

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

July 28, 2003

RO0002505

Mr. Mike Kim  
Pulte Homes Corporation  
7031 Koll Center Pkwy Ste 150  
Pleasanton, CA 94566

**Re: Clarification to "Covenant and Environmental Restriction On Property"  
Elevation 22 Project at 1300-1350 Powell Street, Emeryville, CA**

Alameda County Doc ID 2003. 122921 Page 2 of 16, Section E reads "...*No utilities shall penetrate vapor barrier.*" This statement restricts any form of vapor barrier penetration by subsequent owners/lessees after completion of the development by Pulte Homes Corporation. If the vapor barrier is punctured, it must be repaired to effectively prevent the migration of vapors into the residence. Pulte Homes Corporation is allowed to install utilities through the foundation section that includes the vapor barrier membrane in accordance with manufacturer specifications.

If you have any further questions, I can be reached at (510) 567-6762 or by email at [echu@co.alameda.ca.us](mailto:echu@co.alameda.ca.us).

eva chu  
Sr Environmental Health Specialist

c: Donna Drogos  
Ignacio Dayrit, City of Emeryville

# BALAAM BROTHERS

May 13, 2003

Alameda County Health Agency  
Department of Public Health  
Environmental Health Services  
1131 Harbor Bay Parkway, 2<sup>nd</sup> Floor  
Alameda, CA 94502-6577  
Attn: Ariu Levi

Alameda County  
MAY 16 2003  
Environmental Health

RE: Case # RO0002506, Balaam Brothers property at 1350 Powell Street, Emeryville

Dear Mr. Levi:

Balaam Brothers is relieved to have the environmental cleanup of 1350 Powell Street behind us and look forward to seeing productive use of the property which we owned for so many years. As we close out our post-sale ownership responsibilities we feel it important to communicate in writing problems that occurred during your agency's oversight of the project. We are strong proponents of the concept of brownfield development and hope that your agency will consider our experience while you continue to develop and improve your programs.

As you are aware, the environmental cleanup of 1350 Powell Street in Emeryville, owned by Balaam Brothers, our family partnership, was conducted during the period July through February 2003, under the oversight of your agency (Alameda County Health Agency - Environmental Health Services [ACEH]). Balaam Brothers is a small business and 1350 Powell Street was our only asset. This property can be considered a brownfield, which was polluted previously unknown to Balaam Brothers by oil companies that had owned the property prior to the 1950s. A "No Further Action" letter for the property was issued by your office on February 28, 2003. The purpose of this letter is threefold:

- 1) To detail significant deficiencies in the oversight of this project by ACEH that resulted in serious financial impacts to our family and family partners;
- 2) To transmit the \$8,500 additional deposit requested by your agency to cover closeout of the project;
- 3) To request that ACEH reimburse Balaam Brothers for the unspent balance of the total \$12,500 that has been deposited with ACEH.

## OVERSIGHT ISSUES

In July 2002, ACEH reviewed and approved the corrective action workplan and cleanup standards for 1350 Powell Street, which had been based on discussions with staff from ACEH and the Regional Water Quality Control Board (RWQCB). The ACEH case officer (Ms. Eva Chu) also visited the site at the initiation of remedial action in July and provided direction to our consultant, Cambria Environmental Technologies, on confirmation sampling protocols.

Balaam Brothers excavated over 16,000 tons of contaminated soil and conducted confirmation sampling primarily between July and September 2002. This work complied with, and in many areas substantially exceeded the requirements of the approved workplan and cleanup requirements.

1115 HILLVIEW ROAD • BERKELEY CA • 94708

PHONE: (510) 918-3399

1006110001  
ENVIRONMENTAL HEALTH  
SERVICES

In September 2002, a comprehensive data package consisting of the tabulated confirmation sampling data and a map of confirmation sampling locations was provided to ACEH. Ms. Chu was requested both to visit the site and to review the data package to ascertain whether further excavation or additional confirmation sampling was needed prior to backfilling of the main excavation. Ms. Chu was also asked to ensure that any needed supervisory approvals be obtained since further work would be cost-prohibitive once backfilling commenced. Ms. Chu declined to visit the site, but on September 13<sup>th</sup> gave verbal approval to backfill the main excavation based on review of the data package. The excavation was backfilled and a Corrective Action Completion Report and request for a No Further Action letter were delivered to ACEH on December 13, 2002.

Based on our compliance with the approved workplan, and conversations with Ms. Chu, Balaam Brothers anticipated closure of the site in December 2002 or early January 2003. However, over the next two months, we were subjected to numerous delays and changes in regulatory requirements by ACEH that we feel were unjustified and caused serious cost impacts and risks to our family. A few of these items are discussed below:

In mid January 2003, four months after approving backfilling of the remedial excavation, ACEH rejected their previous approval of the confirmation sampling plan, adding a requirement for an additional workplan and supplemental confirmation sampling at the base of the backfilled excavation. The new requirement was technically unjustified because existing data already characterized the excavation base, direct field observations clearly showed the lack of contamination in this zone, and soil at this depth was saturated, representing no threat to human health. The additional workplan preparation, drilling through the compacted backfill, sampling and reporting cost approximately \$9,700. As expected, the sampling data were completely consistent with the previously existing sampling data. Even if the sampling had been justified, this cost would have been averted through either proper ACEH review of the original workplan, proper review of the post-excavation sampling results prior to ACEH's approval of backfilling, or ACEH on-site oversight during the remedial work. These samples could have been collected and analyzed for a cost of a few hundred dollars prior to backfilling of the excavation.

On February 14, 2003, ACEH added a further requirement that an environmental risk assessment be prepared and indicated that the cleanup standards were to be modified based on the risk assessment findings. The risk assessment cost approximately \$2,000. However, at a February 20, 2003 meeting, ACEH and RWQCB staff stated that they no longer wished to use risk assessment results, but instead would require that another new workplan be prepared and that soil vapor sampling be conducted. This finding meant that the funds and time expended by Balaam Brothers on preparation of the risk assessment had been wasted.

Both the risk assessment and soil vapor sampling were conducted to address a small sliver of soil containing low levels of benzene (3.5 mg/kg max) that Ms. Chu had previously indicated could be left in place. This benzene-contaminated soil could easily have been removed prior to backfilling at only nominal cost. In addition, the requested soil vapor sampling, which cost \$3,240, could have been averted if ACEH had either properly reviewed the original workplan, or properly reviewed the post-excavation sampling results. As expected, the soil vapor results showed no detectable benzene.

These and other ACEH oversight decisions made in 2003 conflicted substantially with the ACEH direction and the ACEH-approved workplan protocols and cleanup standards developed in 2002, and were not revealed to Balaam Brothers until months after completion of the remediation. No explanation has been given for what triggered these changes, or why ACEH waited for so long to inform Balaam Brothers of them. These changes and delays resulted in direct costs of \$14,940 to Balaam Brothers. In addition, since our tenant's lease had been terminated in order to complete the cleanup, Balaam Brothers lost substantial income while the

BAL A A M B R O T H E R S

1115 HILLVIEW ROAD • BERKELEY CA • 94708

PHONE: (510) 918-3399

May 13, 2003

property lay fallow and was both unusable and unsellable pending case closure, and was subject to interest on the hundreds of thousands of dollars that had been tied up in the remediation work.

Balaam Brothers had consulted extensively with ACEH and RWQCB at the beginning of this project to ensure a commitment to a predictable and timely pathway to closure before entering into a sale agreement contingent on environmental closure. We had received assurances from ACEH and RWQCB that if the workplan was followed, it was reasonable to expect closure by the end of 2002. We would never have entered into such an agreement if we had known that ACEH would disregard key portions of the workplan and insert numerous additional requirements long after completion of the remediation. There is no doubt that without my call to County Supervisor Keith Carson's office, which triggered your personal intervention in this process (for which we are grateful), our pending sales contract would have been expired, and Balaam Brothers would likely have had to seek protection from creditors as a result. More importantly for your agency's goals, we would have been financially unable to complete the project.

We hope that the above critique will illustrate the extreme frustration we have been subject to in working with ACEH, and hope that this information can be used for constructive criticism of the ACEH oversight program. We understand that brownfield development can only occur when regulators, property owners and developers are accountable to a predictable, consistent, reliable process. Unfortunately this did not happen in our case and we feel that we were at significant risk as a result of the lack of accountability of ACEH to the process. We also found ACEH's approach to be very narrowly focussed and overly conservative (I suspect this is due to liability concerns) and I know from my own regulatory work that successful development outcomes generally do not occur without a comprehensive approach. We hope that the "lessons learned" can be applied to future brownsfield development projects.

We are herein transmitting a check in the amount of \$8,500, resulting in a total deposit of \$12,500 against pending oversight costs. Shortly before closure of the case Ms. Chu stated that a total of \$8,300 of this amount had been expended, and after closure had been granted, she stated that only a small additional amount had been expended. Therefore, we are anticipating reimbursement of close to \$4,000 in unused funds. Please ensure that any reimbursement check(s) list the payee as "Deborah Diamond". Please do not make out checks to "Balaam Brothers", as we are no longer able to cash checks made out to that payee.

