

ALAMEDA COUNTY  
HEALTH CARE SERVICES



AGENCY  
DAVID J. KEARS, Agency Director

R02722

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

May 19, 1998

ATTN: Deborah Thomas

Orbit Property Mgmt  
1475 Powell St Suite 20  
Emeryville CA 94608

RE: Project # 2649B - Type A  
at 2240 Filbert St in Oakland 94607

Dear Property Owner/Designee:

Our records indicate the deposit/refund account for the above project has fallen below the minimum deposit amount. To replenish the account, please submit an additional deposit of \$178.20, 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 \$94 per hour.

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

- project #
- type of project and
- site address

(see RE: line above).

If you have any questions, please contact Amir Gholami at (510) 567-6876.

Sincerely,

Tom Peacock, Manager  
Environmental Protection

c: files

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



Ro# 2722

November 27, 1996  
SLIC STID 3984  
page 1 of 2

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

Attn: Eddie Orton  
Orbit Property Corp.  
1475 Powell ST., Suite 20  
Emeryville CA 94608

RE: **CONDITIONAL CASE CLOSURE LETTER**, former Safeway Ice Cream Plant, cka  
West Grand Refrigeration Facility, 2240 Filbert St., Oakland CA 94607

Dear Mr. Orton,

Thank you for submitting the "Groundwater Sampling Report," prepared by IT Corporation, dated September 1996. This report documents the groundwater sampling event conducted on 9/13/96. Maximum groundwater concentrations include 10 ppb benzene, 840 ppb TPH-gasoline, while TPH-diesel was non-detect (ND). Previous groundwater sampling events indicate lesser concentrations of benzene. The maximum benzene concentration is well below the site specific target level (SSTL) of 6.0 mg/L (6,000 ppb). As you recall, the SSTL(s) were calculated via a Tier 2 Risk Assessment in a report titled "Development of Risk-Based Cleanup Goals for Soil and Groundwater. . ." prepared by Woodward-Clyde Consultants, dated 1/12/96. In addition, groundwater monitored in both April and September 1996 indicates the groundwater flow direction as west, in the direction away from the residences. This was an assumption made in the Risk Assessment.

This letter is being written on the condition that the monitoring wells are properly destroyed. **Please notify me by phone at least 2 business days ahead of well closure** so that I may be present onsite if my schedule allows. Please contact Zone 7 Water Agency for your well destruction permit, at 510-484-2600. This letter is being cc'd to Zone 7 to inform them that this case is ready for closure. **Please provide a brief letter report documenting the well destruction; please include a copy of the Zone 7 well destruction permit. When that document is received, a final case closure letter will be written.**

The USTs all appear to be accounted for, and no further action is required concerning UST closure, assuming that the information provided to this agency was accurate and representative of site conditions.

For your information, I have attached a copy of oversight charges made between 7/24/95 and 9/25/96. If you have any questions, please contact me at 510-567-6700, ext 6761.

November 27, 1996  
SLIC STID 3984  
page 2 of 2  
Attn: Eddie Orton

Sincerely,



Jennifer Eberle  
Hazardous Materials Specialist

cc: Mike Princevalle, Sumitomo Bank, Appraisal Dept., 320 California St., 8th Floor, San  
Francisco CA 94104  
Al Ridley and Marco Lobascio, Woodward-Clyde Consultants, 500-12th St., Suite 100,  
Oakland CA 94607-4014  
Steve Schwartz, IT Corp, 4585 Pacheco Blvd., Martinez CA 94553  
Attn: Wyman Hong, Alameda County Flood Control District, Zone 7, Water Agency  
5997 Parkside Dr., Pleasanton CA 94588  
Kevin Tinsley/haz mat files  
J. Eberle/file

je.3984-C  
attachment

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



Ro#2722

Alameda County Environmental Health Div.  
Mail Code: 430-4580  
Environmental Protection Services  
1131 Harbor Bay Parkway, Room 250  
Alameda CA 94502-6577

April 19, 1996  
SLIC STD 3984

Attn: Eddie Orton  
Orbit Property Corp.  
1475 Powell ST., Suite 20  
Emeryville CA 94608

