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Alameda County  
Environmental Health

23 August 2011  
Project 730495402

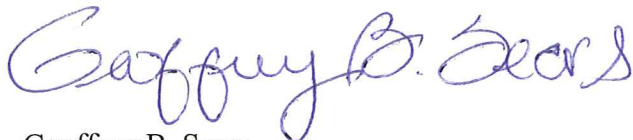
Mr. Mark Detterman, P.G.  
Alameda County Environmental Health  
1131 Harbor Bay Parkway, 2<sup>nd</sup> Floor  
Alameda, CA 94502

Subject: Evaluation of Responsibility for Groundwater Characterization and Remediation  
5885 Hollis Street  
Emeryville, CA  
RO# 2621

Dear Mr. Detterman:

As a legally authorized representative of Wareham Property Group, and on behalf of Wareham Property Group, I declare, under penalty of perjury, that the information and/or recommendations contained in the attached document titled *Evaluation of Responsibility for Groundwater Characterization and Remediation, 5885 Hollis Street, Emeryville, CA, RO# 2641*, are true and correct to the best of my knowledge.

Sincerely yours,



Geoffrey B. Sears  
WAREHAM PROPERTY GROUP  
On behalf of ES East Associates, LLC

attachment

23 August 2011  
Project 730495402

Mr Mark Detterman  
Alameda County Environmental Health  
1131 Harbor Bay Parkway, 2nd Floor  
Alameda, CA 94502

Subject: Evaluation of Responsibility for Groundwater Characterization and Remediation  
5885 Hollis Street  
Emeryville, California  
RO# 2621

Dear Mr Detterman:

We appreciate your assistance with this project. This letter follows our prior correspondence, conversations and meetings, and addresses the nature of and responsibility for the groundwater characterization work that remains to be done at this and the property adjoining to the south. After our last meeting I revisited the site history to refresh my understanding of the source of the petroleum hydrocarbons in the southern portion of the site.

As you are aware, the Wareham property was historically used for a variety of purposes, the environmental effects of which have been documented in the various soil and groundwater samples collected across the site. What seems clear is that the contamination detected in the southern portion of the property originated at the former Union Oil bulk storage facility. While a portion of Wareham's work has been directed towards assessing the magnitude and extent of this contamination, my review of project documents indicates that this condition is actually the responsibility of Union's successor, Chevron.

Included below are details that support my analysis of responsibility. As our recommendation deviates from the project approach we have been taking, I think it would be useful for us to meet after your review to discuss moving forward.

### **Site Description**

The former Union Oil Company bulk storage facility covered an area approximately 220 feet by 500 feet, bounded by Hollis Street to the east, 59<sup>th</sup> Street to the north, Peladeau Street to the west, and Powell Street to the south. The site is currently occupied by the four-story office building at 5885 Hollis Street, owned by Wareham Properties, and the Chevron Station at the southern end of the block. The site was historically operated as a bulk fuel and oil distribution facility. Operations included numerous aboveground and underground petroleum hydrocarbon storage tanks. The site also consisted of a garage along Hollis Street and an auto repair shop along Peladeau Street. Construction near the site in the 1980s and 1990s revealed soil and groundwater impacted with petroleum hydrocarbons.

Mr. Mark Detterman  
Alameda County Environmental Health  
23 August 2011  
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In 2000 and 2005, Treadwell & Rollo conducted pre-construction environmental sampling of soil and groundwater at 5885 Hollis Street site. Results of the sampling event were used to prepare a Site Management Plan (SMP) dated 14 July 2005 for use during construction. The SMP was approved by Alameda County Environmental Health (ACEH) in a letter dated 8 December 2005, and the property was developed. With the exception of the alley running between Hollis and Peladeau Streets and separating the Wareham Properties and Chevron site, all soil down to 15 feet below ground surface (bgs) was removed. Post-excavation confirmation sampling was performed as outlined in the SMP. Subsequent soil sampling along Peladeau Street was performed at the request of ACEH to demonstrate that residual soil contamination was either not present or at acceptable levels. This work has been documented in several reports to ACEH, as cited in the attached bibliography.