Sincerely,



Deborah Diamond  
Partner, Balaam Brothers

Cc: Ignacio Dayrit, City of Emeryville  
Keith Carson, Alameda County Board of Supervisors

Enclosure: Check No. 109 in the amount of \$8,500

BALAA M BROTHERS  
1115 HILLVIEW ROAD • BERKELEY CA • 94708  
PHONE: (510) 918-3399


**MARDI SWORDS**  
**DEBORAH DIAMOND**  
1115 HILLVIEW RD  
BERKELEY, CA 94708-1705

0109

May 13, 2003 Date

90-7162/3222

Pay to the Order of Alameda County Health Agency \$ 8,500.00

Eight thousand five hundred dollars — Dollars  Security Features Details on Back

 **Washington Mutual**

**PLATINUM CUSTOMER**

Washington Mutual Bank, FA  
Berkeley Shattuck Financial Center 1066  
2150 Shattuck Avenue  
Berkeley, CA 94704 1-800-788-7000  
24 Hour Customer Service

For Case # RO0002506 - 1350 Powell & Deborah Diamond Emergency **MP**

⑆322271627⑆ 4884087432⑈ 0109

**CAMBRIA****Fax****To:** Eva Chu**Company:** ACHCSA**Fax:** (510) 337-9335**Phone:** (510) 567-6762**From:** Bob Clark-Riddell**Phone:** (510) 420-3303**Pages:** 2, including cover**Date:** February 20, 2003**Re:** Soil Vapor Sampling Plan  
1350 Powell Street, Emeryville**Hard Copy to Follow?** Yes  No 

Here are our proposed soil vapor locations for 1350 Powell Street. During our meeting today with Roger Brewer, he recommended sampling soil at 3 feet depth at these locations. Cambria understands that potential benzene in soil vapor is the only item requiring investigation at the site.

Our sampling plan includes:

- Soil vapor sampling of native soil at locations shown on the attached figure;
- Sample depth interval of approximately 3 to 3.5 feet;
- Vapor probe installation and sample collection using hydraulic push techniques and experienced drilling/sampling firm (Vironex);
- Bentonite slurry of probe at ground surface prior to sample collection;
- Purging of the vapor tubing with a regulated vacuum pump;
- Sample collection into a Tedlar bag or Summa canister; and
- Vapor analysis for BENZENE only, reported in ug/m<sup>3</sup>.

Cambria will compare benzene vapor concentrations to RWQCB RBSLs.

Sampling will be conducted early next week.

Please call me with any questions or comments at (510) 420-3303 (office) or (510) 385-2724 (cell).

Bob

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

February 19, 2003

Mrs. Deborah Diamond  
1115 Hillview Road  
Berkeley, CA 94708

**RE: Project RO0002506, Add-on  
at 1350 Powell Street, Emeryville, CA**

Dear Mrs. Diamond:

Our records indicate the deposit/refund account for the above project has fallen below the initial deposit amount of \$4000.00. To date, a total of approximately \$8300.00 was charged. The account is currently in a negative balance. To replenish the account, please submit an additional deposit of \$8500.00, payable to Alameda County, Environmental Health Services, within two weeks of receipt of this letter.

It is expected that the amount requested will allow the project to be completed with a zero balance. Otherwise, more money will be requested, or any unused monies will be refunded to you or your designee.

The deposit/refund mechanism is authorized in Section 6.92.040L of the Alameda County Ordinance Code. Work on this project will be debited at the Ordinance specified rate, currently \$105 per hour.

Please be sure to write the following identifying information on your check or cover letter:

project # RO0002506  
type of project (SLIC, add-on), and  
site address (1350 Powell, Emeryville, CA)

If you have any questions, please contact me at (510) 567-6762.

eva chu  
Hazardous Materials Specialist

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

February 14, 2003

Mr. David Diamond  
Mrs. Deborah Diamond  
1115 Hillview Road  
Berkeley, CA 94708

**Subject: 1350 Powell Street, Emeryville, CA  
Case No. R00002506**

Dear Mr. and Mrs. Diamond:

Alameda County Environmental Health (ACEH) staff have completed review of the case file for the above referenced site, including the most recent technical reports "Corrective Action Plan, dated July 3, 2002 and "Corrective Action Completion Report," dated December 13, 2002, both prepared by Cambria Environmental Technology, Inc. We request that you address the following technical comments, perform the proposed work, and send us the technical reports, to progress towards case closure:

1. The Corrective Action plan (CAP) stated that confirmation soil samples will be collected as follows: "one sample from the excavation floor for every 2,500 square feet of the excavation floor (unless deeper than 10 ft bgs)." Upon review of the Correction Action Completion Report, confirmation soil samples were predominantly collected from the final excavation sidewalls, with two samples collected from the excavation floor (EX-B-B-10 and EX-A-B-10). Several soil samples collected at 7 to 9 feet bgs contained TPHd exceeding the cleanup goals (up to 12,000 ppm TPHd). The pit was excavated to 10 feet bgs, however, confirmation soil samples were not collected.

We request that you collect confirmation soil samples from the excavation bottom (at 10, 13, and 16 feet bgs) at a rate of one sample per 2,500 square feet of floor area for TPHd, TPHmo, TPHg, and BTEX analysis.

2. Residual soil contamination remains at 3 to 9 feet bgs (up to 350 ppm TPHg, 3,000 ppm TPHd, 1,100 ppm TPHmo, and 21 ppm benzene). Cleanup goals were not established for benzene in the July 2002 CAP. A risk assessment for all residual contaminants detected is required for your site. Additionally, please address the elements contained in ACEH letter dated June 21, 2002, in your risk assessment.
3. Resample onsite groundwater monitoring wells.



4. Report text and figures describe and depict total TPH as Total TPHg (C6-C9) plus TPHbo (C10+). Please present total TPH as cumulative result of TPHg + TPHd + TPHmo as stated in the approved CAP.

Please submit technical reports according to the following schedule:

- by February 27, 2003 - Work plan for confirmation soil samples
- by March 28, 2003 - Soil sampling report and Risk Evaluation

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



eva chu  
Hazardous Materials Specialist

- c: Mike Kim, Pulte Homes, 7031 Koll Center Pkwy, #150, Pleasanton, CA 94566  
Bob Clark-Riddel, Cambria, 1144 65<sup>th</sup> Street, Suite B, Oakland, CA 94608  
Ignacio Dayrit, City of Emeryville, 1333 Park Ave, Emeryville, CA 94608  
Betty Graham, RWQCB  
Keith Carson, Board of Supervisors

**Chu, Eva, Env. Health**

**From:** Bob Clark-Riddell [briddell@cambria-env.com]  
**Sent:** Thursday, February 06, 2003 8:36 PM  
**To:** echu@co.alameda.ca.us  
**Cc:** alevi@co.alameda.ca.us; DrDSD@aol.com; mike.kim@pulte.com; marniola@lowney.com  
**Subject:** 1350 Powell - Requested Information

Eva,

I would like to thank you and Mr. Levi for meeting with myself and David and Deborah Diamond yesterday regarding 1350 Powell Steet.

Cambria understands that your agency is evaluating whether or not you have enough data and sufficient institutional/engineering controls (if necessary) to issue a NFA letter for 1350 Powell (as well as 1300 Powell). As we discussed at the meeting and in previous emails, we believe we have satisfied the site cleanup objectives. The additional site information you requested is presented or described below.

**REQUESTED DATA**

1. Excavation photographs - Six site photographs are attached to illustrate that all obviously contaminated soil above site cleanup levels has been excavated. The first two photographs (the 'early excavation' file) show that impacted soil appeared very dark and black at depths of approximately 2-4 ft in some areas and appeared green at depths of approximately 6 to 9 ft. In addition to the visible staining, the soil had hydrocarbon odor. The second of the 'early excavation' photograph is from Excavation B. In Excavation B the sidewall samples from 5-9 ft depth had concentrations as high as 12,000 ppm TPHd, while the floor sample from 10 ft depth was only 200 ppm TPHd. The photograph illustrates that at about 9.5 ft depth the soil becomes very tan with no visible staining. This clear delineation of impacted soil is not surprising given the high clay content of the site soil.

The second set of two photographs (the 'soil coloration' file) also illustrates the visible soil staining at depths up to approximately 9 ft and tan clayey soil. One top photograph is from a trench and the second photo is looking south at Excavation A and the former UST area.

The third set of two photographs (the 'excavation floor' file) illustrates that all soil with significant staining has been removed, and the excavation floor is tan clayey soil. The top photograph is looking south-southwest and shows the central excavation floor and the deeper excavation downgradient of the former USTs. The second photograph is looking northwest. Soil analytical results indicated that tan soil was below the 1,000 ppm TPH cleanup standard. Cambria did not detect any significant odors within the excavation prior to backfilling. These photographs and our site observations clearly suggest that all soil above the 1,000 ppm TPH cleanup standard has been excavated. Please note that we took special precautions to excavate any obviously impacted soil to help ensure that future groundwater samples would also pass the cleanup standard. The very low groundwater concentrations in post-remediation sampling also suggest that any residual hydrocarbons in soil minimal.