RE: former Safeway Ice Cream Plant, 2240 Filbert St., Oakland CA 94607

Dear Mr. Orton,

Since my last letter to you, dated 7/7/95, the following documents have been received in this office:

- 1) cover letter from Orbit dated 7/21/95, with letter from Woodward-Clyde (WCC) dated 7/20/95, regarding risk-based cleanup levels;
- 2) cover letter from Orbit dated 8/8/95, with "Work Plan for Monitoring Well Installation and In-Place Tank Closure," prepared by IT Corporation (IT), dated August 1995;
- 3) "Underground Tank Closure Plan," submitted by Orbit/IT, and approved on 8/23/95 by this office; and
- 4) "Development of Risk-Based Cleanup Goals for Soil and Groundwater," prepared by WCC, dated 1/12/96 (aka the Risk Assessment).

Madhulla Logan of this office reviewed the Risk Assessment, and sent a letter to WCC dated 3/13/96, stating she found the Risk Assessment acceptable. Unfortunately, you were not cc'd. A copy of that letter is attached.

Based on recent telephone conversations with Steve Schwartz of IT and JR Martin of your office, I understand that the two additional groundwater monitoring wells were installed a few months ago, and the report will be submitted shortly, specifically within a month. I understand that this report will combine the monitoring well installation with the closure in-place of the tank located near the corner of West Grand Ave. and Filbert Street. The Risk Assessment discusses the need for further groundwater sampling and monitoring, "once in the wet season, and once in the dry season" (see page ES-4). I understand that the two new wells were sampled in March, but the original two wells were not sampled. However, all four wells are being resampled within the next week or so, in order to obtain a complete set of data for the "wet season." **All four wells should be resampled in the 3rd quarter or "dry season," for TPH-diesel, TPH-gasoline, TPH-motor oil, and BTEX.** The data will be evaluated upon submission of the 3rd quarter sampling report.

April 19, 1996  
SLIC STID 3984  
page 2 of 2  
Attn: Eddie Orton

IT recommended overexcavating the impacted soils in Boring 47 located at 10'bgs, and taking confirmatory soil samples, in their 5/3/95 letter report (page 4). Orbit subsequently agreed to this work. However, upon further review of the technical data, **this office concludes that overexcavation is not necessary at the B-47 location.** The absence of our chemicals of concern, BTEX, denecessitates the need for overexcavation.

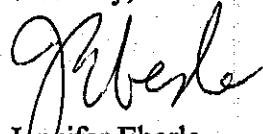
In order to draw nearer to our mutual goal of case closure, **you are requested to submit a letter report outlining the status of each UST thus identified at this site.** The status should include whether the UST is suspected, former, or existing, closed in place or removed, and dates. If the UST is suspected, the attempts made to verify its existence should be explained.

I would like to elaborate on the 3/13/96 letter from our office, which responds to the Risk Assessment. The Risk Assessment was conducted using both commercial and residential scenarios. Soil and groundwater concentrations were calculated using both scenarios. **A deed restriction will not be needed for this site, assuming future groundwater concentrations remain below the site specific target levels (SSTLs) for the residential scenario.** The SSTL for benzene in groundwater is 6.0 mg/L, using the residential scenario, as per page 3-11 of the Risk Assessment.

Lastly, for your information, the status of funding for our oversight of this site is approximately \$1,080 or 12 hours. No additional deposit is being requested at this time.

If you have any questions, please contact me at 510-567-6700, ext 6761.

