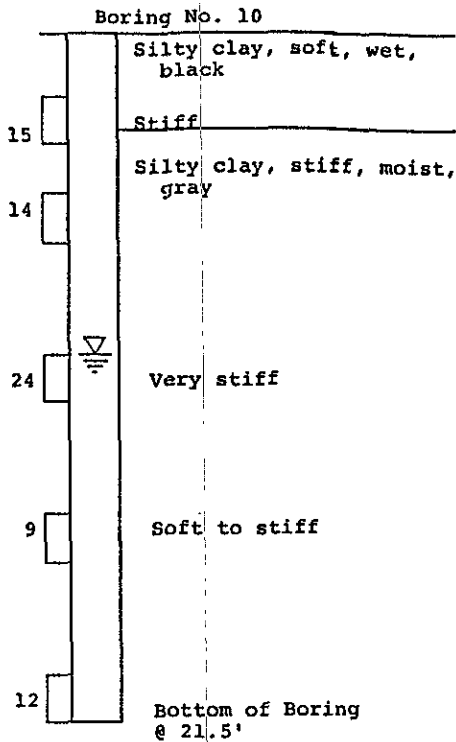
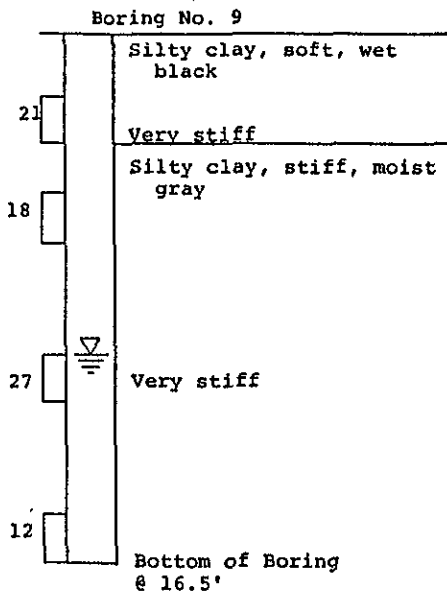


NOTES

1. Samples at the locations shown and the blow counts indicated were obtained with a Modified Porter Sampler (2½" O.D., 2" I.D.).
2. Water levels shown are at the time of drilling.

Vertical Scale: 1" = 4'

 J. H. KLEINFELDER & ASSOCIATES GEOTECHNICAL CONSULTANTS -- ENGINEERING LABORATORIES		LOG OF BORINGS 5, 6, 7 and 8	
PREPARED BY: DRC	DATE: 2/8/78	Dublin Shopping Center	
CHECKED BY: CMM	DATE: 2/8/78	PROJECT NO B-1007-1	PLATE NO 5



NOTES

1. Samples at the locations shown and the blow counts indicated were obtained with a Modified Porter Sampler (2½" O.D., 2" I.D.).
2. Water levels shown are at the time of drilling.

Vertical Scale: 1" = 4'