2. Soil Samples from at or Near the Excavation Floor - Cambria has prepared a figure summarizing 24 sample locations at or near the excavation floor that are below the 1,000 ppm TPH cleanup standard. This figure indicates that sufficient data from at or near the excavation floor were collected to adequately assess soil conditions in residual soil. The 24 soil sample locations include 8 samples from the excavation floor, 9 samples from 9 ft depth within the interior of the excavation boundary (not perimeter sidewall samples), and 7 samples from pre-remediation borings by Hicks and Lowney. The TPHd analytical results, sample ID, and sample depth are shown on the figure. Also note that most of the sample locations was excavated - such as the 1,000 ppm soil at EX-F-N-9 near the western edge of the former shed, the 940 ppm soil at PH-2-9 under the former shed/warehouse along the western property boundary, and the 620 ppm soil at EX-C-NW-9 near the northern central excavation area. Therefore, the residual concentrations at the excavation base are likely substantially lower than the cleanup standard, as characterized by the deeper excavation floor samples and our photographic information.

Please note that no cleanup standard was established for soil deeper than 10 feet; the approved corrective action plan specified excavation floor sampling for every 2,500 square feet (sf) for soil shallower than 10 feet and no sampling for deeper soil; and the County reviewed soil data and sample locations prior to approving site backfilling. Given a total excavation floor area of approximately 23,000 sf, the 24 soil samples provide soil data equivalent to an average of 1 sample every 960 sf. Again, Cambria asserts that sufficient analytical data is available to adequately assess soil conditions in residual soil.

As an aside, the County indicated that extensive excavation floor sampling was conducted on the adjacent 1300 Powell Street. Cambria understands that the excavation at 1300 Powell was shallower than 10 ft in almost all locations, and the same cleanup standards applied to that site. A different corrective action plan applied to 1300 Powell.

3. Groundwater Results from Second Sampling of Well TW-6 - As requested, I will fax you the analytical results from TW-6 for the December 18, 2002 sampling event. The only detections were 75 ug/l TPHd and 260 TPH bunker oil (bo). No TPHg, BTEX or TPHmo was detected in this sample. Post-remediation groundwater monitoring indicates that the cleanup standards have been easily met.

## CLOSING

On behalf of the Balaam Brothers Partnership, Cambria thanks the County for their assistance with the project. Please issue a NFA letter in the near future, or explain what actions need to be taken to obtain an NFA letter. As we discussed at the meeting, the escrow closing date of March 2, 2003 is rapidly approaching.

Both the Balaam Brothers and Pulte Homes (the potential purchaser and developer of 1300 and 1350 Powell Street) would like a 'clean closure' without institutional/engineering controls. The site remediation activities were so extensive that the residual hydrocarbons should not pose a risk to future residents, and such controls are not technically warranted for the site. This is particularly true due to the depth of the residual hydrocarbons and the low-to non-volatile nature of the residual hydrocarbons. If your agency believes that institutional or engineering controls are required (especially vapor barriers or deed restrictions), the Balaam Brothers and Pulte Homes would like to

know if any additional activities can be performed to obtain a 'clean closure'.

Thank you in advance for your consideration. We appreciate your efforts to expedite review of this case, and look forward to hearing from you soon.

P.S. Fax with figure and TW-6 well results to follow.

P.P.S. Due to the size of the photograph files, Cambria will send each file in a separate emails.

**Chu, Eva, Env. Health**

**From:** Bob Clark-Riddell [briddell@Cambria-env.com]  
**Sent:** Tuesday, February 04, 2003 2:02 PM  
**To:** Chu, Eva, Env. Health  
**Subject:** RE: 1350 Powell

Hello Eva,

Here is some information regarding County concerns expressed in your email.

1. Concern about potential vapor/odors from any residual hydrocarbons beneath excavation

- a. Based on field observations and available laboratory data, Cambria does not believe that the limited residual hydrocarbons pose a vapor/odor concern to future residents. During excavation Cambria coordinated the excavation of the green hydrocarbon-bearing soil; the excavation floor at 10 feet and below was brown clay without hydrocarbon staining or odors. Cambria repeatedly suggested that the County come inspect the open excavation to observe the excavation floor condition. I recall smelling hydrocarbon odors during excavation activities, but not upon completing site excavation and prior to backfilling.
- b. The site was backfilled with a minimum of approximately 7 feet of clayey soil, at depths ranging from approximately 3 to 16 feet below grade surface. The significant clay content of the soil is documented in soil test data (Lowney can provide). This clayey soil should effectively contain any limited residual hydrocarbon odors within the deeper soil.
- c. The County's June 21, 2002 letter approved site cleanup levels, which did not include cleanup levels for soil deeper than 10 feet.
- d. The County approved Cambria's July 3, 2002 Corrective Action Plan which specifically stated that bottom samples would not be collected if the excavation exceeded 10 feet.
- e. Soil analytical results from bottom samples and pre-remediation borings indicate that soil beneath the excavation floor is below the cleanup level of 1,000 TPH. Bottom samples include the following: EX-A-B-10 (10' depth and 95 ppm total TPH) near the former USTs and former free product sheen on EM-12; EX-b-b-10; ex-e-w-3; ex-e-be-6; ex-e-b-7; ..... In addition, the 9 feet depth soil samples from the excavation sidewall are representative of deeper soil conditions, and all but one (EX-C-W-3 9-13-02 from railroad area) were below the cleanup goals. Pre-remediation data near the excavation floor include the following:..... EB-9 (14 to 14-1/2), EB-8 (6 to 6-1/2), EB-11 (9 to 9-1/2); EB-10 (9 to 9-1/2); EB-7 (14 to 14-1/2); Hicks borings 9 (7-13); Hicks 12 (9-10); Hicks 10 (0-10)  
  
others????

The above information suggests that the limited residual hydrocarbons do not pose a vapor/odor concern to future residents, and that additional assessment of deeper soil is not necessary.

## 2. Sidewall concentrations above cleanup goals

Only two sidewall samples exhibited concentrations above the cleanup goals. Both samples represent conditions at the property boundary, with all onsite soil in these areas excavated to cleanup goals. One sample is from 9 feet depth and the other from 3 feet depth. Both samples contained diesel-range and motor oil range TPH, which is not volatile.

Because onsite soil has been remediated to site cleanup goals, the offsite soil could be handled separately. As expressed in prior correspondence, other sources could be responsible or contributing to the hydrocarbons detected by EKI on the Union Pacific railroad right-of-way. As you have discussed with Balaam Brothers' representative David Diamond, we are requesting that the 1350 Powell onsite property issues be granted a No Further Action (NFA) letter. Mr. Diamond understood that the County may need to keep the 'case' open due to offsite issues, but could issue a NFA letter.

I understand that a sample NFA letter will be submitted to you shortly for your consideration. Upon reviewing this email and the sample NFA letter, please call David Diamond and myself to discuss. Thank you.

Bob Clark-Riddell

At 12:02 PM 1/31/2003 -0800, you wrote:

>Hi Bob,

>

>Just finished speaking with Dave Diamond and told him Donna and I will not

>be attending today's meeting. Donna is busy and in Livermore. I told him of

>Donna's concerns that 7,000 to 12,000ppm TPHd was detected at 7 to 9 feet

>bgs but no confirmation soil sample collected at 10 feet and deeper. Her

>concern is that residual soil contamination might pose a nuisance/odor

>problem. How can that be mitigated. Will a vapor barrier and foundation be

>effective to mitigate vapor/odors. Also the sidewall soil samples at the

2/4/2003

>property line adjoining the RR spur exceeds the cleanup goals.

>

>I'm putting together a detail summary for Donna so she can easily digest the

>before and after contaminant levels at the site. Maybe we can meet next

>week.

>

>eva

>

>-----Original Message-----

>From: Bob Clark-Riddell [mailto:briddell@cambria-env.com]

>Sent: Friday, January 31, 2003 11:14 AM

>To: Chu, Eva, Env. Health

>Subject: Re: 1350 Powell

>

>

>The soil looked very clean at these depths. There was no cleanup standard

>for below 10 feet, and the other 10 foot bottom samples were below the

>1,000 ppm TPH cleanup standard. The entire site is backfilled so soil

>samples cannot be collected from an open excavation.

>

>P.S. Can you and Donna make a meeting at 1:00 pm at the Mike Biddle's

>office with the City of Emeryville?

>

>At 10:24 AM 1/31/2003 -0800, you wrote:

>>Hi Bob,

>>

>>I was reviewing the December 2002 Corrective Action Completion Report for

>>the above referenced site. Overexcavation was completed to 13 to 16 feet

>>bgs at certain locations. However, there are no confirmation soil samples

>>at these depths. Were they collected? Have the excavations been

>>backfilled? Can soil samples be collected at 10, 13, or 16 feet bgs at

>this

>>time?

