



# PORT OF OAKLAND

ENVIRONMENTAL  
PROTECTION

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April 26, 1995

Amy Leech  
Hazardous Materials Specialist  
Alameda County Health Care Services Agency  
1131 Harbor Bay Parkway, #250  
Alameda, CA 94502-6577

Dear Ms. Leech:

**SUBJECT: TANK REMOVALS FROM 1755 EMBARCADERO, OAKLAND**

This letter is in response to your letter dated March 16, 1995, to Mr. Neil Werner of the Port of Oakland, in which you requested a workplan for further investigation at 1755 Embarcadero in Oakland.

I have reviewed the files related to the three underground storage tanks formerly located at 1755 Embarcadero. As you know, one 2000 gallon gasoline tank and one 10,000 gallon diesel tank were removed in January, 1989. An additional 10,000 gallon tank was discovered and removed in July, 1990 during construction of a hotel at the site. Past releases from two of the tanks were documented, and all soil with detectable levels of TPH and BTEX was removed.

In your letter, you correctly noted that no groundwater investigation was ever pursued to delineate the extent of groundwater contamination, if any. After having reviewed the files, however, I feel that a groundwater investigation in this case is unnecessary for the reasons listed below.

First, all three of the tanks were located close to the Oakland Inner Harbor. Baseline Environmental Consulting concluded in its April, 1989 tank removal report that well installation and sampling would yield data of questionable utility. Due to the proximity of the tanks to the estuary, any samples collected would be effectively testing Bay water as opposed to groundwater.

In addition, after the removal of each of the three tanks, all soil contaminated with TPH and BTEX was also removed. Therefore,

Amy Leech  
1755 Embarcadero  
April 26, 1995  
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there is no continuing source of contamination.

Please note that the Port removed an underground storage tank from 1363 Embarcadero in October, 1994 (County StID #197). That project was very similar to the 1755 Embarcadero project. The tank was located so close to the estuary that the utility of groundwater monitoring was questionable. Low levels of contaminants were found in the soil, and TPH and BTEX were detected in the groundwater. Based on the location of the tank and the low levels of contaminants found, your office concluded that no further work was necessary (see attached letter from Barney Chan dated January 20, 1995).

For the reasons listed above, the Port requests that the ACHSA require no further work at 1755 Embarcadero. If, after reviewing this letter and the relevant information you still feel that a groundwater investigation is warranted, please provide the Port with at least 30 days to prepare a workplan.

Should you have any questions, I can be reached at (510) 272-1220.

Sincerely,



Dan Schoenholz  
Associate Port Environmental Scientist

Attachment

cc: Barney Chan

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ALAMEDA COUNTY  
HEALTH CARE SERVICES  
AGENCY

DAVID J KEARS, Agency Director



RAFAT A. SHAHID, ASST. AGENCY DIRECTOR

DEPARTMENT OF ENVIRONMENTAL HEALTH  
ALAMEDA COUNTY CC4580  
DEPT. OF ENVIRONMENTAL HEALTH  
ENVIRONMENTAL PROTECTION DIV.  
1131 HARBOR BAY PKWY., #250  
ALAMEDA CA 94502-6577

January 20, 1995  
StID # 197

Port of Oakland  
Mr. Dan Schoenholz  
530 Water St.  
P.O. Box 2064  
Oakland CA 94604-2064

**Re: Recommendation for No Further Work at 1363 Embarcadero,  
Oakland CA 94606**

Dear Mr. Schoenholz:

This letter is to inform you that no further work will be required by our division at the above reference site in regards to the removal of the 2000 gallon gasoline tank, PF-01. Our office has received and reviewed the underground tank closure report dated December 29, 1994 prepared by Alisto Engineering Group. There appears to have been a minor fuel release which our office feels will not have any adverse affect on human or environmental health.

Please be advised that this letter does not relieve you of any liability under the California Health and Safety Code or Water Code for past, present, or future operations at this site. Nor does it relieve you of the responsibility to clean up existing, additional or previously unidentified conditions at the site, which cause or threaten to cause pollution or nuisance or otherwise pose a threat to water quality or public health.

You may contact me at (510) 567-6765 should you have any questions regarding this letter.

Sincerely,

Handwritten signature of Barney M. Chan in cursive script.

