

93 AUG 31 PM 3:05

August 30, 1993
File No. 2223.09(LF)

Mr. James Kessler
The Martin Group
One Sutter Street, Suite 500
San Francisco, CA 94104

Mr. James S. Moran
American National Can Company
Mail Suite 14C
8770 West Bryn Mawr Avenue
Chicago, Illinois 60631-3542

SUBJECT: Remedial Action Plan for 3801 E. 8th Street

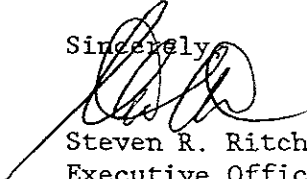
Dear Sirs:

This letter is written to confirm guidance provided by Lester Feldman of my staff at meetings held on August 19, 1993 and July 7, 1993 regarding the lead agency status of the Regional Board for this site remediation. The staff of the Regional Board has discussed this case with representatives of the Department of Toxic Substances Control, the Alameda County Department of Environmental Health (ACDEH) and the City of Oakland.

Based upon the referenced meetings and these discussions my staff will act to coordinate your development of a remedial plan which involves completion of soil and groundwater investigations, development of a feasibility study of remedial alternatives, and a public health risk assessment for the subject site. My staff will work in close coordination with staff of the ACDEH to provide guidance as the documents are developed and in providing timely reviews and comments. I am anticipating that acceptance of the remedial plan will be in the form of a letter from the Regional Board staff after the ACDEH has provided final comments and recommendations.

In order to facilitate Regional Board staff involvement, we require participation in the Board's Cost-Recovery Program. I have directed staff to prepare the appropriate letter which you should receive shortly. Please coordinate program management with Lester Feldman at (510) 286-1332 and technical report issues with Richard Hiatt at (510) 286-4359.

Sincerely,


Steven R. Ritchie,
Executive Officer

cc: Attached List

Mailing List for 3801 E. 8th, Oakland

Robert Creps, PES Environmental
Ariu Levi, ACDEH
Barney Chan, ACDEH
Ravi Arulanantham, ACDEH
Edward W. Alusow, Rust E & I
Maria Banico, City of Oakland Zoning Department
Shirley Stubblefield, City of Oakland
Brian Matsumura, City of Oakland
Frank Gaunce, Cal-EPA, Department of Toxic Substances Control



Rust Environment & Infrastructure Inc.

A Rust International Company Phone 518 458 1313
12 Metro Park Road Fax 518 458 2472
Albany, NY 12205

96 NOV 14 AM 9:38
ENVIRONMENTAL
PROTECTION

November 12, 1996

Sumadhu Arigala
Water Resources Control Engineer
San Francisco Bay Regional Water Quality Control Board
2101 Webster Street, Suite 500
Oakland, CA 94612

Barney Chan
Hazardous Materials Specialist
Alameda County Department of Environmental Health
1131 Harbor Bay Parkway, Room 250
Alameda, CA 94502

RE: Site Closure Summaries
 Former ANC Oakland Facility

Dear Gentlemen:

Enclosed are completed forms for the closure of remedial areas at the above referenced property. All requirements of the Sitewide Risk Management Plan (SRMP), as amended, for Areas 2 and 4, the RCRA area monitoring well, and the monitoring well installed to observe groundwater conditions down gradient from the former acetone UST have been completed. Area 3 groundwater monitoring will continue.

Consistent with the SRMP, please approve closure of these areas by way of a letter stating that no further investigation, remediation, or groundwater monitoring is required in these areas. Upon receipt of such a "no further action" letter, American National Can Company intends to abandon and remove all monitoring wells at the site outside of Area 3.

Thank you for your cooperation in these matters. Please call me if you have any questions.

Sincerely,

Edward W. Alusow
Senior Project Manager

Enclosures

- cc: R. Rivetna, ANC
- P. Cafferty, Esq. Munger, Tolles
- J. Kessler, HSA
- R. Williams, KMART
- D. Bruegel, Esq. Dickinson. Wright
- R. Burzinski, Rust



SITE CLOSURE SUMMARY

I. AGENCY INFORMATION

Date:

Agency Name: S.F.B.R.W.Q.C.B.	Address: 2101 Webster Street
City/State/Zip: Oakland, CA 94612	Phone: (510) 286-1255
Responsible Staff Person: Sum Arigala	Title: Water Resources Control Engineer

