



MARA FEENEY & ASSOCIATES
Community Relations and Socioeconomic Analysis
19 Beaver Street, San Francisco CA 94114
Tel. (415) 863-8760 FAX (415) 863-5671
e-mail: marafeeney@aol.com

FAX TO: Mark Johnson (510) 622-2464
Larry Mencin (216) 566-2730
Mike Marsden (510) 652-2246
Mara Feeney (415) 863-5671
Ignacio Dayrit (510) 658-8095
Barbara Cook (510) 540-3819
Jane Riggan (510) 622-4505
Susan Hugo (510) 337-9335
Jody Sparks (916) 341-7795
Paul Germain (510) 655-2807
Jay Grover (510) 923-7476
Vera Nelson (650) 578-9131
Peggy Peischl (925) 253-4985
Sandra Maxfield (925) 935-5368
Robert Cave (415) 749-5030

FROM: Melissa Mednick

DATE: May 11, 1999

PAGES: 6 (including cover sheet)

RE: Working paper from the 3/24/99 Sherwin-Williams CWG meeting

Attached please find the working paper for the March 24, 1999 meeting of the Consultative Work Group for the Sherwin-Williams Site. Please feel free to contact me if you have questions or comments. I can be reached at (510) 653-7848. Thanks.

**DRAFT WORKING PAPER:
NOTES FROM MEETING OF THE CONSULTATIVE WORK GROUP
SHERWIN-WILLIAMS SITE, EMERYVILLE, CALIFORNIA
March 24, 1999**

The meeting was held at the Sherwin-Williams plant in Emeryville and began at 9:30 a.m. The agenda and list of attendees are attached.

Mark Johnson began the meeting by explaining that Ignacio Dayrit from the City of Emeryville would first give a brief presentation about the City's regional groundwater program. Ignacio explained that the City received a Brownfields grant from the USEPA in 1996, which it used to develop a database and website about groundwater contamination in the City. Emeryville is now also contemplating taking over some regulatory functions from the Water Board and DTSC with respect to groundwater monitoring and remediation at some of the smaller, less complex sites in the City. Under the program being considered, the entire city would be viewed as a single site and groundwater contamination would be addressed using a regional approach. This type of approach would be more cost-effective and would enable the Water Board to deal with a single entity, namely the City, instead of numerous property owners. The City hopes that adopting a regional approach in addressing groundwater contamination would facilitate redevelopment, expedite clean up of at least the smaller sites, and eliminate time-consuming legal wrangling among property owners.

Ignacio continued by stating that the City has come to realize, in discussions with regulators, that the upper shallow aquifer in much of the City will probably never be restored to its pristine condition and that it may not be worth the time and expense to remediate the contamination there extensively and/or aggressively. A draft plan, being written primarily by consultant Fred Barstow and sponsored by the Water Board, indicates that the shallow aquifer in this area is of negligible benefit as a drinking water source and is important primarily because of its potential, if contaminated, to adversely impact the Bay.

Susan Colman, of Geomatrix then elaborated on Ignacio's presentation. She explained that her firm was hired by the City to create a database on groundwater contamination in the City, using data obtained in 1994-1996. Susan commented that while there is ample data on the shallow aquifer (generally above 30 feet) there is very little data on the deeper zone (below 100 feet). Susan stated that City officials feel they need more data, especially on the deeper aquifer, before they can commit to taking over the groundwater monitoring and remediation program. (Susan commented later, in response to a question about the relationship of the shallow and deep aquifer, that preliminary information indicates that contaminants in the shallow zone have not migrated to the deeper zone.) Susan explained that Geomatrix has put together a tentative work plan for gathering additional data on groundwater up-gradient of the City, groundwater in the deep zone, and the impact of contamination in the shallow zone on the Bay. The additional research is expected to cost about \$300,000 and the City is seeking the funding for this testing at present.

Susan explained that remediation of contaminated groundwater may also be conducted by the City under this program. Susan cautioned that the extent of the remediation would be driven by the potential impact of the contamination. Remediation would be funded collectively by property owners through a mitigation fund, with some financial participation by the City. The mitigation fund might be established through the creation of some type of assessment district. Once the fund is established the criteria for evaluating the impact of contamination, particularly on the Bay, would also be developed.