>>

>>eva chu

>>Hazardous Materials Specialist

>>1131 Harbor Bay Parkway

>>(510) 567-6762

>>(510) 337-9335 (fax)

>>

>>

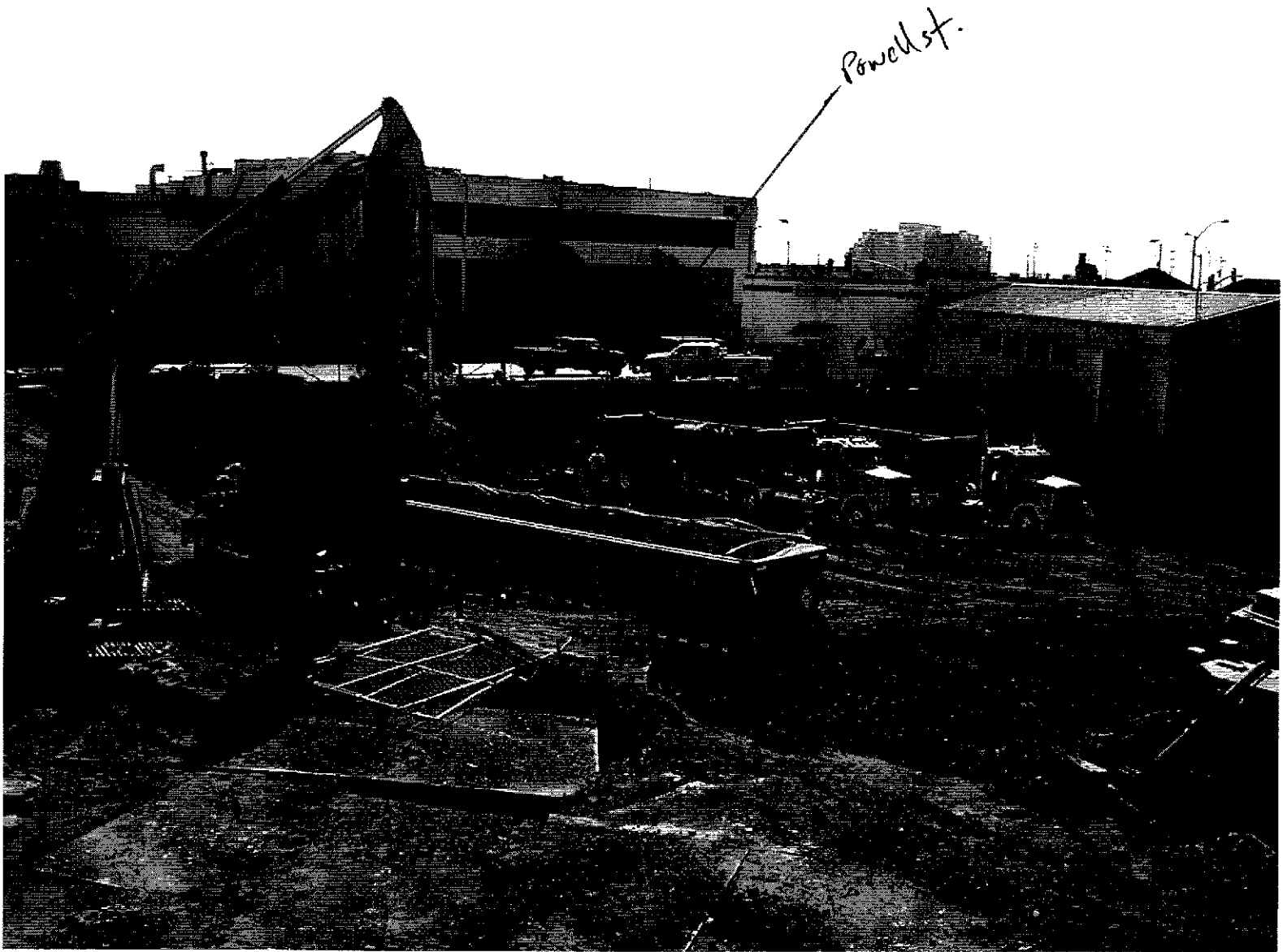
>>

>>

>

>





Powell St.

1300  
←

Property  
line

## Chu, Eva, Env. Health

---

**From:** Bob Clark-Riddell [briddell@cambria-env.com]  
**Sent:** Thursday, January 30, 2003 5:53 PM  
**To:** mbiddle@ci.emeryville.ca.us  
**Cc:** rarulanantham@geomatrix.com; DrDSD@aol.com; idayrit@ci.emeryville.ca.us; mike.kim@pulte.com; echu@co.alameda.ca.us  
**Subject:** TPHd concentrations at 1350 Powell and Railroad



tphd-concentrations  
.pdf

David Diamond requested that I send this figure illustrating TPHd concentrations in soil from 1350 Powell and TEPH concentrations in soil at the adjacent railroad spur. The figure is in pdf format. This figure accompanies my 1/29 email presented below. Please email me with your fax number if you'd like a fax.

I understand a meeting has been scheduled for noon, Jan 31 at Mike Biddle's office. Cambria, David Diamond and Pulte will attend, and hope that the County (Eva and Donna) can join us at 1:00 pm.

FYI, the vertical extent of contamination on 1350 Powell was primarily limited to 10 feet depth due to perched groundwater and the clayey soil. The County established a cleanup standard for RESIDENTIAL USE of 1,000 ppm total TPH for shallow soil (<10 feet depth). No cleanup standard was established for soil deeper than 10 feet.

---1/29/03 email---

Eva, here is some information pertaining to concerns expressed in your email and our phone conversation on January 27, 2003 for recent data from the railroad adjacent to 1350 Powell Street.

1. Mercury in groundwater at 1.7 ug/L in sample UP7.2.

The R.T. Hicks 2001 report presents soil and groundwater data for mercury at the Balaam property. This report has been submitted to your agency. The mercury results are as follows:

Borehole 1, soil 0-12' composite 0.044 mg/kg, groundwater ND (<0.2)\*  
Borehole 4a, 0-12' composite 0.047 mg/kg, groundwater ND (<0.2)\*  
Borehole 5, 0-12' composite 0.037 mg/kg  
Borehole 6, groundwater ND (<0.2)\*

\*The detection levels weren't listed on the Hicks table but were provided on the lab reports.

The borehole locations are noted on Figure 3 in the Corrective Action Completion Report. These samples were located near the worst locations for petroleum contamination, except for borehole 6 which was located in the apparent downgradient direction from the former ASTs and USTs. The soil concentrations are well below the RBSL for mercury of 4.7 mg/kg. No mercury was detected in site groundwater.

This data should demonstrate that the mercury detected on the Union Pacific property is not a COC related to our site.

2. TEPH in soil (11,300 mg/kg) in sample UP7.2 adjacent to the Balaam Brothers loading dock.

The loading dock was constructed by Balaam Brothers in the 1960s to load and store compressed gas cylinders, long after cessation of the Cook's Oil

and Standard Oil operation of the ASTs. The loading dock was not associated with the prior petroleum-related operations in the 1930s and 1940s.

There are several railroad tracks and spurs in this site vicinity. Two main tracks parallel each other in the railroad right-of-way adjacent the site. One railroad spur entered the 1350 Powell Street site in this vicinity, and another nearby spur enters the adjacent parcel west of the site. This adjacent parcel is a forklift facility with visible staining, site pavement sloping toward the railroad area, and a former or current a UST case (we understand). The pattern of contamination in soil samples suggests that contamination at UP7.2 (as well as lesser TEPH contamination at locations UP7.3 and UP7.4) was probably not the result of releases from 1350 Powell Street. Concentrations of approximately 11,000 mg/kg TPHd were detected immediately beneath the former ASTs on 1350 Powell, but all samples collected between the ASTs and the property boundary near the UP7.2 sample had significantly lower concentrations. Similar decreasing concentration trends are present between onsite samples and offsite samples UP7.3 and UP7.4.

The contamination detected beneath the Union Pacific railroad could be associated with railroad operations, or from nearby offsite sources such as the forklift facility. The Balaam Brothers or former site occupants were not responsible for any releases that could have occurred as the result of railroad operations, or from releases from offsite sources.

Feel free to call me to discuss at (510)420-3303.

## Chu, Eva, Env. Health

---

**From:** Bob Clark-Riddell [briddell@cambria-env.com]  
**Sent:** Wednesday, January 29, 2003 5:40 PM  
**To:** echu@co.alameda.ca.us  
**Cc:** DrDSD@aol.com; mike.kim@pulte.com; marniola@lowney.com; skalmbach@pulte.com  
**Subject:** 1350 Powell and Railroad Issues

Here is some information pertaining to concerns expressed in your email and our phone conversation on January 27, 2003 for recent data from the railroad adjacent to 1350 Powell Street.