J. H. KLEINFELDER & ASSOCIATES

GEOTECHNICAL CONSULTANTS -- ENGINEERING LABORATORIES

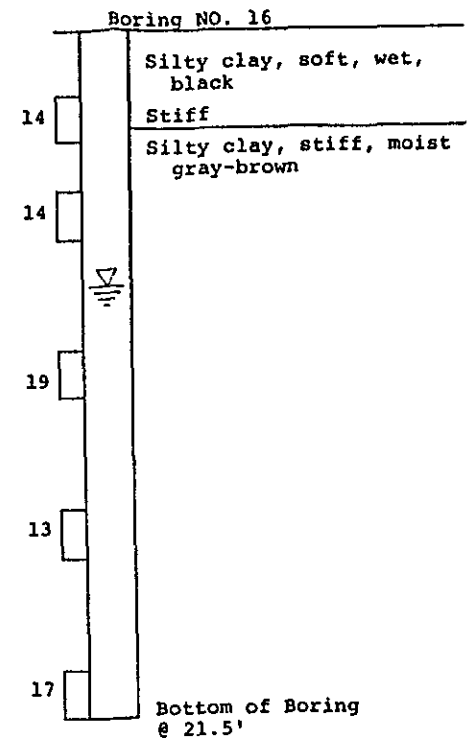
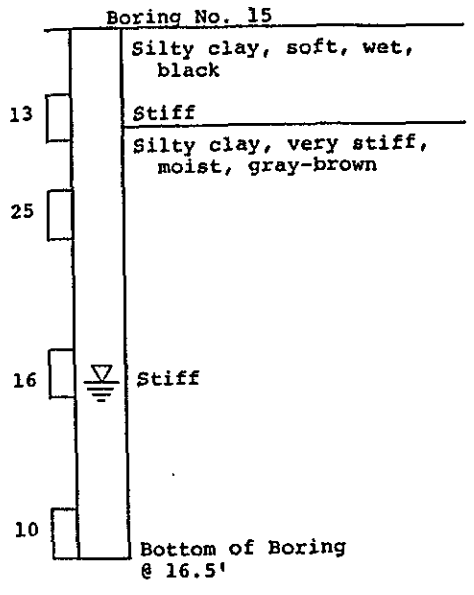
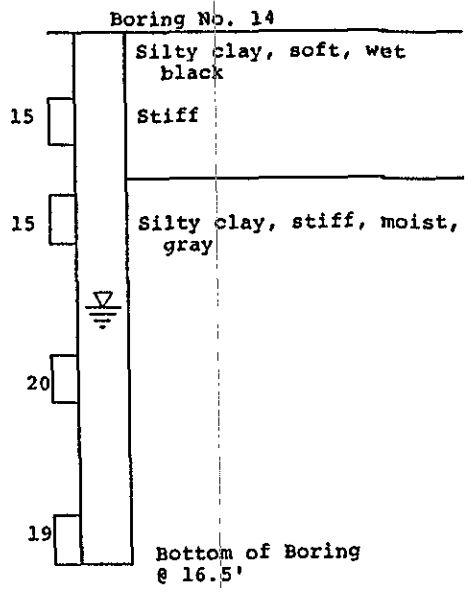
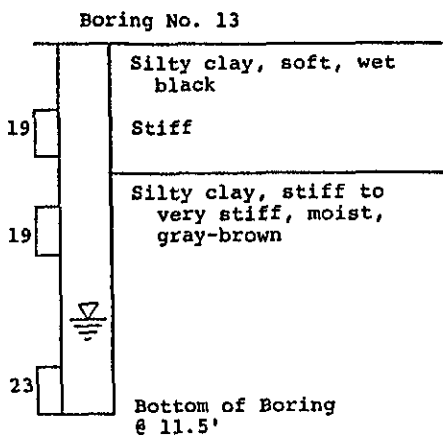
LOG OF BORINGS 9, 10, 11 and 12

PREPARED BY: DRC DATE 2/8/78

CHECKED BY: CHM DATE 2/8/78

Dublin Shopping Center

PROJECT NOB-1007-1 PLATE NO. 6



NOTES

1. Samples at the locations shown and the blow counts indicated were obtained with a Modified Porter Sampler (2½" O.D., 2" I.D.).
2. Water levels shown are at the time of drilling.

Vertical Scale: 1" = 4'

<p>J. H. KLEINFELDER & ASSOCIATES GEO TECHNICAL CONSULTANTS - ENGINEERING LABORATORIES</p>		Log of Borings 13, 14, 15 & 16	
		Dublin Shopping Center	
PREPARED BY: DRC	DATE 2/8/78	PROJECT NO R-1007-1	PLATE NO 7
CHECKED BY: CMM	DATE 2/8/78		

A.D. Selditch and Assoc. Inc.
6267E- Joaquin Murietta Ave., Newark, CA 94560

Exhibit IV

Advantages and Disadvantages of Control Technologies

Type	Advantages	Disadvantages
Waste control technologies: Excavation and removal followed by treatment or disposal	a) Good for containerized or bulk disposal	a) High initial costs b) Potential higher risk during cleanup c) Relocation of risk unless waste is treated d) Not cost effective for low-level hazardous waste or uncontainerized buried waste in large area
Excavation with on-site treatment option	a) Expose waste to complete treatment b) No off-site exposure	a) High initial costs b) Difficult to assure monitoring effectiveness c) Some risk of exposure d) Not cost effective for large amounts of low-hazard waste
Biodegradation	Low Costs	Difficult to maintain optimum conditions to keep reaction going
Vapor Extraction	Low Costs	a) Site safety and fire hazards b) Off-site air pollution c) Long-term monitoring and O&M