II. SITE INFORMATION

Site Facility Name: KMART (formerly American National Can Company)				
Site Facility Address: 3801 East 8th Street, Oakland, CA 94601				
RB LUSTIS Case No.:	Local or LOP Case No.:	Priority:		
URF Filing Date:	SWEEPS No.:			
Responsible Parties (include addresses and phone numbers)				
American National Can Company				
8770 West Bryn Mawr Avenue				
Chicago IL 60631				
Tank No.	Size in Gallons	Contents	Closed In Place/Removed?	Date
1	15,000	Heating oil	Removed	12/2/94

III. RELEASE AND SITE CHARACTERIZATION INFORMATION

Cause and Type of Release: Overfill		
Site characterization complete? <input checked="" type="radio"/> Yes <input checked="" type="radio"/> No	Date Approved By Oversight Agency:	
Monitoring wells installed? <input checked="" type="radio"/> Yes <input checked="" type="radio"/> No	Number: 3	Proper screened interval? <input checked="" type="radio"/> Yes <input checked="" type="radio"/> No
Highest GW Depth Below Ground Surface: 10.44	Lowest Depth: 9.83	Flow Direction: SE
Most Sensitive Current Use: Parking Lot		
Most Sensitive Potential Use and Probability of Use: Parking Lot - 100%		
Are drinking water wells affected? <input checked="" type="radio"/> Yes <input checked="" type="radio"/> No	Aquifer Name: None	
Is surface water affected? <input checked="" type="radio"/> Yes <input checked="" type="radio"/> No	Nearest/Affected SW Name: None	
Off-Site Beneficial Use Impacts (Addresses/Locations): None		
Report(s) on file? <input checked="" type="radio"/> Yes <input checked="" type="radio"/> No	Where is report(s) filed? SFBRWQCB / ACDEH	

V. TECHNICAL REPORTS, CORRESPONDENCE ETC., THAT THIS CLOSURE RECOMMENDATION WAS BASED UPON

Title:	Date:
Quarterly Groundwater Monitoring Reports	7/91-7/96
Subsurface Investigation Phase I Report	8/91
Phase II Investigation Report	1/92
Subsurface Investigation Summary Report	6/92

continued below

VI. ADDITIONAL COMMENTS, DATA, ETC.

PLEASE INCLUDE/ATTACH THE FOLLOWING AS APPROPRIATE:

- 1) SITE MAP INDICATING TANK PIT LOCATION, MONITORING WELL LOCATION, GROUNDWATER GRADIENT, ETC., AND,
- 2) SITE COMMENTS WORTHY OF NOTICE (E.G., AREA OF RESIDUAL POLLUTION LEFT IN PLACE, DEED NOTICES ETC.)

<u>continued from above</u>	
Remedial Workplan for Areas 2 and 4	12/93
Area 2 UST Removal Report	1/95
Remediation Activities Report - Area 2	5/95
Sitewide Risk Management Plan	5/95
Letters amending the SRMP	9/95
Letter: Area Closures Under SRMP	8/96
Attached:	
Site Map	
Deed Restriction on groundwater use.	
Data gathered for 4 consecutive quarters demonstrates that targets for containment areas have been met.	

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Site Facility Address: 3801 East 8th Street, Oakland, CA 94601				
RB LUSTIS Case No.:	Local or LOP Case No.:	Priority:		
URF Filing Date:	SWEEPS No.:			
Responsible Parties (include addresses and phone numbers)				
American National Can Company				
8770 West Bryn Mawr Avenue				
Chicago IL 60631				
Tank No.	Size in Gallons	Contents	Closed In Place/Removed?	Date
1	500	Gasoline	Removed	10/92

III. RELEASE AND SITE CHARACTERIZATION INFORMATION

Cause and Type of Release: Overfill			
Site characterization complete? <input checked="" type="radio"/> Yes <input checked="" type="radio"/> No	Date Approved By Oversight Agency:		
Monitoring wells installed? <input checked="" type="radio"/> Yes <input checked="" type="radio"/> No	Number: 3	Proper screened interval? <input checked="" type="radio"/> Yes <input checked="" type="radio"/> No	
Highest GW Depth Below Ground Surface: 11.72	Lowest Depth: 11.32	Flow Direction: SE	
Most Sensitive Current Use: Parking Lot			
Most Sensitive Potential Use and Probability of Use: Parking Lot - 100%			
Are drinking water wells affected? <input checked="" type="radio"/> Yes <input checked="" type="radio"/> No	Aquifer Name: None		
Is surface water affected? <input checked="" type="radio"/> Yes <input checked="" type="radio"/> No	Nearest/Affected SW Name: None		
Off-Site Beneficial Use Impacts (Addresses/Locations): None			
Report(s) on file? <input checked="" type="radio"/> Yes <input checked="" type="radio"/> No	Where is report(s) filed? SFBRWQCB / ACDEH		