Sincerely,



Jennifer Eberle  
Hazardous Materials Specialist

cc: JR Martin, Orbit Properties, 1475 Powell St., 2nd Floor, Emeryville CA 94608  
Mike Princevalle, Sumitomo Bank, Appraisal Dept., 320 California St., 8th Floor, San Francisco CA 94104  
Al Ridley and Marco Lobascio, Woodward-Clyde Consultants, 500-12th St., Suite 100, Oakland CA 94607-4014  
Steve Schwartz, IT Corp, 4585 Pacheco Blvd., Martinez CA 94553  
Acting Chief/file

je.3984-B  
attachment

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY  
DAVID J. KEARS, Agency Director



RO# 2722  
RAFAT A. SHAHID, DIRECTOR

DEPARTMENT OF ENVIRONMENTAL HEALTH  
1131 Harbor Bay Parkway  
Alameda, CA 94502-6577  
(510)567-6700

March 13, 1996

Marco Lobascio  
Woodward-Clyde Consultants  
500 12th Street, Suite 100,  
Oakland, CA - 95607-4014

REF: Former Safeway Icecream Plant located at 2240 Filbert  
Street, Oakland, CA

Dear Mr. Lobascio:

I am in receipt of the risk assessment dated January 12, 1996 prepared by Woodward-Clyde Consultants for the above referenced site. The risk assessment was developed using the American Society for Testing and Materials Risk Based Corrective Action and evaluating scenario's that included exposure to future on-site workers, future hypothetical on-site residents, and current off-site residents. This risk assessment has been reviewed and is acceptable to this Department.

If you have any questions, you can reach me at (510) 567-6764

Sincerely,

*Madhulla Logan*  
Madhulla Logan,  
Hazardous Material Specialist

CC: Gordan Coleman/files

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY  
DAVID J. KEARS, Agency Director



RO#2722

RAFAT A. SHAHID, DIRECTOR

DEPARTMENT OF ENVIRONMENTAL HEALTH  
1131 Harbor Bay Parkway  
Alameda, CA 94502-6577  
(510)567-6700

March 13, 1996

Marco Lobascio  
Woodward-Clyde Consultants  
500 12th Street, Suite 100,  
Oakland, CA - 95607-4014

REF: Former Safeway Icecream Plant located at 2240 Filbert  
Street, Oakland, CA

Dear Mr. Lobascio:

I am in receipt of the risk assessment dated January 12, 1996 prepared by Woodward-Clyde Consultants for the above referenced site. The risk assessment was developed using the American Society for Testing and Material's (ASTM's) Risk Based Corrective Action (RBCA) and evaluating scenario's that included exposure to future on-site workers, future hypothetical on-site residents, and current off-site residents. This risk assessment has been reviewed and is acceptable to this Department.

If you have any questions, you can reach me at (510) 567-6764

Sincerely,

*Madhulla Logan*  
Madhulla Logan,  
Hazardous Material Specialist

CC: Gordan Coleman/files

ALAMEDA COUNTY  
HEALTH CARE SERVICES  
AGENCY

DAVID J. KEARS, Agency Director



R02722

RAFAT A. SHAHID, DIRECTOR

July 7, 1995  
SLIC STID 3984

Attn: Eddie Orton  
Orbit Property Corp.  
1475 Powell ST., Suite 20  
Emeryville CA 94608

DEPARTMENT OF ENVIRONMENTAL HEALTH  
State Water Resources Control Board  
Division of Clean Water Programs  
UST Local Oversight Program  
1131 Harbor Bay Parkway  
Alameda, CA 94502-6577  
(510) 567-6700

RE: former Safeway Ice Cream Plant, 2240 Filbert St., Oakland CA 94607

Dear Mr. Orton,

I am in receipt of the "Proposal of Approach for Development of Risk-Based Cleanup Levels for Soil and Groundwater," prepared by Woodward Clyde Consultants (WCC), dated 5/26/95. **This proposal is acceptable with the following conditions:**

- 1) The most recent sampling data ("Soil and Groundwater Investigation Report, Former Safeway Ice Cream Manufacturing Plant," Levine-Fricke, 1/17/95) must be evaluated and incorporated into the Risk Assessment.
- 2) The proposal is to evaluate the industrial scenario. However, the residential scenario must be evaluated if a) the site is zoned for residential (or mixed use), and/or b) there is a potential for offsite migration to the adjacent residential areas (as evidenced by fate and transport modeling). If the site is zoned for residential (or mixed use), and the residential scenario is NOT evaluated, there will be a caveat in the final case closure letter which states that this scenario should be evaluated if there is a change in land use.
- 3) The Risk Assessment should mention that the risk was acceptable based on the fact that the site is, and will be capped. If this changes, the site needs to be re-evaluated.
- 4) If site specific parameters are used to calculate the risk assessment, then describe the procedures or methods used to measure or evaluate them, OR cite the reference used to obtain the values.
- 5) Clarify how the hotspots will be addressed. Will the values be calculated, and will remediation ensue if the values exceed the risk based screening levels? (Pg 6)