O&M - operating and maintenance
Source: Office of Technology Assessment

Comparison of Methods

ADS reviewed the remediation methods mentioned above and prepared the following:

<u>Pro</u>	<u>Con</u>
Excavation and Disposal <ul style="list-style-type: none">• quick• permits easy to obtain for method and disposal	<ul style="list-style-type: none">• very costly• does not relieve ICORE of liability (transfers contaminants to another site)• increases ICORE's Hazardous Waste Disposal Costs/Taxes and residual liability
Aeration <ul style="list-style-type: none">• known as practical method where Air Emission Control permits can be obtained and a large flat aerial space is available	<ul style="list-style-type: none">• permits difficult to obtain and require extensive negotiations and time to obtain• membrane cost high• labor intensive• sampling frequency is high (daily/weekly)• possibility of polluting soil under cleanup area
Biodegradation <ul style="list-style-type: none">• not labor intensive• can be done either in-situ or in man-made containers• permits obtainable• does not present air pollution problem	<ul style="list-style-type: none">• requires periodic review by consultant• requires routine (weekly) sample and analysis• bacteria for VOC not readily available
Vapor Extraction <ul style="list-style-type: none">• low cost installation• minimal site disruption• permits obtainable• low cost operation• has been used in VOC contamination sites successfully	<ul style="list-style-type: none">• may require air effluent control devices• extensive chemical analysis

Engineering

December 1, 1988

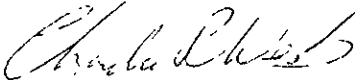
Mr. Tom Peacock
Alameda County Environmental Health
Hazardous Materials
80 Swan Way, Room 200
Oakland, Ca. 94621

RE: Montgomery Ward Auto Center
Dublin, Ca. #2571

Dear Sir:

Enclosed please find "Underground Storage Tank Unauthorized Release (Leak)/Contamination Site Report" concerning the Montgomery Ward Auto Center in Dublin, Ca.