V. TECHNICAL REPORTS, CORRESPONDENCE ETC., THAT THIS CLOSURE RECOMMENDATION WAS BASED UPON

Title:	Date:
Quarterly Groundwater Monitoring Reports	7/91-7/96
Subsurface Investigation Phase I Report	8/91
Phase II Investigation Report	1/92
Subsurface Investigation Summary Report	6/92

continued below

VI. ADDITIONAL COMMENTS, DATA, ETC.

PLEASE INCLUDE/ATTACH THE FOLLOWING AS APPROPRIATE.

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- 2) SITE COMMENTS WORTHY OF NOTICE (E.G., AREA OF RESIDUAL POLLUTION LEFT IN PLACE, DEED NOTICES ETC.)

continued from above

Area 4 Remedial Activities Report	3/93
Remedial Workplan for Areas 2 and 4	12/93
Remediation Activities Report - Area 4	2/95
Sitewide Risk Management Plan	5/95
Letters amending the SRMP	9/95
Letter: Area Closures Under SRMP	8/96

Attached:

Site Map

Deed Restriction on groundwater use

Data gathered for 4 consecutive quarters demonstrates that targets for containment areas have been met.

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Responsible Staff Person: Sum Arigala	Title: Water Resources Control Engineer

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Site Facility Name: KMART (formerly American National Can Company)				
Site Facility Address: 3801 East 8th Street, Oakland, CA 94601				
RB LUSTIS Case No.:		Local or LOP Case No.:		Priority:
URF Filing Date:		SWEEPS No.:		
Responsible Parties (include addresses and phone numbers)				
American National Can Company				
8770 West Bryn Mawr Avenue				
Chicago IL 60631				
1-773-399-3392 (R. Rivetna)				
Tank No.	Size in Gallons	Contents	Closed In Place/Removed?	Date
N/A				

III. RELEASE AND SITE CHARACTERIZATION INFORMATION

Cause and Type of Release: Accumulated drips and spills over 50 years		
Site characterization complete? <input checked="" type="radio"/> Yes <input checked="" type="radio"/> No	Date Approved By Oversight Agency: 1/96	
Monitoring wells installed? <input checked="" type="radio"/> Yes <input checked="" type="radio"/> No	Number: 1	Proper screened interval? <input checked="" type="radio"/> Yes <input checked="" type="radio"/> No
Highest GW Depth Below Ground Surface:	Lowest Depth:	Flow Direction:
Most Sensitive Current Use: Parking Lot		
Most Sensitive Potential Use and Probability of Use: Parking Lot - 100%		
Are drinking water wells affected? <input checked="" type="radio"/> Yes <input checked="" type="radio"/> No	Aquifer Name: None	
Is surface water affected? <input checked="" type="radio"/> Yes <input checked="" type="radio"/> No	Nearest/Affected SW Name: None	
Off-Site Beneficial Use Impacts (Addresses/Locations): None		
Report(s) on file? <input checked="" type="radio"/> Yes <input checked="" type="radio"/> No	Where is report(s) filed? SFBRWQCB / ACDEH /DTSC	

V. TECHNICAL REPORTS, CORRESPONDENCE ETC., THAT THIS CLOSURE RECOMMENDATION WAS BASED UPON

Title:	Date:
Sitewide Risk Management Plan	5/95
Letters amending SRMP	9/95
RCRA Closure Certification Report	12/95
Letter: RCRA Closure Approval from DTSC	1/96
Letter: Area Closures Under SRMP	8/96

VI. ADDITIONAL COMMENTS, DATA, ETC.

- PLEASE INCLUDE/ATTACH THE FOLLOWING AS APPROPRIATE.
- 1) SITE MAP INDICATING TANK PIT LOCATION, MONITORING WELL LOCATION, GROUNDWATER GRADIENT, ETC., AND
 - 2) SITE COMMENTS WORTHY OF NOTICE (E.G., AREA OF RESIDUAL POLLUTION LEFT IN PLACE, DEED NOTICES ETC)

Attached:

- Site Map
- Deed Restriction on groundwater use

Data gathered for 4 consecutive quarters demonstrates that targets for containment areas have been met.