*It appears that the most logical way to proceed with this project is to close the USTs, and install the 2 additional monitoring wells (as per my letter dated 6/12/95) as soon as possible. The wells should be monitored for groundwater elevations (GWEs) and flow direction monthly in order to begin to generate data on groundwater flow direction. This data is essential, because it needs to be incorporated into the Risk Assessment.*

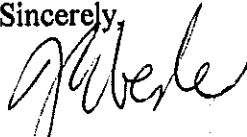


July 7, 1995  
SLIC STID 3984  
Attn: Eddie Orton  
page 2 of 2

The funding for our oversight of this site has diminished to less than 3 hours worth of time. As of 7/1/94, our hourly rate is \$90.00. **We request a deposit of \$900.00 for another 10 hours of oversight time.** Please make your check payable to **Environmental Health Services** and remit to the address listed above. Any unused deposit will be refunded to the payor at the completion of our work; we keep a detailed accounting of all our charges, to the nearest tenth of an hour, or every six minutes. **I have requested that a summary of charges be sent to your office for past oversight activities. Please contact Candyce Kelly of our Billing Dept. At 567-6866 regarding any billing questions you may have.**

If you have any questions, please contact me at 510-567-6700, ext 6761. **Feel free to submit reports on double-sided paper in order to save precious trees.**

Sincerely,



Jennifer Eberle  
Hazardous Materials Specialist



Madhulla Logan  
Risk Assessment Reviewer

cc: Al Ridley and Marco Lobascio, Woodward-Clyde Consultants, 500-12th St., Suite 100,  
Oakland CA 94607-4014  
Jun Makishima/file

je.safeway-A

ALAMEDA COUNTY  
HEALTH CARE SERVICES  
AGENCY

DAVID J. KEARS, Agency Director



R02722

RAFAT A. SHAHID, DIRECTOR

June 12, 1995  
SLIC STID 3984

DEPARTMENT OF ENVIRONMENTAL HEALTH  
State Water Resources Control Board  
Division of Clean Water Programs  
UST Local Oversight Program  
1131 Harbor Bay Parkway  
Alameda, CA 94502-6577  
(510) 567-6700

Attn: Mr. JR Martin  
Orbit Property Corp.  
1475 Powell St., 2nd Floor  
Emeryville CA 94608

RE: Underground Storage Tanks (USTs)  
former Safeway Ice Cream Plant, 2240 Filbert St., Oakland CA 94607

Dear Mr. Martin,

I am in receipt of your letter dated 5/19/95, and the attached letter report prepared by IT Corp, dated 5/3/95. As you know, IT's report summarizes their field observations and makes recommendations regarding the known and suspected USTs at this site. Three areas of the site were included in this report: Area 1, Area 7, and Area 4.

**Area 1: known 10,000-gal unleaded gasoline UST on Myrtle St.**

Please note that Alameda County did not permit the 10,000-gal UST for closure in place. There is a Permit Application in our files, signed by a D.H. McDaniel, presumably of Safeway Stores, Inc., which is undated. This Permit Application is generally used when seeking a permit for a UST. Note that the size of the UST was not filled in, nor was the location of the UST indicated. However, the words "tank closed and filled by Union Ice" are typed in near the top of the first page of the application. There is no signature from Alameda County. **This is not a UST permit.** This form was stamped as received in our office in 5/87, which was the general time that the County's UST program was starting. (See Appendix F of the "Phase I Environmental Site Assessment," dated 3/14/94, prepared by MFG)

As per our telephone conversation of 6/6/95, you sent a fax on 6/9/95, which is the 2/22/90 letter from Safeway to the State Board of Equalization. I have reviewed this fax, and noted that the Safeway representative (Senior Attorney Susan Lowe) did not sign the letter. However, the letter states that Safeway understood "that the tank was taken out of service several years ago, and that the tank has been abandoned in place and filled with sand."