Barney M. Chan  
Hazardous Materials Specialist

cc: E. Howell, file  
SO-1363

SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION

THIRTY VAN NESS AVENUE, SUITE 2011  
SAN FRANCISCO, CA 94102-6080  
PHONE: (415) 557-3686



*EBA*  
*over*  
*Field*

July 21, 1989

Ms. Dean Luckhart  
Environmental Department  
Port of Oakland  
66 Jack London Square  
P.O. Box 2064  
Oakland, California 94604

*Building P-323 UGT*  
*94606*  
*20767*

SUBJECT: Amendment Request No Two, BCDC Permit No. 17-87; Port of Oakland;  
Construction of Hotel, 1755 Embarcadero East; Time Extension and  
Fence Installation Request, Potential Public Health Hazard.

*94606*  
*of 94607*

Dear Ms. Luckhart,

We have received your request for an extension of the required commencement time for construction of a hotel and associated public access area at the parcel located at 1755 Embarcadero East, at the Port of Oakland. The reason you gave for the need for the extension was the delay caused by a hazardous chemical clean-up. Apparently, upon removal of underground storage tanks, additional toxic material was discovered.

As an agency that regulates activity within the Bay and within 100 feet of the shoreline of the Bay, we need to be informed of the location of this contaminated area for two reasons. The first reason is that certain areas of the parcel are reserved for future use as a public access area, and we must make sure that there is not an existing health threat to the public. The second reason is that the storage tank removal and clean-up activity was in our jurisdiction, and therefore an action that requires a BCDC permit, based upon our conversation on July 19, 1989.

Since the affected area is within BCDC jurisdiction, we will require the Port to apply for an after-the-fact permit amendment. Fees for this are double our usual fees. Since the Port has already submitted \$50.00, you would need only submit an additional \$50.00.

On a map of the site, please indicate the location of the storage tank removal and subsequent toxic soils. Also inform us how the removal of the tanks was undertaken, and what subsequent remedial action was taken to address the hazardous material problem. Finally, please provide us with an official determination from the Alameda County Department of Environmental Health regarding the public health threat at present posed by utilizing this area.

ALAMEDA COUNTY  
DEPT OF ENVIRONMENTAL HEALTH  
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Ms. Dean Luckhart  
July 21, 1989  
Page 2

Furthermore, you asked if the Port could install a temporary chain-link fence on the property. As I informed you, this will require incorporation into the permit as an amendment to the permit. Please provide us with a map showing exactly the proposed location of the fence and the length of time that you intend it remain installed. No additional fees are necessary for this amendment request.

As soon as we receive this additional information, we will continue processing your request for a time extension, as well as incorporating these other issues. Please contact me if you have any questions.

Sincerely,



DIANE PINNEY  
Permit Analyst

DP/qjg

cc Port of Oakland, Attn: William Vandenberg  
Alameda County Department of Environmental Health, Attn: Ed Howell

# ERM-West

Suite 260 • 1777 Botelho Drive • Walnut Creek, California 94596-5042 • (415) 946-0455 • Fax 415-946-9968

June 14, 1988

JUN 20 1988

Mr. Dwight R. Hoenig, Chief  
California Department of Health Services  
Toxic Substances Control Division  
North Coast California Section  
2151 Berkeley Way, Annex 7  
Berkeley, CA 94704

Attention: Denise Kato

PORT OF OAKLAND 601?

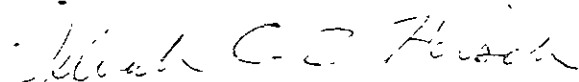
SUBJECT: Monthly Summary Report: Remedial Action  
Order HSA 87/88-002RA Embarcadero Cove Site

Dear Mr. Hoenig:

This letter transmits the Monthly Summary Report for the month of May 1988 for activities undertaken in response to the Department of Health Services (DOHS) Remedial Action Order concerning the Embarcadero Cove site in Oakland, California. The report is submitted in accordance with provision 12(c) of the Order. Please contact me if you have any questions or need additional information.

Yours truly,

ERM-WEST



Deborah C. Z. Hirsch  
Marketing Communications Director

cc: Donald Dalke - Regional Water Quality Control Board  
Rafat Shahid - Alameda County Health Department  
Neil Werner - Port of Oakland  
Greg Tomlin - Port of Oakland  
Stephen Krchma - Monsanto  
Lt. Mike Moore - USCG  
Robert Ekedahl - Sonoma Pacific

DZH/ddc/293.02

**MONTHLY SUMMARY REPORT  
EMBARCADERO COVE STATE SUPERFUND SITE**

**MAY 1988**

Remedial Investigation

Mobilization for field work continued. The Port is supplying water and power to two trailers now located at the job site; one trailer serves as an office and the other will serve as a personnel decontamination trailer. A Port-A-Berm was installed to collect water from steam cleaning operations and large equipment decontamination. The water will be pumped into barrels and disposed of as hazardous waste. Chemwest Analytical Laboratories of Sacramento was selected to provide chemical analyses of soil and water samples. Well equipment (casing, screen, etc.) was delivered to the site. Several industrial hygiene groups were contacted regarding air monitoring services.