This document and the related CASE CLOSURE LETTER, shall be retained by the lead agency as part of the official site file

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Date:

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City/State/Zip: Oakland, CA 94612	Phone: (510) 286-1255
Responsible Staff Person: Sum Arigala	Title: Water Resources Control Engineer

II. SITE INFORMATION

Site Facility Name: KMART (formerly American National Can Company)				
Site Facility Address: 3801 East 8th Street, Oakland, CA 94601				
RB LUSTIS Case No.:		Local or LOP Case No.:		Priority:
URF Filing Date:		SWEEPS No.:		
Responsible Parties (include addresses and phone numbers)				
American National Can Company				
8770 West Bryn Mawr Avenue				
Chicago IL 60631				
Tank No.	Size in Gallons	Contents	Closed In Place/Removed?	Date
1	1,000	acetone	Removed	4/95

III. RELEASE AND SITE CHARACTERIZATION INFORMATION

Cause and Type of Release: None			
Site characterization complete? <input checked="" type="radio"/> Yes <input checked="" type="radio"/> No		Date Approved By Oversight Agency: 4/3/95	
Monitoring wells installed? <input checked="" type="radio"/> Yes <input checked="" type="radio"/> No		Number: 1	Proper screened interval? <input checked="" type="radio"/> Yes <input checked="" type="radio"/> No
Highest GW Depth Below Ground Surface: 9.36		Lowest Depth: 8.83	Flow Direction: SE
Most Sensitive Current Use: Parking Lot			
Most Sensitive Potential Use and Probability of Use: Parking Lot - 100%			
Are drinking water wells affected? <input checked="" type="radio"/> Yes <input checked="" type="radio"/> No		Aquifer Name: None	
Is surface water affected? <input checked="" type="radio"/> Yes <input checked="" type="radio"/> No		Nearest/Affected SW Name: None	
Off-Site Beneficial Use Impacts (Addresses/Locations): None			
Report(s) on file? <input checked="" type="radio"/> Yes <input checked="" type="radio"/> No		Where is report(s) filed? SFBRWQCB / ACDEH	

V. TECHNICAL REPORTS, CORRESPONDENCE ETC., THAT THIS CLOSURE RECOMMENDATION WAS BASED UPON

Title:	Date:
Sitewide Risk Management Plan	5/95
Acetone UST Removal Report	9/95
Letters amending SRMP	9/95
Letter: Area Closures Under SRMP	8/96