Yours truly,



Charlie R. West
Field Engineering Manager

CRW/ic

Enclosure

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

EMERGENCY <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		HAS STATE OFFICE OF EMERGENCY SERVICES REPORT BEEN FILED? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		FOR LOCAL AGENCY USE ONLY I HEREBY CERTIFY THAT I AM A DESIGNATED GOVERNMENT EMPLOYEE AND THAT I HAVE REPORTED THIS INFORMATION TO LOCAL OFFICIALS PURSUANT TO SECTION 25180.7 OF THE HEALTH AND SAFETY CODE.		
REPORT DATE 1 2 0 1 8 8		CASE # 88-3870		SIGNED _____ DATE _____		
REPORTED BY	NAME OF INDIVIDUAL FILING REPORT CHARLIE WEST		PHONE (415) 794-2337		SIGNATURE <i>Charlie West</i>	
	REPRESENTING <input checked="" type="checkbox"/> OWNER/OPERATOR <input type="checkbox"/> REGIONAL BOARD <input type="checkbox"/> LOCAL AGENCY <input type="checkbox"/> OTHER _____		COMPANY OR AGENCY NAME MONTGOMERY WARD			
ADDRESS 39201 Fremont Blvd. Fremont California 94538						
RESPONSIBLE PARTY	NAME MONTGOMERY WARD <input type="checkbox"/> UNKNOWN		CONTACT PERSON CHARLIE WEST		PHONE (415) 794-2337	
	ADDRESS 39201 Fremont Blvd. Fremont California 94538					
SITE LOCATION	FACILITY NAME (IF APPLICABLE) MONTGOMERY WARD AUTO CENTER		OPERATOR MONTGOMERY WARD		PHONE (415) 794-2337	
	ADDRESS 6900 Amador Plaza Road Dublin Alameda 94538					
CROSS STREET Dublin		TYPE OF AREA <input checked="" type="checkbox"/> COMMERCIAL <input type="checkbox"/> INDUSTRIAL <input type="checkbox"/> RURAL <input type="checkbox"/> RESIDENTIAL <input type="checkbox"/> OTHER _____		TYPE OF BUSINESS <input type="checkbox"/> RETAIL FUEL STATION <input type="checkbox"/> FARM <input checked="" type="checkbox"/> OTHER TBA		
IMPLEMENTING AGENCIES	LOCAL AGENCY ALAMEDA COUNTY ENVIRONMENTAL HEALTH		CONTACT PERSON TOM PEACOCK		PHONE (415) 271-4320	
	REGIONAL BOARD SAN FRANCISCO BAY REGION		CONTACT PERSON HOSSAIN KAZEMI		PHONE (415) 464-1325	
SUBSTANCES INVOLVED	(1) NAME Unleaded gasoline				QUANTITY LOST (GALLONS) <input checked="" type="checkbox"/> UNKNOWN	
	(2) _____				<input type="checkbox"/> UNKNOWN	
DISCOVERY/ABATEMENT	DATE DISCOVERED 1 1 2 5 8 8		HOW DISCOVERED <input checked="" type="checkbox"/> INVENTORY CONTROL <input type="checkbox"/> SUBSURFACE MONITORING <input type="checkbox"/> NUISANCE CONDITIONS <input type="checkbox"/> TANK TEST <input type="checkbox"/> TANK REMOVAL <input checked="" type="checkbox"/> OTHER tank inspection			
	DATE DISCHARGE BEGAN M M O D Y Y <input checked="" type="checkbox"/> UNKNOWN		METHOD USED TO STOP DISCHARGE (CHECK ALL THAT APPLY) <input type="checkbox"/> REMOVE CONTENTS <input type="checkbox"/> REPLACE TANK <input checked="" type="checkbox"/> CLOSE TANK <input type="checkbox"/> REPAIR TANK <input type="checkbox"/> REPAIR PIPING <input type="checkbox"/> CHANGE PROCEDURE <input type="checkbox"/> OTHER _____			
HAS DISCHARGE BEEN STOPPED? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO IF YES, DATE M M D O Y Y						
SOURCE/CAUSE	SOURCE OF DISCHARGE <input checked="" type="checkbox"/> TANK LEAK <input type="checkbox"/> UNKNOWN <input type="checkbox"/> PIPING LEAK <input type="checkbox"/> OTHER _____		TANKS ONLY: CAPACITY 10,000 GAL. AGE 8 YRS <input type="checkbox"/> UNKNOWN		MATERIAL <input checked="" type="checkbox"/> FIBERGLASS <input type="checkbox"/> STEEL <input type="checkbox"/> OTHER _____	
	CAUSE(S) <input type="checkbox"/> OVERFILL <input type="checkbox"/> RUPTURE/FAILURE <input type="checkbox"/> CORROSION <input type="checkbox"/> UNKNOWN <input type="checkbox"/> SPILL <input checked="" type="checkbox"/> OTHER _____					
CASE TYPE	CHECK ONE ONLY <input type="checkbox"/> UNDETERMINED <input checked="" type="checkbox"/> SOIL ONLY <input type="checkbox"/> GROUNDWATER <input type="checkbox"/> DRINKING WATER - (CHECK ONLY IF WATER WELLS HAVE ACTUALLY BEEN AFFECTED)					
CURRENT STATUS	CHECK ONE ONLY <input checked="" type="checkbox"/> SITE INVESTIGATION IN PROGRESS (DEFINING EXTENT OF PROBLEM) <input type="checkbox"/> CLEANUP IN PROGRESS <input type="checkbox"/> SIGNED OFF (CLEANUP COMPLETED OR UNNECESSARY) <input type="checkbox"/> NO ACTION TAKEN <input type="checkbox"/> POST CLEANUP MONITORING IN PROGRESS <input type="checkbox"/> NO FUNDS AVAILABLE TO PROCEED <input type="checkbox"/> EVALUATING CLEANUP ALTERNATIVES					
REMEDIAL ACTION	CHECK APPROPRIATE ACTION(S) (SEE BACK FOR DETAILS) <input type="checkbox"/> CAP SITE (CD) <input type="checkbox"/> EXCAVATE & DISPOSE (ED) <input checked="" type="checkbox"/> REMOVE FREE PRODUCT (FP) <input type="checkbox"/> ENHANCED BIO DEGRADATION (IT) <input type="checkbox"/> CONTAINMENT BARRIER (CB) <input type="checkbox"/> EXCAVATE & TREAT (ET) <input type="checkbox"/> PUMP & TREAT GROUNDWATER (GT) <input type="checkbox"/> REPLACE SUPPLY (RS) <input type="checkbox"/> TREATMENT AT HOOKUP (HU) <input type="checkbox"/> NO ACTION REQUIRED (NA) <input checked="" type="checkbox"/> OTHER (OT) engineering to be done					
COMMENTS						