However, in light of the other factors presented in IT's 5/3/95 letter, this office ultimately agrees with the recommendations for no further action regarding this UST.

**Area 7: Suspected 1,000-gal UST adjacent to Myrtle St., approx 45' S of Area 1.**

As discussed via telephone between myself and Steve Schwartz of IT on 6/5/95, he indicated that the fill port was at the interface of the sidewalk and the street. This was not apparent from the photographs attached to IT's 5/3/95 report. This office agrees with the recommendations for

June 12, 1995  
SLIC STID 3984  
Attn: Mr. JR Martin  
page 2 of 2

a) grouting the piping, and b) further excavating the area of B47 to remove contaminated soil.

The issue of groundwater elevation was discussed via telephone between myself and Steve Schwartz of IT on 6/5/95. The soil contamination in question was located at 10'bgs. The depth to water in nearby MW1 was 12' in 9/94 during well construction, and then 10.1' on 10/3/94 prior to sampling. It is possible that groundwater may be encountered during excavation; however, the dry season is upon us in the next few months.


**Area 4: Suspected 550-gal UST at SW corner of property near the intersection of Filbert St. and West Grand Ave.**

IT documented that this UST is overlain by 3 to 4 feet of concrete. This office agrees with the recommendations for a) closing the UST in place, and b) installing a monitoring well within 10 feet in the "assumed" downgradient direction.

Groundwater flow direction is quite variable in this immediate area, as seen at the former Chevron site at 850 West Grand Ave., and the Arco site at 889 West Grand Ave. Groundwater flow direction cannot be reasonably "assumed." The well proposed to be located near the intersection of Filbert St. and West Grand Ave. would make essentially a straight line with the other two wells at this site. MW2 is approximately 325' away from MW1. The proposed well would be approximately 250' away from MW1. Therefore, you are requested to install at least one more monitoring well in order to make an equilateral triangle with MW1 to determine groundwater flow direction. This makes the total well count at least four. Please submit a workplan for the installation of two more monitoring wells within 45 days of the closure in place for the UST in Area 4. Groundwater elevations should be monitored monthly for a year in order to gain insight as to flow direction. Please note that you will also have to submit a Tank Closure Plan for the closure in place for the UST in Area 4. Please use the newly revised form, dated 1995 in the lower left corner.

Please notify me by telephone at least 2 business days prior to field work. Please contact me at (510) 567-6761 if you have any questions.

Sincerely,



Jennifer Eberle  
Hazardous Materials Specialist

cc: Steve Schwartz, IT Corp, 4585 Pacheco Blvd., Martinez CA 94553  
Mee Ling Tung/file  
je.safeway

ALAMEDA COUNTY  
HEALTH CARE SERVICES  
AGENCY

DAVID J. KEARS, Agency Director



RO2722

RAFAT A. SHAHID, ASST. AGENCY DIRECTOR

February 17, 1995  
SLIC STID 3984

Orbit Properties  
1475 Powell St., Suite 201  
Emeryville CA 94608.  
Attn: Eddie Orton

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

RE: former Safeway Ice Cream Plant, 2240 Filbert St., Oakland  
CA 94607

Dear Mr. Orton,

As per our lengthy telephone conversation today, I understand that you are the new property owner for this site. I explained how our SLIC and LOP programs work, including the funding mechanisms for each. The Alameda County Department of Environmental Health, Division of Hazardous Materials charges for the review and oversight of site remediation work on a "deposit/refund" basis. This includes activities such as meetings, phone calls, report reviews, writing letters. The "deposit/refund" arrangement is authorized by Section 3-140.5 of the Alameda County Code. The funding for our oversight of this site has diminished to less than 5 hours worth of time.