1. Mercury in groundwater at 1.7 ug/L in sample UP7.2.

The R.T. Hicks 2001 report presents soil and groundwater data for mercury at the Balaam property. This report has been submitted to your agency. The mercury results are as follows:

Borehole 1, soil 0-12' composite 0.044 mg/kg, groundwater ND (<0.2)\*

Borehole 4a, 0-12' composite 0.047 mg/kg, groundwater ND (<0.2)\*

Borehole 5, 0-12' composite 0.037 mg/kg

Borehole 6, groundwater ND (<0.2)\*

\*The detection levels weren't listed on the Hicks table but were provided on the lab reports.

The borehole locations are noted on Figure 3 in the Corrective Action Completion Report. These samples were located near the worst locations for petroleum contamination, except for borehole 6 which was located in the apparent downgradient direction from the former ASTs and USTs. The soil concentrations are well below the RBSL for mercury of 4.7 mg/kg. No mercury was detected in site groundwater.

This data should demonstrate that the mercury detected on the Union Pacific property is not a COC related to our site.

2. TEPH in soil (11,300 mg/kg) in sample UP7.2 adjacent to the Balaam Brothers loading dock.

The loading dock was constructed by Balaam Brothers in the 1960s to load and store compressed gas cylinders, long after cessation of the Cook's Oil and Standard Oil operation of the ASTs. The loading dock was not associated with the prior petroleum-related operations in the 1930s and 1940s.

There are several railroad tracks and spurs in this site vicinity. Two main tracks parallel each other in the railroad right-of-way adjacent the site. One railroad spur entered the 1350 Powell Street site in this vicinity, and another nearby spur enters the adjacent parcel west of the site. This adjacent parcel is a forklift facility with visible staining, site pavement sloping toward the railroad area, and a former or current a UST case (we understand). The pattern of contamination in soil samples suggests that contamination at UP7.2 (as well as lesser TEPH contamination at locations UP7.3 and UP7.4) was probably not the result of releases from 1350 Powell Street. Concentrations of approximately 11,000 mg/kg TPHd were detected immediately beneath the former ASTs on 1350 Powell, but all samples collected between the ASTs and the property boundary near the UP7.2 sample had significantly lower concentrations. Similar decreasing concentration trends are present between onsite samples and offsite samples UP7.3 and UP7.4.

The contamination detected beneath the Union Pacific railroad could be associated with railroad operations, or from nearby offsite sources such as the forklift facility. The Balaam Brothers or former site occupants were not responsible for any releases that could have occurred as the result of

## Chu, Eva, Env. Health

---

**From:** Chu, Eva, Env. Health  
**Sent:** Monday, January 27, 2003 2:38 PM  
**To:** 'mike.kim@pulte.com'  
**Cc:** Mark Arniola (E-mail); Bob Schultz (E-mail); 'dsdiamond@lbl.gov'  
**Subject:** import soil

Hi Mike,

I had a chance to review laboratory analytical results of soil samples collected at depths ranging from 4.0 to 10 feet bgs at 9th and Harrison, Oakland. Select soil samples were analyzed for TPHg, TPHd, TPHmo, BTEX, MTBE, Pahs, PCBs, VOCs, and metals (arsenic, lead, mercury). Analytical results did not reveal chemicals of concern exceeding Risk Based Screening Levels. The soil (from 4 to 10 feet bgs) from 9th and Harrison may be used as import fill for 1300-1350 Powell Street in Emeryville.

I also received draft analytical data of shallow soil and grab groundwater samples collected along the railroad spur immediately west of 1350 Powell Street (APN049-1328-002-01). Soil from sample ID UP7.2-4.5-5.5 contained 11,300ppm TEPH and 2,100 TOG. Grab groundwater from sample ID UP7.2-0-25 contained 1.7ppm mercury. The elevated contamination in shallow soil warrants further assessment and/or remediation. At this time, it cannot be ruled out that the detected petroleum hydrocarbons in shallow soil and mercury in groundwater migrated from 1350 Powell Street. A No Further Action letter cannot be issued until any offsite migration of contaminants from 1350 Powell Street has been adequately assessed and/or remediated. However, this Agency has no objection to the development of 1300 and 1350 Powell Street at this time.

*eva chu*  
Hazardous Materials Specialist  
1131 Harbor Bay Parkway  
(510) 567-6762  
(510) 337-9335 (fax)

## Chu, Eva, Env. Health

---

**From:** Bob Clark-Riddell [briddell@cambria-env.com]  
**Sent:** Friday, September 13, 2002 6:02 PM  
**To:** echu@co.alameda.ca.us  
**Cc:** DrDSD@aol.com; mike.kim@pulte.com; skalmbach@pulte.com; marniola@lowney.com; sdwight@cambria-env.com  
**Subject:** Conversation confirmation

It was nice speaking with you about the 1350 Powell Street site. This email confirms our discussion today.

1. DATA REVIEW: You had a chance to review our data package of tabulated site data (sidewall, bottom, and groundwater results) and a site sketch with sample locations and the approximate extent of excavation to date. This and additional site information will be incorporated in our final excavation report.

2. SOIL REUSE APPROVED: You agreed that we can reuse soil stockpiles A2 and SP-1, which had hydrocarbon concentrations below the agreed upon threshold. If we notice any significant odor during soil reuse we will not reuse the soil. This soil will be used at/near the bottom of the excavation. The other stockpiled soil will be disposed offsite.

3. BACKFILLING APPROVED: You agreed that Cambria can commence backfilling of the open excavation, with the following understanding: (a) additional sidewall samples will be collected from the planned additional excavation prior to backfilling, (b) excavation along the eastern edge of the open excavation may occur after backfilling, and (c) excavation beneath the existing site building (southwest portion of the site) will most likely be conducted after backfilling the open excavation.

If you have any clarifying comments, please provide them at your earliest convenience.

P.S. UPDATE: Today we conducted additional excavation in the north, west, and southwest. Saturday we will offhaul soil. Next week we anticipate completing excavation on the site, except for beneath the building and the eastern portion. Extensive backfilling may commence as early as Monday, September 23, 2002.

## Chu, Eva, Env. Health

---

**From:** Chu, Eva, Env. Health  
**Sent:** Wednesday, August 21, 2002 11:05 AM  
**To:** 'Bob Clark-Riddell'  
**Subject:** RE: FW: FW: Soil Reuse & Meeting

Bob, Once the analytical results are in, you can then run the statistical method to decide if 1 per 50 yards was adequate.

-----Original Message-----

**From:** Bob Clark-Riddell  
**To:** Chu, Eva, Env. Health  
**Cc:** DrDSD@aol.com; schultz@cambria-env.com; marniola@lowney.com; mike.kim@pulte.com; skalmbach@pulte.com  
**Sent:** 8/20/2002 6:26 PM  
**Subject:** Re: FW: FW: Soil Reuse & Meeting

Thank you, Eva. I'll forward your response to the other involved parties.

As we discussed today, Cambria offers the following comments:

1. Soil Reuse - Cambria proposes providing discrete samples for every 50 cubic yards. Stockpiled soil from the north portion of the site will be analyzed for TPHg/d/mo. Stockpiled soil from the south (not very much) will be analyzed for TPHg/BTEX and TPHd/mo.

2. Meeting? - I understand that you will meet people this coming Friday or Monday at 1300 Powell. I'll ask the others if they still want to meet at your office. I'm available next Tuesday or later if a meeting is scheduled.

P.S. I'll be out until next Tuesday (Aug 27) and Ron Scheele will manage the project during my absence. If you have any questions, Ron can be reached at (510)450-1983.

--Bob

At 04:49 PM 8/20/02 -0700, Chu, Eva, Env. Health wrote:

>Hi Bob,  
>  
>Below are Betty Graham's comments on your soil reuse proposal and NFA.  
>Betty has not provided guidance on sampling yet, but I do have info I'll fax  
>over. Please review and if a meeting is still warranted, give me a call.  
>  
>eva  
>

>-----Original Message-----

>>From: Betty Graham [mailto:BG@rb2.swrcb.ca.gov]  
>>Sent: Monday, August 19, 2002 3:13 PM  
>>To: EChu@co.alameda.ca.us  
>>Subject: Re: FW: Soil Reuse & Meeting  
>>

>>Point 1. Soil Reuse is Acceptable with the following caveates.

>>a) 1 sample/150 cubic yards may be too few. I will look for an electronic copy of guidance and e-mail to you.

>>b) The listed TPHg and TPHd are surrogates for no odor or other

>nuisance. Given recent experience with very stinky samples coming back from  
>the labs as non-detect, you might include language to the effect that  
>numerical and odor standards apply, whichever is most constraining.  
>  
>Point 2. Monitoring is Acceptable  
>  
>Point 3. No Further Action. The language is not acceptable.  
>  
>No further Action and No further Active Remediation are very different  
>decisions and should not be combined as if they are the same. If they  
do a  
>good job at remediation then no further active remediation is possible  
but  
>case closure or no further action can only occur after extensive  
monitoring  
>evidences that cleanup objectives have been met.