Engineering

December 1, 1988

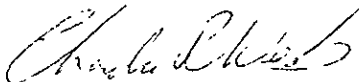
Mr. Tom Peacock
Alameda County Environmental Health
Hazardous Materials
80 Swan Way, Room 200
Oakland, Ca. 94621

RE: Montgomery Ward Auto Center
Dublin, Ca. #2571

Dear Sir:

Enclosed please find "Underground Storage Tank Unauthorized Release (Leak)/Contamination Site Report" concerning the Montgomery Ward Auto Center in Dublin, Ca.

Yours truly,

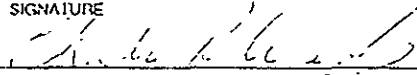


Charlie R. West
Field Engineering Manager

CRW/ic

Enclosure

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

EMERGENCY <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		HAS STATE OFFICE OF EMERGENCY SERVICES REPORT BEEN FILED? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		FOR LOCAL AGENCY USE ONLY I HEREBY CERTIFY THAT I AM A DESIGNATED GOVERNMENT EMPLOYEE AND THAT I HAVE REPORTED THIS INFORMATION TO LOCAL OFFICIALS PURSUANT TO SECTION 25100.7 OF THE HEALTH AND SAFETY CODE.		
REPORT DATE 1 2 0 1 8 8		CASE # 88-3870		SIGNED _____ DATE _____		
REPORTED BY	NAME OF INDIVIDUAL FILING REPORT CHARLIE WEST		PHONE (415) 794-2337		SIGNATURE 	
	REPRESENTING <input type="checkbox"/> LOCAL AGENCY <input checked="" type="checkbox"/> OWNER/OPERATOR <input type="checkbox"/> REGIONAL BOARD <input type="checkbox"/> OTHER		COMPANY OR AGENCY NAME MONTGOMERY WARD			
ADDRESS 39201 Fremont Blvd. Fremont California 94538						
RESPONSIBLE PARTY	NAME MONTGOMERY WARD <input type="checkbox"/> UNKNOWN		CONTACT PERSON CHARLIE WEST		PHONE (415) 794-2337	
	ADDRESS 39201 Fremont Blvd. Fremont California 94538					
SITE LOCATION	FACILITY NAME (IF APPLICABLE) MONTGOMERY WARD AUTO CENTER		OPERATOR MONTGOMERY WARD		PHONE (415) 794-2337	
	ADDRESS 6900 Amador Plaza Road Dublin Alameda 94538					
CROSS STREET Dublin		TYPE OF AREA <input checked="" type="checkbox"/> COMMERCIAL <input type="checkbox"/> INDUSTRIAL <input type="checkbox"/> RURAL <input type="checkbox"/> RESIDENTIAL <input type="checkbox"/> OTHER		TYPE OF BUSINESS <input type="checkbox"/> FARM <input checked="" type="checkbox"/> OTHER TBA		
IMPLEMENTING AGENCIES	LOCAL AGENCY AGENCY NAME ALAMEDA COUNTY ENVIRONMENTAL HEALTH		CONTACT PERSON TOM PEACOCK		PHONE (415) 271-4320	
	REGIONAL BOARD SAN FRANCISCO BAY REGION		CONTACT PERSON HOSSAIN KAZEMI		PHONE (415) 464-1325	
SUBSTANCES INVOLVED	(1) NAME Unleaded gasoline		QUANTITY LOST (GALLONS) <input checked="" type="checkbox"/> UNKNOWN			
	(2) NAME _____		QUANTITY LOST (GALLONS) <input type="checkbox"/> UNKNOWN			