As of 7/1/94, our hourly rate is \$90.00. **We request a deposit of \$900.00 for another 10 hours of oversight time.** Any unused deposit will be refunded to the payor at the completion of our work; we keep a detailed accounting of all our charges, to the nearest tenth of an hour, or every six minutes. Please make your check payable to **Environmental Health Services** and remit to the address listed above.

If you have any questions, please contact me at 510-567-6700, ext 6761; our fax number is 510-337-9335. Feel free to submit reports on double-sided paper in order to save trees.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Jennifer Eberle'.

Jennifer Eberle  
Hazardous Materials Specialist

cc: Ed Howell/file

je.3984-B

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY  
DAVID J. KEARS, Agency Director



R02722

November 2, 1994  
SLIC STID 3984

Eric Laurence  
Steinhart and Falconer, attorneys  
333 Market St., 32nd Floor  
San Francisco CA 94105-2150

Melita Elmore  
Safeway Inc.  
4th and Jackson Streets  
Oakland CA 94660

ALAMEDA COUNTY 430-453  
HEALTH CARE SERVICES  
DEPT. OF ENVIRONMENTAL HEALTH  
1131 HARBOR BAY PKWY 2ND FLOOR  
ALAMEDA CA 94502-6577

RE: former Safeway Ice Cream Plant, 2240 Filbert St., Oakland  
CA 94607

Dear Mr. Laurence and Ms. Elmore,

I am in receipt of the "Revised Proposal to Perform Additional Soil and Ground-Water Quality Investigation," prepared by Levine-Fricke, dated 9/28/94. As you know, this workplan involves collecting soil and grab groundwater samples from 28 soil borings in four general areas of the site.

I am also in receipt of a letter from Eric Laurence to Richard Hirsch of Levine-Fricke, dated 11/1/94, and sent to my office via fax. This letter details locations of additional soil borings and monitoring wells, the elimination of certain soil borings, soil sampling procedures, chemical analyses, and additional source identification. The rationale for these changes are to investigate onsite sources of contamination prior to offsite sources, as well as obtaining chromatograms via TEH analysis.

**The 9/28/94 workplan, along with the revisions in the 11/1/94 letter from Eric Laurence, is acceptable with the following conditions:**

- 1) TEH will not be substituted for TRPH in the soil borings around the elevators.
- 2) TEH will be added to the sampling matrix for the Hazardous Materials Storage area.
- 3) The sampling matrix may be amended for groundwater from the future monitoring wells.

I understand that results of sampling from two recently installed monitoring wells are forthcoming. Please send this information to my attention as soon as it is available.

November 2, 1994  
SLIC STID 3984  
Eric Laurence  
Melita Elmore  
page 2 of 2

I am also in receipt of the 6/29/94 "Report on Limited Subsurface Investigation and Agency File Review (Phase II)," by McCulley, Frick & Gilman. Lastly, I am in receipt of a check for \$1,800 for oversight costs. This deposit was credited to your account on 10/28/94.

Please notify me at least 2 business days in advance of field activities so that I may arrange to be onsite. **Feel free to submit reports on double-sided paper in order to save precious trees.** Please contact me at (510) 567-6700, ext. 6761 if you have any questions.

Sincerely,



Jennifer Eberle  
Hazardous Materials Specialist

cc: Richard Hirsch, Levine-Fricke, 1900 Powell ST., 12th Floor,  
Emeryville CA 94608  
Jeff Gilman, McCulley, Frick & Gilman, 5-3rd St., suite  
400, San Francisco CA 94103  
Ed Howell/file

je 3984-A

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY  
DAVID J. KEARS, Agency Director



R02722

October 19, 1994

Eric Laurence  
Steinhart and Falconer, attorneys  
333 Market St., 32nd Floor  
San Francisco CA 94105-2150

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

Melita Elmore  
Safeway Inc.  
4th and Jackson Streets  
Oakland CA 94660

RE: former Safeway Ice Cream Plant, 2240 Filbert St., Oakland  
CA 94607

Dear Mr. Laurence and Ms. Elmore,

You have been identified as parties associated with this site, which has been subject to releases of contaminants from a variety of sources. It appears that most, if not all, of the contamination is due to sources other than petroleum hydrocarbon Underground Storage Tanks (USTs). For this reason, this case will be handled via the Spills, Leaks, Investigations and Cleanup (SLIC) program. [If it becomes apparent that most of the contamination is due to petroleum USTs, then the case may be transferred to our Local Oversight Program (LOP). At that point, responsible parties would be formally identified and notified via a "Notice of Requirement to Reimburse" letter. The LOP is a federal and state petroleum underground storage tank cleanup program and the billing is done by the State Water Quality Control Board.]