>>>> "Chu, Eva, Env. Health" <EChu@co.alameda.ca.us> 08/19/02 01:55PM  
>>>

>Hi Betty,

>  
>Here is Cambria's plan for re-use of stockpile soil. They want to use  
the  
>same criteria as cleanup goals set for residual TPH in excavation. Is  
this  
>ok or should there be other numbers for re-use of stockpile soil. Any  
>recommendation on sampling frequency?

>eva.

>-----Original Message-----

>From: Bob Clark-Riddell [mailto:briddell@Cambria-env.com]  
>Sent: Monday, August 19, 2002 11:23 AM  
>To: echu@co.alameda.ca.us  
>Cc: mike.kim@pulte.com; skalmbach@pulte.com; marniola@lowney.com;  
>schultz@cambria-env.com; DrDSD@aol.com; mike.kim@pulte.com;  
>skalmbach@pulte.com; marniola@lowney.com; schultz@cambria-env.com  
>Subject: Soil Reuse & Meeting

>  
>  
>  
>Thank you for speaking with me today about the 1350 Powell Street site.  
>Described below are the items we discussed and our recommendation for  
>addressing your concerns. Please review this email can comment today if  
>possible since you indicated you'll be out Tuesday. We'd also like to  
setup  
>a meeting for Wednesday morning to discuss these issues.

>  
>  
>1. Soil Reuse - Since the soil contamination above the cleanup standard  
is  
>primarily in deeper site soil (about 4 to 9 ft below grade  
surface(bgs)),  
>Cambria will need to excavate shallow overburden soil located at about  
0-4  
>ft bgs. Our approved remedial plan indicated that soil below <1000mg/Kg  
>total TPH could be reused. However, after approving the plan you  
expressed  
>concern about reusing soil <1000 mg/Kg TPH. Cambria now proposes  
reusing  
>soil that is below 400mg/Kg TPHg, 500mg/Kg TPHd, 500mg/Kg TPHmo, and  
below  
>BTEX RBSLs. To mitigate any odor/nuisance and any other concerns,  
Cambria



>also proposes to place the reused soil in the bottom of the excavations  
>(about 7 - 10 ft bgs). Cambria will collect one discrete sample for  
every  
>150 cubic yards of stockpiled soil planned for reuse in the bottom of  
the  
>excavations. During our discussion you suggested presenting this as our  
>proposal for addressing your concerns.

>  
>  
>2. Groundwater Monitoring - You indicated there is some flexibility in  
how  
>groundwater monitoring will be conducted, and the monitoring will be  
based  
>on how the excavation results. The monitoring requirements will also  
reflect  
>the existing data obtained from the temporary Hicks 'wells'. You  
indicated  
>well screen intervals starting at 3 to 4 ft bgs would be appropriate,  
and  
>should extend to 15 ft bgs since the groundwater depth appears to be  
about 9  
>to 10 ft bgs. At this time Cambria anticipates that the excavations  
will  
>extend to the crossgradient and downgradient property boundaries.

>  
>  
>Based on our conversation and the available data, Cambria proposes the  
>following monitoring approach:

>  
>  
>a. Installing wells immediately downgradient of the site excavation  
area,  
>located either offsite or within inches of the property boundary. The  
wells  
>would be screened from 3 or 4 ft bgs to 15 ft bgs. These wells would  
provide  
>monitoring for the full year you apparently require.

>  
>  
>B. For onsite data, Cambria will provide all available data, including  
our  
>recent data from the Hicks 'wells'. We will also provide depth and  
>construction information for these 'wells'. If this onsite data is  
>insufficient, Cambria will recommend short-term groundwater monitoring  
>(traditional wells, Geoprobe wells, or excavation wells) to confirm  
that we  
>have achieved the groundwater cleanup standards.

>  
>  
>3. No Further Action/No Further Active Remediation - Cambria  
understands  
>that a NFA/NFAR letter is required before the property transaction can  
be  
>completed, and the letter is required in the next few months. Our goal  
is to  
>remediate the site this fall to the extent that no further remedial  
action  
>is required, and that the only ongoing field activity (if any) would be  
>monitoring. Cambria understands that the County can issue a NFA/NFAR  
letter  
>upon remediation completion and before monitoring is completed, and the  
>letter will incorporate the risk management plans, the vapor barrier,  
and  
>the deed restriction. Full case closure would be provided after  
monitoring  
>is completed. Please concur.

## Chu, Eva, Env. Health

---

**From:** Betty Graham [BG@rb2.swrcb.ca.gov]  
**Sent:** Monday, August 19, 2002 3:13 PM  
**To:** EChu@co.alameda.ca.us  
**Subject:** Re: FW: Soil Reuse & Meeting

Point 1. Soil Reuse is Acceptable with the following caveates.

- a) 1 sample/150 cubic yards may be too few. I will look for an electronic copy of guidance and e-mail to you.
- b) The listed TPHg and TPHd are surrogates for no odor or other nuisance. Given recent experience with very stinky samples coming back from the labs as non-detect, you might include language to the effect that numerical and odor standards apply, whichever is most constraining.

Point 2. Monitoring is Acceptable

Point 3. No Further Action. The language is not acceptable.

No further Action and No further Active Remediation are very different decisions and should not be combined as if they are the same. If they do a good job at remediation then no further active remediation is possible but case closure or no further action can only occur after extensive monitoring evidences that cleanup objectives have been met.

>>> "Chu, Eva, Env. Health" <EChu@co.alameda.ca.us> 08/19/02 01:55PM >>>  
Hi Betty,

Here is Cambria's plan for re-use of stockpile soil. They want to use the same criteria as cleanup goals set for residual TPH in excavation. Is this ok or should there be other numbers for re-use of stockpile soil. Any recommendation on sampling frequency?

eva.

-----Original Message-----

**From:** Bob Clark-Riddell [mailto:briddell@cambria-env.com]  
**Sent:** Monday, August 19, 2002 11:23 AM  
**To:** echu@co.alameda.ca.us  
**Cc:** mike.kim@pulte.com; skalmbach@pulte.com; marniola@lowney.com; schultz@cambria-env.com; DrDSD@aol.com; mike.kim@pulte.com; skalmbach@pulte.com; marniola@lowney.com; schultz@cambria-env.com  
**Subject:** Soil Reuse & Meeting

Thank you for speaking with me today about the 1350 Powell Street site. Described below are the items we discussed and our recommendation for addressing your concerns. Please review this email can comment today if possible since you indicated you'll be out Tuesday. We'd also like to setup a meeting for Wednesday morning to discuss these issues.

1. Soil Reuse - Since the soil contamination above the cleanup standard is primarily in deeper site soil (about 4 to 9 ft below grade surface(bgs)), Cambria will need to excavate shallow overburden soil located at about 0-4 ft bgs. Our approved remedial plan indicated that soil below <1000mg/Kg total TPH could be reused. However, after approving the plan you expressed concern about reusing soil <1000 mg/Kg TPH. Cambria now proposes reusing soil that is below 400mg/Kg TPHg, 500mg/Kg TPHd, 500mg/Kg TPHmo, and below BTEX RBSLs. To mitigate any odor/nuisance and any other concerns, Cambria

also proposes to place the reused soil in the bottom of the excavations (about 7 - 10 ft bgs). Cambria will collect one discrete sample for every 150 cubic yards of stockpiled soil planned for reuse in the bottom of the excavations. During our discussion you suggested presenting this as our proposal for addressing your concerns.

2. Groundwater Monitoring - You indicated there is some flexibility in how groundwater monitoring will be conducted, and the monitoring will be based on how the excavation results. The monitoring requirements will also reflect the existing data obtained from the temporary Hicks 'wells'. You indicated well screen intervals starting at 3 to 4 ft bgs would be appropriate, and should extend to 15 ft bgs since the groundwater depth appears to be about 9 to 10 ft bgs. At this time Cambria anticipates that the excavations will extend to the crossgradient and downgradient property boundaries.

Based on our conversation and the available data, Cambria proposes the following monitoring approach:

a. Installing wells immediately downgradient of the site excavation area, located either offsite or within inches of the property boundary. The wells would be screened from 3 or 4 ft bgs to 15 ft bgs. These wells would provide monitoring for the full year you apparently require.

B. For onsite data, Cambria will provide all available data, including our recent data from the Hicks 'wells'. We will also provide depth and construction information for these 'wells'. If this onsite data is insufficient, Cambria will recommend short-term groundwater monitoring (traditional wells, Geoprobe wells, or excavation wells) to confirm that we have achieved the groundwater cleanup standards.

3. No Further Action/No Further Active Remediation - Cambria understands that a NFA/NFAR letter is required before the property transaction can be completed, and the letter is required in the next few months. Our goal is to remediate the site this fall to the extent that no further remedial action is required, and that the only ongoing field activity (if any) would be monitoring. Cambria understands that the County can issue a NFA/NFAR letter upon remediation completion and before monitoring is completed, and the letter will incorporate the risk management plans, the vapor barrier, and the deed restriction. Full case closure would be provided after monitoring is completed. Please concur.