Chevron has conducted their own studies of groundwater contamination at their property. Currently ACEH is asking both Wareham Properties and Chevron to install groundwater monitoring wells in the area of the alley and in Peladeau Street to define the extent of Total Petroleum Hydrocarbon as gasoline (TPG-g) contamination in groundwater

### **Bulk Facility Operations**

The presence of numerous aboveground and underground oil and refined product storage tanks that were located at the bulk storage facility prior to demolition in the late 1970's have been documented in Sanborn maps and in site maps submitted by Chevron. Selected figures, included in Appendix A, specifically indicate the presence of aboveground storage tanks in the southern portion of the site, including a "5,000 barrel gasoline aboveground storage tank" located on the current Chevron site. A recent site plan prepared for Chevron (Antea Group Fig. 2, dated 23 February 2011), shows the former aboveground storage tank location inside a bermed area that ended at the southern boundary of the current alley that is the property line between the Wareham Properties site at 5885 Hollis St. and the Chevron site. Groundwater sampling performed by both Wareham Properties and Chevron has confirmed the presence of dissolved-phase TPH-g in this area.

### **Responsibility for Petroleum Contamination**

There is no question that the soil and groundwater contamination at the property was the result of operations at the bulk facility. No other sources existed or exist today, with the possible exception of the on-going gasoline sales at the Chevron station. Chevron, as the purchaser of Union Oil assets, is responsible for defining and mitigating any contamination associated with the former bulk facility. The fact that the likely source of the dissolved-phase TPH-g in groundwater was the former 5,000 barrel aboveground gasoline storage tank that was located on the site of the current Chevron station further justifies the decision to have all future groundwater studies and potential remediation be assigned to Chevron.

Wareham may be a responsible party (RP) because of their ownership of a portion of the land previously occupied by the Union bulk storage facility, but they are not the primary RP. Chevron, as the primary RP, should be responsible for the definition and mitigation of groundwater contamination associated with the bulk facility.

Mr. Mark Detterman  
Alameda County Environmental Health  
23 August 2011  
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Thank you again for your assistance with this important matter. Please email or call when you have a moment free to schedule a meeting to discuss next steps. I will be out of the office from August 11-28, but check email daily and will respond to you immediately.

Sincerely,  
Treadwell & Rollo, A Langan Company



Philip G. Smith  
Principal

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Attachments: Appendix A  
Bibliography

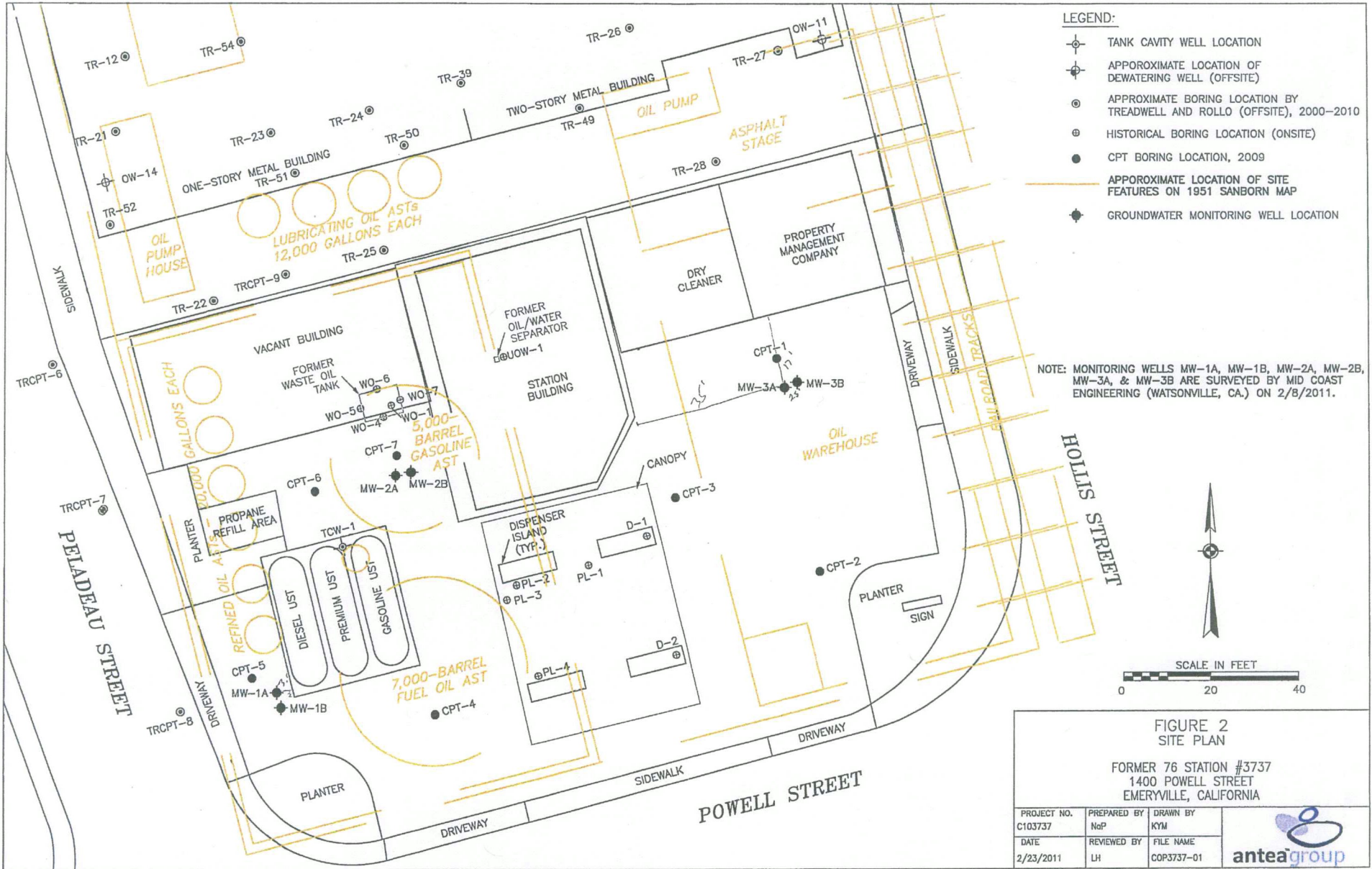
cc: Mr Geoff Sears, Wareham properties  
Mr Markus Niebanck, City of Emeryville