VI. ADDITIONAL COMMENTS, DATA, ETC.

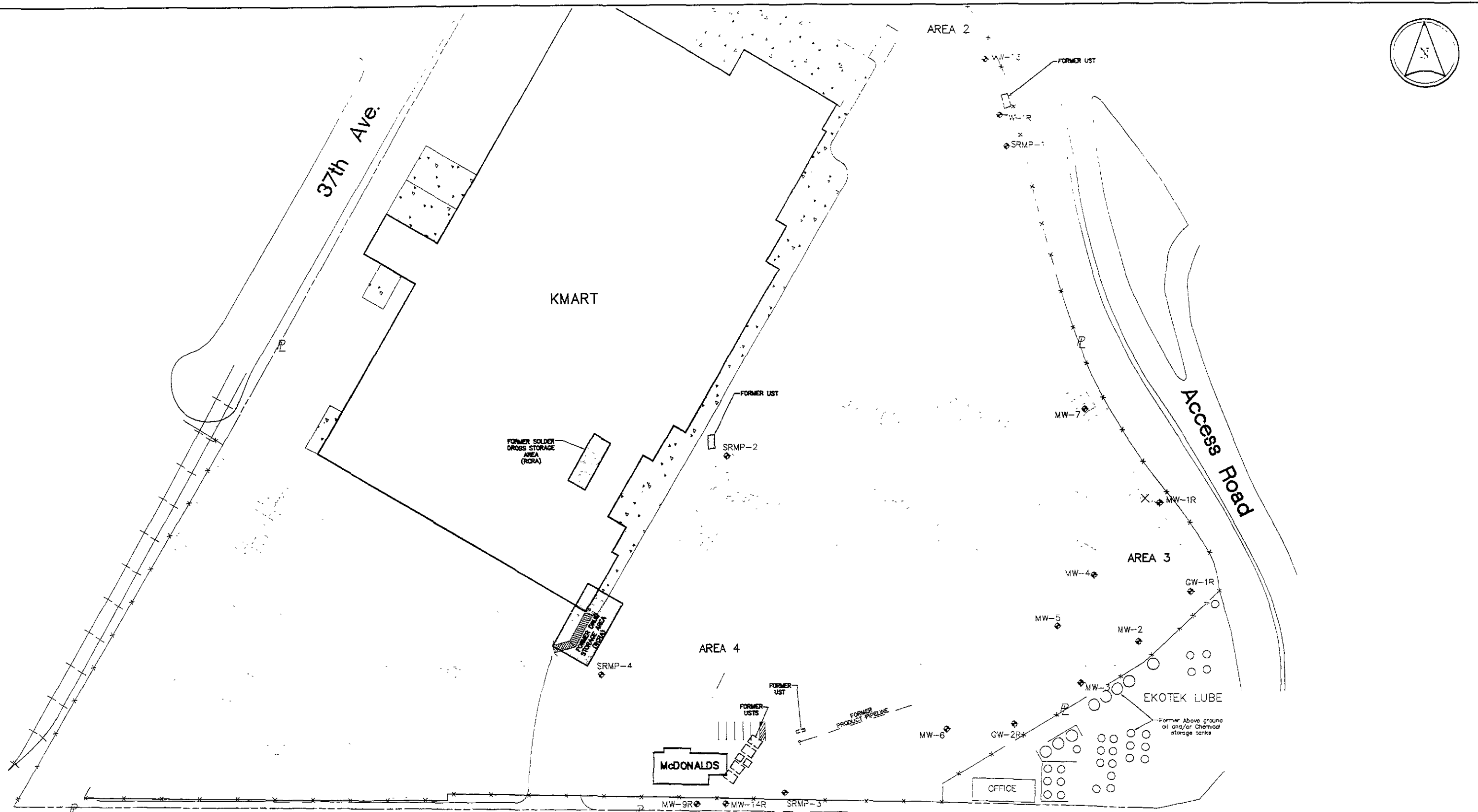
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- 2) SITE COMMENTS WORTHY OF NOTICE (E.G., AREA OF RESIDUAL POLLUTION LEFT IN PLACE, DEED NOTICES ETC.)

Attached:

- Site Map
- Deed Restriction on groundwater use

Data gathered for 4 consecutive quarters demonstrates that targets for containment areas have been met.



Alameda Ave.

		<p>SITE MAP</p> <p>AMERICAN NATIONAL CAN COMPANY FORMER OAKLAND PLANT</p>		
				PROJECT NO. 35195.700

**NOTICE OF RESTRICTION OF USE OF PROPERTY
3801 EAST EIGHTH STREET
OAKLAND, CALIFORNIA**

Notice is given this 17th day of February, 1994, by American National Can Company ("ANC"), who is the owner of record of certain property situated in Oakland, California, County of Alameda, State of California, known and numbered as 3801 East Eighth Street, Oakland, California, and more fully described in Exhibit "A" attached hereto and incorporated herein by this reference ("the Property") with reference to the following facts:

- A. Contaminants are present in the groundwater beneath the Property at levels which are in excess of the California Drinking Water Standards and not suitable for use as a drinking water supply.
- B. Contaminants are migrating from adjacent property onto the Property. The Property, which was formerly a manufacturing facility, is intended to be developed for retail use. There are no known currently used sources of drinking water within a one-half mile radius of the Property. Potable water is supplied to the area by the East Bay Municipal Utility District.
- C. ANC desires and intends that in order to protect the present or future public health and safety, the Property shall be used in such a manner as to avoid potential harm to persons or property which may result from the presence of contaminants in the groundwater at levels above California Drinking Water Standards.

**ARTICLE I
GENERAL PROVISIONS**

1.01 Provisions to Run With the Land. This Notice sets forth protective provisions, covenants, restrictions, and conditions, (collectively referred to as "Restrictions"), upon and subject to which the Property and every portion thereof shall be improved, held, used, occupied, leased, sold, hypothecated, encumbered, and/or conveyed. Each and all of the Restrictions shall run with the land, and pass with each and every portion of the Property, and shall apply to and bind the respective successors in interest thereof. Each and all of the Restrictions are imposed upon the entire Property unless expressly stated as applicable to a specific portion of the Property. Each and all of the Restrictions run with the land.