4. Meeting - We would like to meet Wednesday morning, August 21 to discuss these items, unless they are resolved beforehand.

Thanks in advance for your prompt attention to these matters.

Bob

**Chu, Eva, Env. Health**

---

**From:** Bob Clark-Riddell [briddell@cambria-env.com]  
**Sent:** Monday, August 19, 2002 11:23 AM  
**To:** echu@co.alameda.ca.us  
**Cc:** mike.kim@pulte.com; skalmbach@pulte.com; marniola@lowney.com; schultz@cambria-env.com; DrDSD@aol.com; mike.kim@pulte.com; skalmbach@pulte.com; marniola@lowney.com; schultz@cambria-env.com  
**Subject:** Soil Reuse & Meeting

Thank you for speaking with me today about the 1350 Powell Street site. Described below are the items we discussed and our recommendation for addressing your concerns. Please review this email can comment today if possible since you indicated you'll be out Tuesday. We'd also like to setup a meeting for Wednesday morning to discuss these issues.

**1. Soil Reuse** - Since the soil contamination above the cleanup standard is primarily in deeper site soil (about 4 to 9 ft below grade surface(bgs)), Cambria will need to excavate shallow overburden soil located at about 0-4 ft bgs. Our approved remedial plan indicated that soil below <1000mg/Kg total TPH could be reused. However, after approving the plan you expressed concern about reusing soil <1000 mg/Kg TPH. Cambria now proposes reusing soil that is below 400mg/Kg TPHg, 500mg/Kg TPHd, 500mg/Kg TPHmo, and below BTEX RBSLs. To mitigate any odor/nuisance and any other concerns, Cambria also proposes to place the reused soil in the bottom of the excavations (about 7 - 10 ft bgs). Cambria will collect one discrete sample for every 150 cubic yards of stockpiled soil planned for reuse in the bottom of the excavations. During our discussion you suggested presenting this as our proposal for addressing your concerns.

**2. Groundwater Monitoring** - You indicated there is some flexibility in how groundwater monitoring will be conducted, and the monitoring will be based on how the excavation results. The monitoring requirements will also reflect the existing data obtained from the temporary Hicks 'wells'. You indicated well screen intervals starting at 3 to 4 ft bgs would be appropriate, and should extend to 15 ft bgs since the groundwater depth appears to be about 9 to 10 ft bgs. At this time Cambria anticipates that the excavations will extend to the crossgradient and downgradient property boundaries.

Based on our conversation and the available data, Cambria proposes the following monitoring approach:

a. Installing wells immediately downgradient of the site excavation area, located either offsite or within inches of the property boundary. The wells would be screened from 3 or 4 ft bgs to 15 ft bgs. These wells would provide monitoring for the full year you apparently require.

B. For onsite data, Cambria will provide all available data, including our recent data from the Hicks 'wells'. We will also provide depth and construction information for these 'wells'. If this onsite data is insufficient, Cambria will recommend short-term groundwater monitoring (traditional wells,

Geoprobe wells, or excavation wells) to confirm that we have achieved the groundwater cleanup standards.

**3. No Further Action/No Further Active Remediation** - Cambria understands that a NFA/NFAR letter is required before the property transaction can be completed, and the letter is required in the next few months. Our goal is to remediate the site this fall to the extent that no further remedial action is required, and that the only ongoing field activity (if any) would be monitoring. Cambria understands that the County can issue a NFA/NFAR letter upon remediation completion and before monitoring is completed, and the letter will incorporate the risk management plans, the vapor barrier, and the deed restriction. Full case closure would be provided after monitoring is completed. Please concur.

**4. Meeting** - We would like to meet Wednesday morning, August 21 to discuss these items, unless they are resolved beforehand.

Thanks in advance for your prompt attention to these matters.

Bob

**Chu, Eva, Env. Health**

---

**From:** Bob Clark-Riddell [briddell@cambria-env.com]  
**Sent:** Friday, August 09, 2002 4:39 PM  
**To:** echu@co.alameda.ca.us  
**Cc:** mike.kim@pulte.com; marniola@lowney.com; schultz@cambria-env.com; DrDSD@aol.com; skalmbach@pulte.com  
**Subject:** Meeting Request

As you requested, I am sending this email to request a meeting time and to identify the planned discussion items. The parties involved in the 1300 and 1350 Powell Street sites would like to meet with you to discuss the items described below. During our site meeting on August 7 you recommended also meeting with your supervisor, Donna Drogos, so we hope she can also attend.

MEETING TIME

We'd like to meet this coming Thursday or Friday (August 15 or 16).

MEETING TOPICS

1. Groundwater sampling/monitoring methods to confirm cleanup standards have been satisfied.
2. Requirements for reuse of excavated soil. During your August 7 site visit you suggested we could reuse soil with <100 ppm TPH but no BTEX.
3. Requirements to leave in place the impacted deeper site soil (>1,000 total TPH in boundary of large excavations at approximately 6-9 ft below grade surface). With groundwater depth ranging from 4-7 ft bgs in some locations, can we limit odor and nuisance concerns for TPH diesel and motor oil to shallow soil? Need a risk assessment? Is the existing PAH data for shallow and deeper soil sufficient to use? As shown in the Lowney report the PAHs are below RBSLs.
4. Requirements for a conditional NFA/NFAR letter after we have met soil and groundwater cleanup standards except residual impact (if any) under the current site building at 1350 Powell. Any residual impact under the building would be addressed after building demolition, which is currently schedule to occur after NFA/NFAR letter receipt.
5. Any changes to requirements to obtain an NFA/NFAR letter from your agency if cleanup standards are revised?

Please confirm a meeting time at your earliest convenience. Thank you.

*Reuse:*  
can up to ~~1000~~ <sup>stockpile and ND BTEX</sup> total TPH for re-use at bottom of exc. 8-10' bgs.  
< 500  
email pgs to Betty for concurrence

**Chu, Eva, Env. Health**

---

**From:** Ron Scheele [rscheele@cambria-env.com]  
**Sent:** Tuesday, July 23, 2002 6:11 PM  
**To:** Ecoeconergy@aol.com; louise@heroarts.com; burns@ecoeconergy.com; brad@basisinc.com  
**Cc:** EChu@co.alameda.ca.us; mhollford@cambria-env.com  
**Subject:** Re: Fwd: Remediation Project on Powell St, Emeryville

Tom, thank you for your attached letter. We understand your concerns and the concerns of the neighboring businesses and appreciate your efforts in explaining the situation. In response, we have implemented the following measures to minimize any future disturbance:

- 1) Soil stockpiles will be covered at all times unless soil is being added.
- 2) "Simple Green" will be sprayed on open excavations and soil stockpiles to control odor migration during excavation activities.
- 3) Ambient hydrocarbon concentrations will be monitored onsite with a photo-ionization detector (PID) and the wind flow direction will be recorded.
- 4) If elevated PID measurements and southerly wind flow conditions exist, excavation and other soil transfer activities will be temporarily suspended until conditions change.

These actions were agreed upon through discussions with Ms. Eva Chu of the ACDEH.

In addition, we are attempting to expedite soil sampling and analysis which would facilitate faster waste profiling and acceptance by a waste disposal facility. We appreciate your practical suggestion to load and transport soil on a Saturday, and we are currently evaluating the feasibility of this option.

Excavation activities are planned to take place intermittently over the next few weeks, the exact amount of work depending upon subsurface soil conditions. As a suggestion, we recommend closing office windows if odors become apparent and notify us if needed. We understand your concern and wish to work together over the short term to deal with any future concerns. Please feel free to contact Ms. Mary Holland Ford (510) 450-1982 or myself.

Thx  
 Ron

Ron Scheele RG  
 Senior Project Manager  
 Cambria Environmental Technology Inc.  
 6262 Hollis Street  
 Emeryville, CA 94608  
 (510) 450-1983

At 07:01 PM 7/23/2002 -0400, Ecoeconergy@aol.com wrote:  
 >Ron--I find that Bob is on vacation, so I am forwarding this to you. Tom  
 >Burns  
 >Return-path: <Ecoeconergy@aol.com>  
 >From: Ecoeconergy@aol.com  
 >Full-name: Ecoeconergy

7/24/2002

>Message-ID: <87.1eaa3e5e.2a6f37f1@aol.com>  
>Date: Tue, 23 Jul 2002 18:51:29 EDT  
>Subject: Remediation Project on Powell St, Emeryville  
>To: briddell@cambria-env.com  
>CC: louise@heroarts.com, burns@ecoeconergy.com, brad@basisinc.com  
>MIME-Version: 1.0  
>Content-Type: text/plain; charset="US-ASCII"  
>Content-Transfer-Encoding: 7bit  
>X-Mailer: AOL 7.0 for Windows US sub 10512

>

>Dear Mr. Clark-Riddell:

>

>I want to compliment your employee, Mary Holland-Ford, for her quick response  
>to the concerns of the management of Hero Arts, Inc., 1343 Powell St.,  
>Emeryville. The vapors reaching inside their factory this morning were very  
>noticeable and resulted in several workers going home feeling ill. She was  
>very helpful in reassuring the management of Hero Arts about the current  
>hydrocarbon concentration levels in the building.