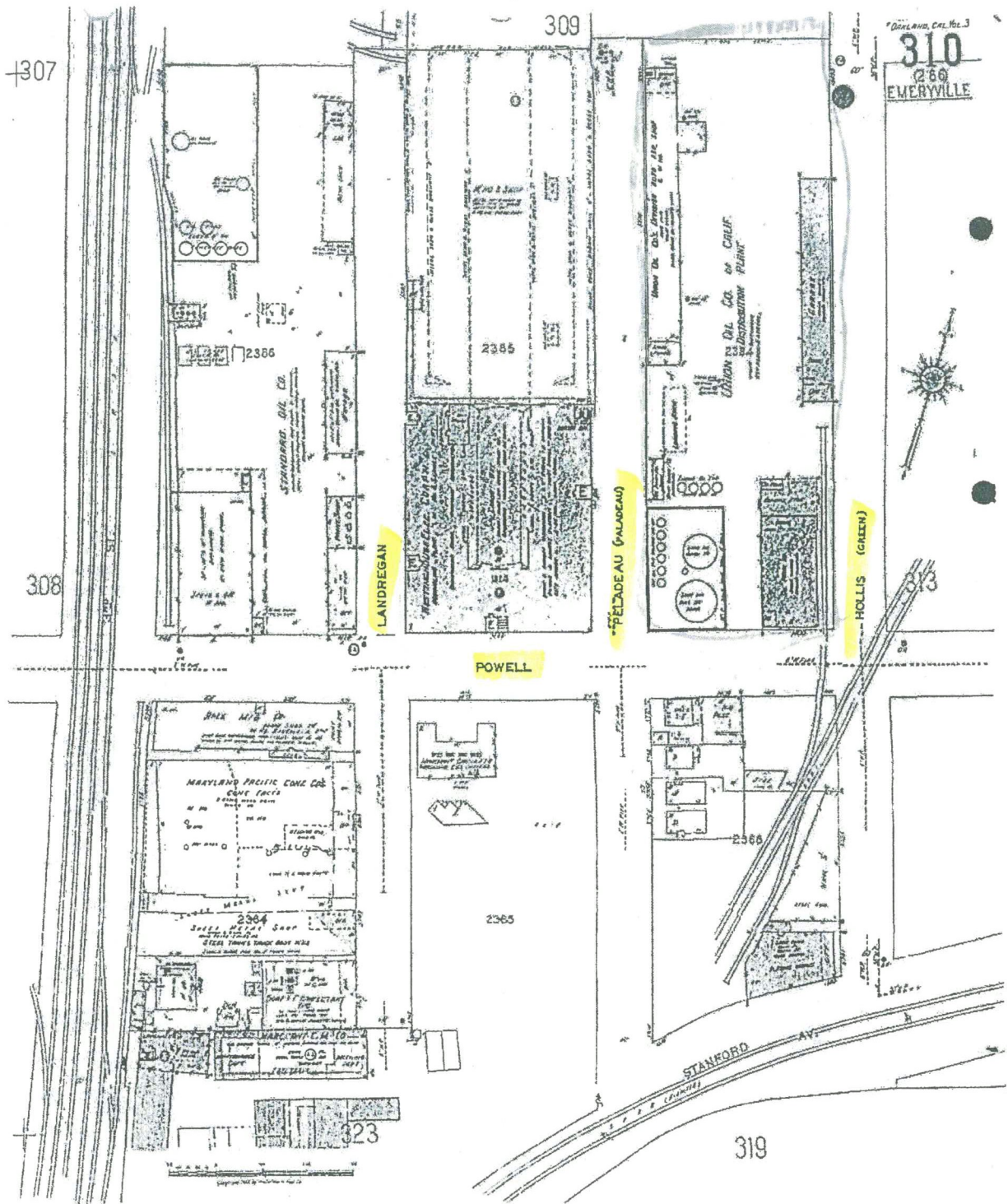
Grover Buhr  
Senior Project Manager



**APPENDIX A**







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**Environmental