1.02 Concurrence of Owners Presumed. All purchasers, lessees, or possessors of any portion of the Property shall be deemed by their purchase, leasing, or possession of such Property, to be in accord with the foregoing and to agree for and among

themselves, their heirs, successors, and assignees, and the agents, employees, and lessees of such owners, heirs, successors, and assignees, that the Restrictions as herein established must be adhered to for the benefit of future Owners and Occupants, and that their interest in the Property shall be subject to the Restrictions contained herein.

Article II DEFINITIONS

2.01 Board. "Board" shall mean the Regional Water Quality Control Board - San Francisco Bay Region, and successor agencies, if any.

2.02 Occupants. "Occupants" shall mean those persons entitled by ownership, leasehold, or other legal relationship to the exclusive right to occupy any portion of the Property.

2.03 Owner. "Owner" shall mean ANC or its successors in interest, including heirs, and assigns, who hold title to all or any portion of the Property.

ARTICLE II DEVELOPMENT, USE, AND CONVEYANCE OF THE PROPERTY

3.01 Restrictions on Use. ANC promises not to use the groundwater for drinking water purposes, until such time it is determined in writing by the Board that the groundwater is suitable for such use.

3.02 Enforcement. Failure of the owner to comply with this restriction, as set forth in paragraph 3.01, shall be grounds for the Board, by reason of the Restrictions, to require that the Owner cease and desist using the groundwater for drinking water purposes, and remove any facilities or equipment designed to draw and distribute groundwater for such purposes. Violation of the Restrictions shall be grounds for the Board to seek administrative or judicial relief against the Owner, as provided by law.

3.03 Notice in Agreements. All Owners shall execute a written instrument which shall accompany or be included in all purchase agreements relating to the Property. The instrument shall contain the following statement:

"The land described herein is subject to Restrictions which restricts the use of the groundwater beneath the Property for drinking water purposes. Such Restriction renders the owner, lessee, or other possessor of the land subject to, and responsible for compliance with such restriction, and failure to comply with said restriction may subject such persons to actions for enforcement and liability for any damages resulting from such non-compliance."

L.

**ARTICLE IV
VARIANCE AND TERMINATION**

4.01 Variance. Any Owner or, with the Owner's consent, any Occupant of the Property or any portion thereof may apply to the Board for a written variance from the provisions of this Covenant. Such application shall be made in accordance with applicable law.

4.02 Termination. Any Owner or, with the Owner's consent, any Occupant of the Property or a portion thereof may apply to the Board for a termination of the Restrictions as they apply to all or any portion of the Property. Such application shall be made in accordance with applicable law.

4.03 Term. Unless terminated in accordance with paragraph 4.02 above, by law or otherwise, these Restrictions shall continue in effect in perpetuity.

**ARTICLE V
MISCELLANEOUS**

5.01 No Dedication Intended. Nothing set forth herein shall be construed to be a gift or dedication, or offer of a gift or dedication, of the Property or any portion thereof to the general public or for any purposes whatsoever.

5.02 Partial Invalidity. If any portion of the Restrictions set forth herein or terms is determined to be invalid for any reason, the remaining portion shall remain in full force and effect as if such portion had not been included herein.

5.04 Article Headings. Headings at the beginning of each numbered article of these Restrictions are solely for the convenience of the parties and are not a part of the Restrictions.

5.05 Recordation. This instrument shall be recorded by the covenantor in the County of Alameda, within (10) days of the date of execution.

IN WITNESS WHEREOF, ANC executes this instrument as of the date set forth above.

OWNER:
AMERICAN NATIONAL CAN COMPANY

BY: Guy Chaudry

TITLE: Senior Vice President

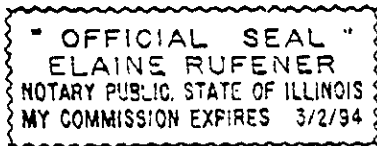
DATE: 2/17/1994

STATE OF ILLINOIS)

COUNTY OF COOK)

On FEBRUARY 17, 1994 before me, the undersigned, a Notary Public in and for said state, personally appeared GUY CHACON, personally known to me or proved to me on the basis of satisfactory evidence to be the person who executed the within instrument as Sr. Vice President of the corporation that executed the within instrument, and acknowledged to me that such corporation executed the same pursuant to its bylaws or a resolution of its board of directors.

WITNESS my hand and official seal.



Elaine Rufener
Notary Public in and for said
County and State