Community Relations Plan

The Preliminary Draft Community Relations Plan (CRP) was completed and submitted to the Port of Oakland for review on June 2. The Draft CRP incorporating Port comments will be submitted to the Department of Health Services (DHS) in the near future. An interim Fact Sheet was prepared at the request of several concerned community members and was mailed from Port offices in early June. A formal Fact Sheet is being prepared for distribution to the project mailing list.

Negotiations With Monsanto

Port staff is continuing to conduct informal negotiations with Monsanto staff and representatives regarding shared responsibility for compliance with the DHS Remedial Action Order and apportionment of costs. The Port has provided Monsanto with cost projections and other information (including a project work schedule) pertaining to remedial investigation/remedial action activities at the site. The Port has reviewed a proposal from Clean Sites, Inc., for third-party mediation services, and is considering retaining Clean Sites, Inc., for this purpose. No agreements have yet been reached between the Port and Monsanto.

DZH/ddc/293.02  
June 14, 1988

# ERM-West

Suite 260 • 1777 Botelho Drive • Walnut Creek, California 94596-5042 • (415) 946-0455 • Fax 415-946-9968

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March 11, 1988

Mr. Dwight R. Hoenig, Chief  
California Department of Health Services  
Toxic Substances Control Division  
North Coast California Section  
2151 Berkeley Way, Annex 7  
Berkeley, CA 94704

Attention: Denise Kato


Subject: Monthly Summary Report: Remedial Action Order HSA  
87/88-002RA Embarcadero Cove Site

Dear Mr. Hoenig:

This letter transmits the Monthly Summary Report for the month of February 1988 for activities undertaken in response to the Department of Health Services (DOHS) Remedial Action Order concerning the Embarcadero Cove site in Oakland, California. The report is submitted in accordance with provision 12(c) of the Order. Please contact me if you have any questions or need additional information.

Yours truly,

ERM-WEST



Stephen J. Nelson, P.E.  
Principal

cc: Donald Dalke - Regional Water Quality Control Board  
~~Robert Shand~~ - Alameda County Health Agency  
Neil Werner - Port of Oakland  
Greg Tomlin - Port of Oakland  
Stephen Krchma - Monsanto

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MONTHLY SUMMARY REPORT  
EMBARCADERO COVE STATE SUPERFUND SITE  
FEBRUARY 1988

Remedial Investigation

Revisions to the Workplan and Health and Safety Plan for the Second Phase Remedial Investigation were submitted to the Department of Health Services (DHS) in January. Comments on these revisions were received at ERM-West on February 17. On February 25 changes and modifications to the Workplan and Health and Safety Plan were submitted to DHS. We are awaiting approval of these documents by DHS.

Community Relations Plan

The Port of Oakland Public Affairs Department is preparing a Draft Community Relations Plan for site activities. The Port expects to submit the proposed Plan on March 17, 1988.

Negotiations with Monsanto

Port staff has had several meetings and discussions with Monsanto staff and representatives regarding compliance with the DHS Remedial Action Order. No formal agreements have yet been reached between the Port and Monsanto.

OKR

**ERM** **ERM-West**  
Environmental Resources Management

1777 Botelho Drive • Suite 260 • Walnut Creek, California 94596-5022 ☎ (415) 946-0455  
4630 Campus Drive • Suite 200 • Newport Beach, California 92660-1805 ☎ (714) 852-9490  
2865 Sunrise Boulevard • Suite 105 • Rancho Cordova, California 95670-6538 ☎ (916) 635-7766

Reply To:

January 7, 1988

Walnut Creek

Mr. Dwight R. Hoenig, Chief  
California Department of Health Services  
Toxic Substances Control Division  
North Coast California Section  
2151 Berkeley Way, Annex 7  
Berkeley, CA 94704

Attention: Denise Kato

SUBJECT: December 1987 Status Report for the Embarcadero Cove -  
Remedial Action Order HSA 87/99 - 02RA

Dear Mr. Hoenig:

In accordance with Section V.D.1 of the Order, this letter serves as the first monthly report of project activities.

A meeting on December 7, 1987, was held at the DHS office in Emeryville to discuss the November 20, 1987, Draft of the Remedial Investigation (RI) Workplan. It was indicated that it was not possible to meet your request for a response to the DHS comments within two weeks because of staff limitations and scheduling conflicts.