DISCOVERY/ABATEMENT	DATE DISCOVERED 1 1 2 5 8 8		HOW DISCOVERED <input checked="" type="checkbox"/> INVENTORY CONTROL <input type="checkbox"/> SUBSURFACE MONITORING <input type="checkbox"/> NUISANCE CONDITIONS <input type="checkbox"/> TANK TEST <input type="checkbox"/> TANK REMOVAL <input checked="" type="checkbox"/> OTHER tank inspection			
	DATE DISCHARGE BEGAN _____ <input checked="" type="checkbox"/> UNKNOWN		METHOD USED TO STOP DISCHARGE (CHECK ALL THAT APPLY) <input type="checkbox"/> REMOVE CONTENTS <input type="checkbox"/> REPLACE TANK <input checked="" type="checkbox"/> CLOSE TANK <input type="checkbox"/> REPAIR TANK <input type="checkbox"/> REPAIR PIPING <input type="checkbox"/> CHANGE PROCEDURE <input type="checkbox"/> OTHER			
SOURCE/CAUSE	SOURCE OF DISCHARGE <input checked="" type="checkbox"/> TANK LEAK <input type="checkbox"/> UNKNOWN <input type="checkbox"/> PIPING LEAK <input type="checkbox"/> OTHER		TANKS ONLY: CAPACITY 10,000 GAL. AGE 8 YRS <input type="checkbox"/> UNKNOWN		MATERIAL <input checked="" type="checkbox"/> FIBERGLASS <input type="checkbox"/> STEEL <input type="checkbox"/> OTHER	
	CAUSE(S) <input type="checkbox"/> OVERFILL <input type="checkbox"/> RUPTURE/FAILURE <input type="checkbox"/> CORROSION <input type="checkbox"/> UNKNOWN <input checked="" type="checkbox"/> SPILL <input checked="" type="checkbox"/> OTHER					
CASE TYPE	CHECK ONE ONLY <input type="checkbox"/> UNDETERMINED <input checked="" type="checkbox"/> SOIL ONLY <input type="checkbox"/> GROUNDWATER <input type="checkbox"/> DRINKING WATER - (CHECK ONLY IF WATER WELLS HAVE ACTUALLY BEEN AFFECTED)					
	CHECK ONE ONLY <input checked="" type="checkbox"/> SITE INVESTIGATION IN PROGRESS (DEFINING EXTENT OF PROBLEM) <input type="checkbox"/> CLEANUP IN PROGRESS <input type="checkbox"/> SIGNED OFF (CLEANUP COMPLETED OR UNNECESSARY) <input type="checkbox"/> NO ACTION TAKEN <input type="checkbox"/> POST CLEANUP MONITORING IN PROGRESS <input type="checkbox"/> NO FUNDS AVAILABLE TO PROCEED <input type="checkbox"/> EVALUATING CLEANUP ALTERNATIVES					
REMEDIAL ACTION	CHECK APPROPRIATE ACTION(S) (SEE BACK FOR DETAILS)					
	<input type="checkbox"/> CAP SITE (CD) <input type="checkbox"/> EXCAVATE & DISPOSE (ED)		<input checked="" type="checkbox"/> REMOVE FREE PRODUCT (FP) <input type="checkbox"/> ENHANCED BIO DEGRADATION (BT)		<input type="checkbox"/> CONTAINMENT BARRIER (CB) <input type="checkbox"/> EXCAVATE & TREAT (ET)	
<input type="checkbox"/> TREATMENT AT HOOKUP (TU) <input type="checkbox"/> NO ACTION REQUIRED (NA)		<input type="checkbox"/> PUMP & TREAT GROUNDWATER (GT) <input type="checkbox"/> REPLACE SUPPLY (RS)		<input checked="" type="checkbox"/> OTHER (OT) engineering to be done		
COMMENTS	_____					