Risk Information & Imaging Services**



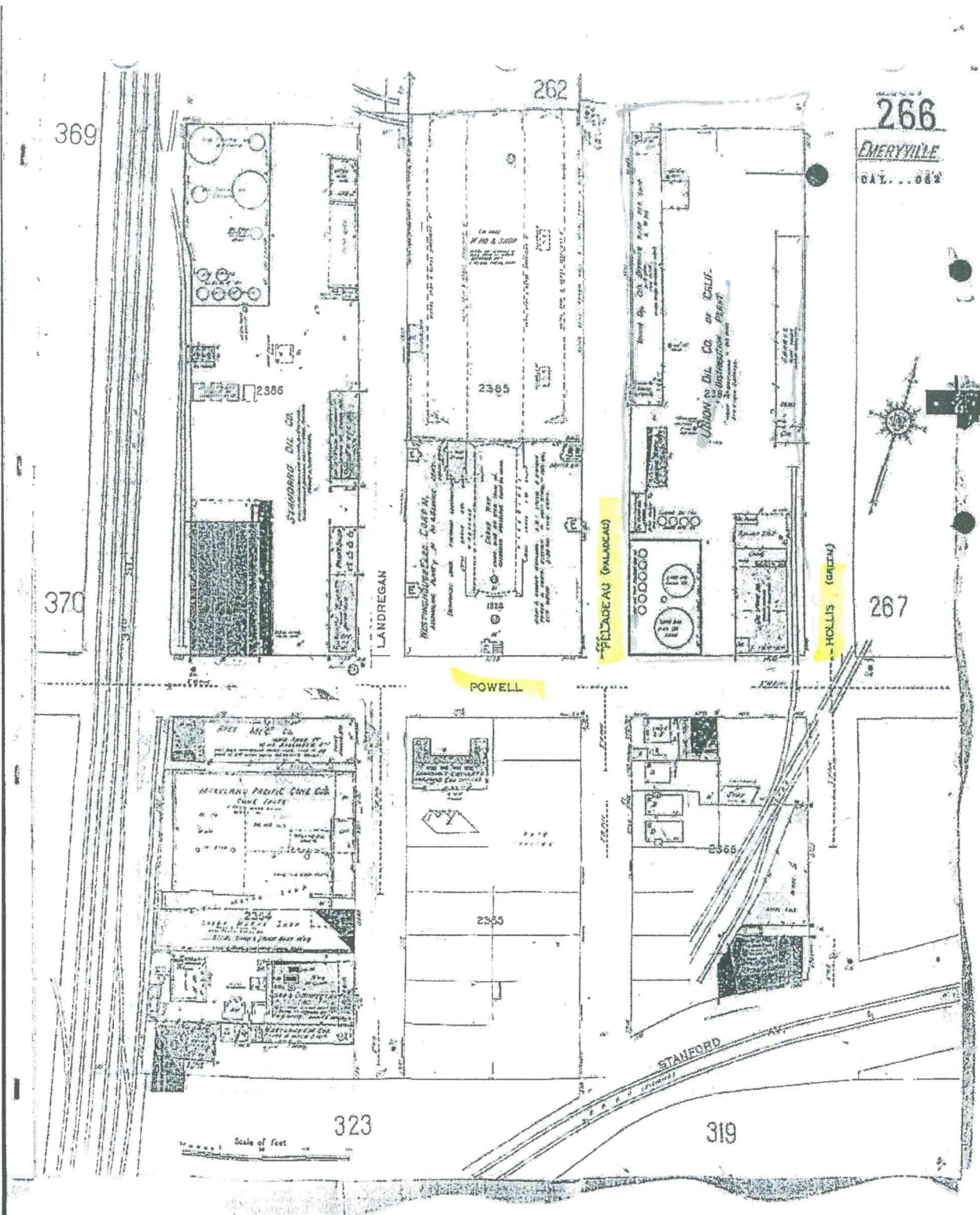
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