It was stated at the meeting that it would likely be after the holidays before the revisions to the workplan could be completed, and any date would be tentative until the project manager could review and consider the changes required by the DHS comments.

In addition to reviewing the DHS industrial hygienist's comments, ERM-West through it's Health and Safety Coordinator is evaluating our current program to ensure that it will be in full compliance with State and Federal requirements.

Aerial photos stereographic pairs have been reviewed and purchased to document historic activities at the site. These photos will also be used during the interview with Mr. Montgomery, the former Manager of the facility, to verify his recollections.

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JAN 11 1988  
HARRIS COUNTY HEALTH DEPARTMENT  
WALNUT CREEK, CALIFORNIA

Mr. Dwight Hoenig  
January 7, 1988

Page 2

Revisions and modifications to the sampling plan are being prepared. As discussed with Denise Kato, final selection of soil boring and well locations will be based on review of the aerial photos, known site history, and discussions with Mr. Montgomery.

An outline for the community relations plan has been developed based on other ERM projects and based on guidelines provided by DHS.

Discussions with the Port of Oakland concerning the DHS letter of December 24, 1987, has resulted with the decision that work items that could be undertaken will be initiated prior to formal completion and acceptance of the Workplan.

#### Schedule

The current schedule of activities planned for January is as follows:

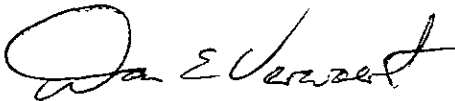
- o Complete the revision of the workplan.
- o Conduct an interview with Mr. Montgomery.
- o Continue negotiations with Monsanto.
- o Begin monthly water level measurements.
- o Develop a project schedule.

In accordance with your request, we plan to submit monthly status reports within the first week of each month.

Please contact Steve Nelson or me if you have any questions or need additional information.

Very truly yours,

ERM-West



Dan E. Verwoert  
Principal Geologist

DEV/ddc/293

cc: Neil Werner - Port of Oakland  
Donald Dalke - SF RWQCB  
Rafat Shahid - Alameda County Health Department

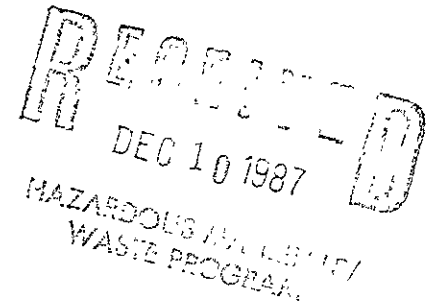
DEPARTMENT OF HEALTH SERVICES  
TOXIC SUBSTANCES CONTROL DIVISION  
2151 BERKELEY WAY, ANNEX 7  
BERKELEY, CA 94704



December 7, 1987

CERTIFIED MAIL

Mr. Stephen P. Krchma  
Monsanto Company  
800 N. Lindbergh Blvd.  
St. Louis, MO 63167



Dear Mr. Krchma:

PORT OF OAKLAND, EMBARCADERO COVE <sup>4606</sup>  
NOTICE OF FINAL DETERMINATION OF NON-COMPLIANCE WITH  
REMEDIAL ACTION ORDER NO. HSA 87/88-002RA

On July 8, 1987, the Department issued Monsanto Company Remedial Action Order Number HSA 87/88-002RA. On August 6, 1987, the Department of Health Services sent you a Notice of Proposed Determination of Non-compliance.

Monsanto's most recent letters to the Department are dated September 24, October 8 and November 19, 1987. In those letters, you have requested that the Department modify the Remedial Action Order by removing Monsanto as a potentially responsible party. You have also requested the Department's assistance in identifying all potentially responsible parties involved at the site.

The Department does not have sufficient evidence to remove Monsanto from the Order at this time. Following is a summary of the major issues Monsanto has raised regarding the Order and the Department's responses.

Comment 1. Monsanto never owned the site or conducted substantive operations there.

Response 1. The Department has never maintained that Monsanto owned the site, nor has it maintained that Monsanto is responsible for cleanup based on ownership of the site. Monsanto's liability stems from its role as 100% shareholder in Wood Treating Chemical Company (WTCC), which operated at the site from 1955 through 1963 and continued to hold the lease on the site for two more years.

Comment 2. Any liability Monsanto may have had was extinguished with the dissolution of WTCC in 1974.

Response 2. Monsanto appears to be unaware of legal arguments and precedent under which corporate stockholders of subsidiary corporations may be held liable for the costs of site cleanups under CERCLA. The Department is proceeding in accordance with these precedents and legal theories in naming Monsanto in its Order. If you have further questions in this regard, please contact Susan Bertken of the Department's Office of Legal Services at (916)392-9422.