LOP - RECORD CHANGE REQUEST FORM

printed:
05/04/98

Mark Out What Needs Changing and Hand to LOP Data Entry
(Name/Address changes go to Annual Programs Data Entry)

Insp: EC

AGENCY # : 10000 SOURCE OF FUNDS: F SUBSTANCE: 8006619
 StID : 1054 LOC:
 SITE NAME: Montgomery Wards DATE REPORTED : 12/01/88
 ADDRESS : 7575 Dublin Blvd DATE CONFIRMED: 12/01/88
 CITY/ZIP : Dublin 94568 MULTIPLE RPs : N

SITE STATUS

CASE TYPE: O CONTRACT STATUS: 4 PRIOR CODE:1B3 EMERGENCY RESP:
 RP SEARCH: S DATE COMPLETED: 02/03/94
 PRELIMINARY ASMNT: C DATE UNDERWAY: DATE COMPLETED: 02/19/97
 REM INVESTIGATION: DATE UNDERWAY: DATE COMPLETED:
 REMEDIAL ACTION: DATE UNDERWAY: DATE COMPLETED:
 POST REMED ACT MON: DATE UNDERWAY: DATE COMPLETED:

ENFORCEMENT ACTION TYPE: 1 DATE ENFORCEMENT ACTION TAKEN: 02/03/94
 LUFT FIELD MANUAL CONSID: 3HSCAWG
 CASE CLOSED: Y DATE CASE CLOSED: 05/06/98
 DATE EXCAVATION STARTED : 05/19/89 REMEDIAL ACTIONS TAKEN: ED,GT

RESPONSIBLE PARTY INFORMATION

RP#1-CONTACT NAME: Attn. Ed Koberstein
 COMPANY NAME: Montgomery Ward
 ADDRESS: 1331 S. Harbor Blvd
 CITY/STATE: Fullerton, C A 92632

INSPECTOR VERIFICATION:

NAME _____ SIGNATURE _____ DATE _____

DATA ENTRY INPUT:

Name/Address Changes Only Case Progress Changes

ANNPGMS _____	LOP _____	DATE _____	LOP _____	DATE _____
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LOP - RECORD CHANGE REQUEST FORM

printed:
10/06/97

Mark Out What Needs Changing and Hand to LOP Data Entry
(Name/Address changes go to Annual Programs Data Entry)

Insp: EC

AGENCY # : 10000 SOURCE OF FUNDS: F SUBSTANCE: 8006619
 StID : 1054 LOC:
 SITE NAME: Montgomery Wards DATE REPORTED : 12/01/88
 ADDRESS : 6900 Amador Plaza Rd DATE CONFIRMED: 12/01/88
 CITY/ZIP : Dublin 94568 MULTIPLE RPs : N

SITE STATUS

CASE TYPE: 0 CONTRACT STATUS: 4 PRIOR CODE:1B3 EMERGENCY RESP:
 RP SEARCH: S DATE COMPLETED: 02/03/94
 PRELIMINARY ASMNT: U DATE UNDERWAY: DATE COMPLETED:
 REM INVESTIGATION: DATE UNDERWAY: DATE COMPLETED:
 REMEDIAL ACTION: DATE UNDERWAY: DATE COMPLETED:
 POST REMED ACT MON: DATE UNDERWAY: DATE COMPLETED:

ENFORCEMENT ACTION TYPE: 1 DATE ENFORCEMENT ACTION TAKEN: 02/03/94
 LUFT FIELD MANUAL CONSID: HSCAWGO
 CASE CLOSED: DATE CASE CLOSED:
 DATE EXCAVATION STARTED : REMEDIAL ACTIONS TAKEN:

RESPONSIBLE PARTY INFORMATION

RP#1-CONTACT NAME: Attn. Ed Koberstein
 COMPANY NAME: Montgomery Ward
 ADDRESS: 1331 S. Harbor Blvd
 CITY/STATE: Fullerton, C A 92632

INSPECTOR VERIFICATION:

NAME _____ SIGNATURE _____ DATE _____

DATA ENTRY INPUT:

Name/Address Changes Only Case Progress Changes

ANNPGMS _____ LOP _____ DATE _____ LOP _____ DATE _____

changed list

Local Oversight Program Sites- with Madhulla

1. Bay County Properties-900 Doolittle-willing to work ✓ *changed*
2. Philips Property - 295 Park - not worked
3. Norcal Waste Equipment - not worked
4. Senna - 350 San Leandro- transferred to LOP, willing to work

Solvent Cases - in list

1. Golden Grain - 1111 139th, not LOP, not my slic case
2. Penske Truck Leasing - 2366 Alvarado - my slic ✓
3. Paramount Can - 1132 Beecher- was a tank case with not much concentrations- so closed- we can probably send a letter
4. Gateway Apartments- 884 Davis- not worked
5. Commercial Property-1300 Davis- my slic case
6. WR Grace- 2140 Davis- not known, not my slic
7. First Western Graphics- 1345 Doolittle, working with me
8. Lincoln Properties - 1345 Doolittle, working with me
9. Simpson Manufacturing - Not my slic case
10. Maskell Oil company- transferred to Dale ✓
11. Air Treads- woring with them- transferred to Dale ✓
12. Thermo King- closed
13. Blaco- 519 Manor - not my case
14. Owens Corning- my case, in compliance-transferred to Dale ✓
15. Van Bokkelon and Sons - 688 Montague- not my case
16. Middleton Welders - 1771 Timothy - not my case