>

>In the meantime, I have also spoken with Ms. Eva Chu of the Alameda County  
>environmental services unit and with the contractor, Rick Jeffery. I  
>understand that the firm, BASIS, also located across the street from the site  
>has also complained about the odor to Mr. Jeffery.

>

>Mary, Eva, and Rick are working on temporary measures to reduce emissions  
>from the spoil being accumulated at the site. Spraying with soylent green  
>and covering with plastic were being discussed. However, most of the fumes  
>are emitted when the soil is disturbed, meaning that transfer to trucks for  
>ultimate disposal will result in renewed emissions.

>

>Anything that you could do to facilitate the prompt removal of the  
>contaminated material from the site and deposit it at the appropriate waste  
>disposal facility would be greatly appreciated. It seems to me as if the  
>prescribed process (as it was described to me): samples Wednesday, lab  
>results by Friday, decision by the disposal facility next Monday, and removal  
>of the offending material by mid-next week is taking far too long. I believe  
>that the materials could and should be removed over this coming weekend, when  
>few workers are in the area, to minimize the impact on the local businesses.

>

>

>You should be aware, that, before I got involved this afternoon, the  
>businesses were considering shutting down and sending all of their employees  
>home, incurring costs that would ultimately have to be borne by the project's  
>owners.

>

>Thank you for your prompt attention to this matter.

>

>Thomas G. Burns  
>Principal Consultant  
>Ecoconergy

7/24/2002



>  
>510-525-3680  
>510-525-0864 fax  
>510-525-6882 cell  
>ecoeconergy@aol.com  
>burns@ecoeconergy.com  
>



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

June 21, 2002

Mr. Richard Becker  
160 La Cuesta  
Greenbrae, CA 94904

Mr. David Diamond  
1115 Hillview Road  
Berkeley, CA 94708

**RE: Properties Located at 1300 and 1350 Powell Street, Emeryville, CA 94608  
(CO 0001475 and CO 0001477)**

Dear Messrs. Becker and Diamond:

This letter follows in the wake of a June 11, 2002 meeting between staff of Alameda County Department of Environmental Health (DEH), and that of the San Francisco Bay Regional Water Quality Control Board (RWQCB). This meeting was convened to discuss cleanup goals and oversight issues for the subject affiliated projects. Mr. Scott Seery represented DEH at the referenced meeting, while Mr. Chuck Headlee and Dr. Ravi Arulanantham represented the RWQCB. Proposed cleanup goals were previously articulated in letters to this office dated March 25 and 28, 2002, authored by Mark Arniola of Lowney Associates. The cleanup goals presented in the referenced Lowney letters reflect a previous meeting between project proponents and Dr. Arulanantham held on March 21, 2002.

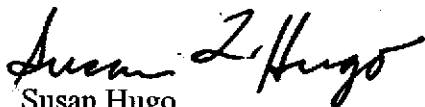
The RWQCB and this agency concur with the cleanup goals presented in the noted Lowney letters, with the following additions:

1. Clean imported soil shall comprise the upper 2 feet of all landscaped areas, planting boxes, etc.
2. Vapor barriers (membranes) shall underlie the entirety of all inhabited structures; no utilities shall penetrate vapor barriers
3. Final site development plans must be submitted prior to site development
4. Post remediation groundwater monitoring program shall be conducted to confirm residual groundwater contaminants found at the sites.
5. Deed notifications/restrictions shall be filed, the details of which will be determined at a later date

Messrs. Becker and Diamond  
RE: 1300 and 1350 Powell St., Emeryville (CO 0001475, CO0001477)  
June 21, 2002  
Page 2 of 2

In addition, based on the current body of technical information submitted to date, these affiliated projects will be managed as separately-funded SLIC cases. Please contact me at (510) 567-6780 if you have any questions regarding the subject sites.

Sincerely,



Susan Hugo  
Supervising Hazardous Materials Specialist

cc: Chuck Headlee, S.F. Bay RWQCB  
Ignacio Dayrit, City of Emeryville, 1333 Park Ave., Emeryville, CA 94608  
Donna Drogos, ACDEH  
SH / files

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

April 19, 2002

Mr. David Diamond  
1115 Hillview Road  
Berkeley, CA 94708

RE: **Property Located at 1350 Powell Street, Emeryville, CA 94608 (CO 0001477)**

Dear Mr. Diamond:

This office has been requested to begin oversight of an environmental assessment and cleanup project at the referenced site. Our records indicate that a deposit for regulatory oversight has not been submitted for this project. Please submit an initial deposit of \$4000 (four thousand dollars), payable to Alameda County, Environmental Health Services.

We must receive this deposit so that future regulatory oversight on the subject site can proceed in a timely fashion. At the completion of this project, any unused monies will be refunded to you or your designee.

The deposit refund mechanism is authorized in Section 6.92.060L of the Alameda County Ordinance Code. Work on this project will be debited at the Ordinance specified rate, currently at \$105 per hour.

Please be sure to write the following on the check to identify your account:

- type of project (**Site Mitigation / SLIC**)
- site address and CO# (see RE: line above)

If you have any questions, please contact me at (510) 567-6783.

Sincerely,



Scott Seery, CHMM  
Hazardous Materials Specialist

c: Ignacio Dayrit, City of Emeryville, 1333 Park Ave., Emeryville, CA 94608  
Donna Drogos, ACDEH  
Susan Hugo, ACDEH

SOS / files

**LOWNEY ASSOCIATES**  
Environmental/Geotechnical/Engineering Services

Mountain View

Oakland

San Ramon

Fullerton

March 25, 2002  
1424-9B

Ms. Susan Hugo  
ALAMEDA COUNTY HEALTH CARE SERVICES  
AGENCY  
DEPARTMENT OF ENVIRONMENTAL HEALTH  
1131 Harbor Bay Parkway, 2<sup>nd</sup> Floor  
Alameda, California 94502

RE: 1300 AND 1350 POWELL STREET  
EMERYVILLE, CALIFORNIA

Dear Ms. Hugo:

We are sorry you were unable to attend the March 21, 2002 meeting to discuss soil and ground water conditions and recommended remedial guidelines for 1300 and 1350 Powell Street in Emeryville, California. In attendance at the meeting were Ravi Arulanantham for California Regional Water Quality Control Board (CRWQCB), Steve Kalmbach for Pulte Home Corporation, Richard Becker for the owners of 1300 Powell Street, David Diamond for the owners of 1350 Powell Street, Ignacio Dayrit for the City of Emeryville, and Mark Amiola for Lowney Associates (consultant for Pulte Home Corporation).

Lowney Associates has completed its evaluation of the soil and ground water quality at the site. After review of Lowney Associates evaluation and previous investigations at the site it was concluded that the contaminants of concern for both soil and groundwater at the site are total petroleum hydrocarbons in the gasoline, diesel, and motor oil ranges. The ground water impact includes floating product in the ground water north and south of the location where product was previously encountered on the 1350 Powell Street property.

Based on the discussions in our March 21, 2002 meeting, the following guidelines were recommended for approval of redevelopment of the site with high density residential housing (no single family residences with yard areas).

- 1) Remediation of the upper 10 feet of soil to less than 1,000 parts per million (ppm) total petroleum hydrocarbons (combined) for any location at the site.
- 2) Removal of floating product from the ground water, dewatering, and reduction of dissolved hydrocarbons in the ground water to less than 10 to 20 ppm total petroleum hydrocarbons (combined).
- 3) Following completion of remedial activities, sampling of the ground water to confirm the dissolved hydrocarbon concentration.

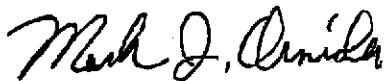
Alameda County Department of Environmental Health1300 and 1350 Powell Street

Based on the available data, benzene, toluene, ethylbenzene, and xylenes (BTEX) were detected at only one location on-site and the contaminants of concern are petroleum hydrocarbons. If the remediation is completed to the guidelines stated above (<1,000 ppm TPH in the upper 10 feet of soil, product removal from ground water, dewatering, confirmation sampling) will the Alameda County Department of Environmental Health approve development of the site for high density residential housing?

We look forward to your response. If you have any questions, please call and we will be glad to discuss them with you.

Very truly yours,

LOWNEY ASSOCIATES



Mark J. Arniola, R.G., R.E.A.  
Project Geologist

Copies: Addressee (1)  
California Regional Water Quality Control Board (1)  
Attn: Mr. Ravi Arulanantham  
Pulte Hume Corporation (1)  
Attn: Mr. Steve Kalmbach

OK, 1424-9B ACDEH Letter.doc