For SLIC cases, the Alameda County Department of Environmental Health, Division of Hazardous Materials charges for the review and oversight of site remediation work on a "deposit/refund" basis. The "deposit/refund" arrangement is authorized by Section 3-140.5 of the Alameda County Code.

We estimate that the review and oversight of work for the above site for the next year will take at least 20 hours. Our current hourly rate is \$90.00. **Therefore we request a deposit of \$1,800 within 10 days, or by October 31, 1994.** Any unused deposit will be refunded at the completion of our work; we keep a detailed accounting of all our charges. Please make your check payable to **Environmental Health Services** and remit to the address listed above.

Please contact me at (510) 567-6700, ext. 6761 if you have any questions.

October 19, 1994  
Eric Laurence  
Melita Elmore  
page 2 of 2

Sincerely,



Jennifer Eberle  
Hazardous Materials Specialist

cc: Ed Howell/file

je



ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY  
DAVID J. KEARS, Agency Director



R02722

RAFAT A. SHAHID, Assistant Agency Director

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

September 7, 1993

Melita Elmore, Vice President  
Environment, Health & Safety  
Safeway, Inc.  
4th & Jackson Sts.  
Oakland, Ca. 94660

Re: Stipulated Final Judgment # H-170219-6,  
Safeway Ice Cream Plant, 2240 Filbert St., Oakland, Ca.  
94607

Dear Ms. Elmore,

At the request of Mike O'Connor of the Alameda County District Attorney's Office, I have reviewed your submittals to fulfill the provisions of the above named judgment. I believe that the documents should more clearly show which regulatory agencies must be notified in the event of a release of hazardous materials. The agencies which at a minimum must be notified include the local emergency response agency, the local administrative agency, and the California State Office of Emergency Services. The local emergency response agency and the local administrative agency may be contacted by dialing 9-1-1. In Oakland, these agencies are the Oakland Fire Department and the Alameda County Department of Environmental Health, respectively. The phone number for the California State Office of Emergency Services is 1-800-852-7550.

In the documents submitted, directions are given to call 9-1-1 but there is no mention of the agencies which are contacted via this process. The requirement to notify the State Office of Emergency Services (OES) is omitted from a couple of the documents.

Ms. Melita Elmore  
Page 2  
September 7, 1993

- 1) Emergency Evacuation Plan (Attachment #1):
  - a) Does not include notification to State OES.
  - b) Routes of evacuation: Diagrams are preferred.
- 2) Oakland Ice Cream Plant, Notice to All Employees, April 20, 1993 (Attachment #2): Does not include notification to State OES.
- 3) Corporate Emergency Notification Book:
  - a) Appears to refer to Reportable Quantity (RQ). RQ's are used only for notifications to the National Response Center.
  - b) If this book is designed for Oakland only, then the local implementing agency (LIA) is the Alameda County Department of Environmental Health. However, if this book is designed for other cities also, then the appropriate LIA for the city should be listed. Nevertheless, in all cases, 9-1-1, may be used to satisfy the requirement to notify the LIA.

In case you don't have one already, I have also enclosed a copy of "California Hazardous Material Spill/Release Notification Guidance." Please feel free to contact me with any questions you may have regarding this matter.

Sincerely,

  
Don Hwang  
Hazardous Materials Specialist

c: Mike O'Connor, Deputy District Attorney, Alameda County  
District Attorneys Office, Consumer and Environmental  
Protection Division, 7677 Oakport St., #400, Oakland, CA  
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