Comment 3. Texaco and Ventura Oil were probably responsible for some contaminants at the site and should be named as respondents in the Order. The Garrity Company should have been named in the Order.

Response 3. The Department stands by its decision not to name Texaco in the Order at this time based on the petroleum exclusion. We currently have insufficient information regarding Texaco's handling of hazardous substances to include them as respondents in the Order.

The Department is willing to add other parties to the Order if information providing a sufficient basis for naming them is available. We have requested that the Port submit any information they may have on Texaco, and we have sent Texaco a letter requesting further information on their activities at the site. If Monsanto has further information regarding Texaco, please submit it to us.

Based on available information, The Garrity Company and Ventura Oil no longer exist and are not viable responsible parties. In addition, no one associated with those companies to whom the Order could be issued has been identified. For those reasons, naming either company in the Order at this time would be an empty gesture which the Department will not make. If Monsanto has any additional information regarding either company, please provide it to us.

Comment 4. WTCC was not responsible for all the contamination. Contamination may have been spread and brought onto the site during and after demolition of buildings there.

Response 4. The Department has never maintained that WTCC was responsible for all the contamination. However, the primary contaminant of soil and groundwater at the site is pentachlorophenol (PCP). Available records indicate that WTCC handled this chemical in large quantities and that there were releases of chemicals from WTCC's operations. We conclude that WTCC was responsible for some of the contamination at the site.

The Department does not have any information to suggest that there were releases of hazardous substances during demolition. In any case, demolition activities were conducted by the Port of

Oakland (Port), which would be responsible for any contaminants which could have been released at that time. As you know, the Port was named as respondent in the Order and has agreed to comply with it. The issue of releases of contaminants during demolition has thus been addressed and is a moot issue.

Available analytical data indicates that the most serious contamination at the site has existed there for many years. The age of the releases is reflected by the fact that PCP has migrated vertically many feet through the soil into groundwater; also, the highest levels of contamination found to date are several feet below the ground surface. We have no evidence that contamination was brought onto the site after demolition activities. If such contamination does exist, it is minor in comparison to the extensive PCP contamination already in existence there.

As we indicated above, the Department has determined that Monsanto's arguments do not provide a sufficient basis to remove it as a respondent to the Order. Further, Monsanto has not indicated a willingness to comply with the terms of the Order by entering an agreement with the Port of Oakland to participate with the Port in its compliance with the Order. Therefore, THE DEPARTMENT OF HEALTH SERVICES HEREBY DETERMINES THAT MONSANTO COMPANY IS NOT IN COMPLIANCE WITH REMEDIAL ACTION ORDER HSA NUMBER 87/88-002RA.

Since the Port is complying with the Order, the Department plans no further action against Monsanto at this time. If a non-compliance determination is issued to the Port at any time in the future, the Department will proceed with site remediation work and seek to recover its costs from Monsanto and the Port.

We conclude with an observation about Monsanto's response to the Department's July 9, 1987 written request for site historical information. We contacted Mr. Joseph Montgomery, who you identified as WTCC's regional manager. Mr. Montgomery appears quite familiar with WTCC's operations at the Embarcadero Cove site. He also seems familiar with Monsanto's relationship to WTCC during both WTCC's period of operation at the site and the period of the sublease agreement between WTCC and the Garrity Company. Mr. Montgomery informed us that he spoke to Stephanie Emery of your staff at length about his recollection of these matters, yet your response to our information request is sketchy. Please provide us with a complete recount of the information you obtained from Mr. Montgomery within 30 days. Also, please indicate in this response whether Monsanto contacted Mr. Rueben Morriss, Jr. and provide the Department with the information obtained by Monsanto from him, or any other person contacted by Monsanto in its information search.

We remind you that failure to comply with this request for information may result in the Department seeking civil penalties of up to \$25,000 a day for each day of non-compliance, pursuant to California Health and Safety Code Section 25191.

We believe the Department has been straightforward in discussing its position with respect to this site. We hope this letter has further clarified our position.

Sincerely,



Dwight R. Hoenig, Chief  
North Coast California Section  
Toxic Substances Control Division

Certified # P 567 689 076

cc: Charles Roberts, Port of Oakland  
Neil Werner, Port of Oakland  
Greg Tomlin, Port of Oakland  
Susan Bertken, OLS/TSCD  
Richard Ross, Enforcement/TSCD  
Paul Blais, SEU/TSCD  
Rafat Shahid, Alameda County Health Dept.  
Donald Dalke, SFRWQCB  
Robert Ekedahl, Sonoma Pacific

DRH:dk:dk