Highlighted - not Madhulla's

LOP - RECORD CHANGE REQUEST FORM

printed
01/22/9

Mark Out What Needs Changing and Hand to LOP Data Entry
(Name/Address changes go to Annual Programs Data Entry)

Insp: EC

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 SITE NAME: Montgomery Wards DATE REPORTED : 12/01/88
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 LUFT FIELD MANUAL CONSID: HSCAWGO
 CASE CLOSED: DATE CASE CLOSED:
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RESPONSIBLE PARTY INFORMATION

RP#1-CONTACT NAME: Attn. Ed Koberstein
 COMPANY NAME: Montgomery Ward
 ADDRESS: 1331 S. Harbor Blvd
 CITY/STATE: Fullerton, C A 92632

INSPECTOR VERIFICATION:

NAME _____ SIGNATURE _____ DATE _____

DATA ENTRY INPUT:

Name/Address Changes Only			Case Progress Changes	
ANNPGMS _____	LOP _____	DATE _____	LOP _____	DATE _____

REMARKS

REMARKS

REMARKS

By: GW
 Selditch has been in hospital again for ongoing and various health problems. Filters are still plugging up, but a "team" has been assembled to fix the problem and get the system in full operation.
 Call from Alan Selditch. The pump & treat system is up and running at a 24-hr. flow rate of 900 gpm. Samples were collected and results will be available this Friday 3/2.
 Receive + review report from Selditch via C. West of Montgomery Ward. System seems to be working as expected; Selditch pulled off project in favor of SCS Engineers. Results of three episodes of monthly sampling of six monitoring points (4 MWs, treatment inflow & outflow): The system seems to

Date: 11/21
 By: GW
 be working pretty well. Review latest monthly results - levels of influent AND effluent appear to be rising - from carbon saturation?
 Meeting w/ SCS about site: they will prepare a work plan for GW remediation (Starting from scratch) by 1/31/90, assuming that Mont. Ward approves the SCS plan + cost.
 Meeting w/ Charlie West and his new consultant, Frank Muramoto; this consultant needs to get up to speed on the site, and will submit a schedule for remedial activities.
 On-site for visit. About 15 drums labeled "water from pump test." However, no remediation schedule has been submitted.

Date: By: REMARKS

FILE OR ENVELOPE
 PER NO. No. of
 OWNER Montgomery Ward
 Address 6900 Amador Plaza
 Dublin 94568 Phone 833-3256
 Contractor Erickson
 Address 255 Pace Blvd
 Richmond 94801 Phone 638-8180
 OTHER (Specify)
 Address A.D. Selditch + Assoc.
 62676 Jorgensen ^{META} Phone 490-1759
 CONTACT FOR INVESTIGATION

PLAN REVIEW
 \$ 663.⁰⁰ Rec'd. *mrc* 2/24
 No. 3 Plans Rec'd. *mrc* 2/24
 Plans Approved
 Layout Made
 Rejected
 Applicant Notified
 Plans Returned
 Permit Issued
 CONSTRUCTION PROGRESS ACCEPTANCE
 Pre-Plaster/drywall
 Pre-Final
 Final

By Date
 By Date
 POOL
 Pre-Concrete/Gunite
 Pre-Plaster
 Final
 EXCAVATION
 Septic Tank
 Absorption Field
 Absorption Bed
 House Sewer
 FINAL
 Septic Tank
 Absorption Field
 Absorption Bed
 OTHER
 U.C. TANKS
 Pre-Covering
 Final

1989-1990

REMARKS		Date	By	REMARKS
4/10/89	GW			landfill, and hole will be filled w/ clean fill and paved over w/ asphalt. Pump test + GW remediation to take place next
11/88		12/11	GW	Discussion w/ Alan Selditch. Initial testing on remedial system; pump getting clogged and holding tank has overflowed. Sample has been taken from tank to determine disposition. Once filtering problem is resolved, pump will go into full time operation and regular samples will be collected for DSRSD prior to sanitary sewer disposal.
5/17-18				asked Selditch to prepare summary / well sampling report to indicate progress of remediation

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Project # U528848
 Fee Paid 663.⁰⁰
 Date 2.24.89

U528848

Asked Selditch to prepare summary / well sampling report to indicate progress of remediation