After Susan and Ignacio's presentations, representatives from Entrix and Sherwin-Williams voiced some questions and concerns about the proposed program. Larry Mencin and Sandra Maxfield both stated that the revised view of the limited benefit of the shallow aquifer seems to be at odds with the aggressive cleanup being required at the Sherwin Way site. Entrix commented that even though larger sites may be exempt from the City's regional groundwater program, the remediation approaches taken for large and small sites still need to be consistent with each other.

Susan responded that the distinction between large and small sites would only apply with regards to soil cleanup. The City has already signed a Memorandum of Understanding (MOU) with DTSC and the Water Board that authorizes them to remediate soil contamination at small sites. Soil cleanup goals have been established in the MOUs and Risk Assessments will probably be reviewed by the County and the Water Board. If the City agrees to take it on, the groundwater program would be a global program addressing groundwater throughout the city. Mark Johnson then commented that perhaps the Order for the S-W site might be amended to create two separate Operable Units at the site -- one unit inside the slurry wall under the Board authority and a second unit outside the wall which would be part of the City's regional groundwater program.

Wini Curley of Entrix also expressed concern about separate entities participating in the monitoring and remediation program suing each other. Mark responded that the group could probably purchase liability insurance to cover this possibility. In response to a question raised about the timing for the program, Ignacio responded that, if the City can obtain financing for the testing fairly quickly, the program might be up and running in about a year. Mark stressed the importance of involving property owners early on in this process as much as possible. Ignacio responded that the City would rather have more data before it approaches owners about participating in the program. Susan commented that the progression she envisions is that the City would spend approximately six months doing additional testing, would then commit to the groundwater program, and then convene the stakeholders to fine-tune the program. Jay Grover commented that at this point in time the schedule for the program may be too speculative and far in the future for S-W to be able to benefit from it at its Sherwin Way site. Larry closed the discussion on this item by commenting that he will probably take this issue up with Steve Morse since he feels that this revised view of the shallow aquifer should be reflected in the remedial plan developed for the site.

During the discussion of Agenda item 2, Mike Marsden gave an update on the status of the deep well investigation at the site. Mike explained that a contractor familiar with deep wells was brought in to the site in mid-March and was able to remove the production pump inside the well in about a day and a half. Now that the pump has been removed, it will be possible to determine the best plan for abandoning the well. The well appears to be approximately 180 feet deep, with approximately 15 feet of sediment lying on the bottom. The next steps in abandoning the well should be determined by early April.

Mike explained that the new MSE treatment system is running and the old system is now off-line. The MSE system was able to meet NPDES discharge requirements for the mandatory ten-day trial period and is now treating water from the extraction system. Transitioning from the old system to the new has taken longer than expected and Mike stated that the project is about 45 days behind schedule.

With regards to the proposed Interim Remedial Measure (IRM) for the Rifkin property, Mike explained that LFR and S-W are still negotiating with Chiron and doing modeling for the IRM. Construction of the IRM may happen in May. Mark cautioned that LFR should avoid spending too much time on the modeling and stated that he would rather have the system installed and then "tweaked" afterwards, if

necessary. Mark then asked Ignacio whether a CEQA review of the interim measure would be necessary. Mike explained that the trenching for the IRM would occur outside of the contaminated area and would require only a few hundred feet of excavating. Mike reminded Ignacio that obtaining a grading permit in the past for similar work on the S-W property had been very problematic. Ignacio responded that he did not expect that the City would require a CEQA review or have a problem issuing the grading permit.

During Agenda Item 4, Mark reviewed the letter the Board had sent to S-W regarding the Work Plan Addendum. Mark stated that he had only two major comments on the document: 1) Regardless of the source, the arsenic contamination in groundwater underneath Horton Street needs to be investigated. Mark commented that both Chiron and Shell had made this same comment in their review of the Workplan Addendum. Mark stated that there are existing wells in this area that can be used for gathering additional data if it is required and that his goal is to have enough data on the groundwater contamination in this area to be able to understand it. 2) The Water Board is requiring additional groundwater data for the area along the northern end of Building 35. Mark added that a revised version of the WA will not be necessary—revisions to the document can be simply put in letter form and attached to the original document.

Mara then asked whether Reber Brown of DHS could give the group an update on the status of the lead and arsenic testing. Reber said there is not much to report because the department is still trying to coordinate with the occupants of three units in order to complete the testing. Once testing has been completed in these units, all of the test results will be sent to DHS. Mark then cautioned Reber to make sure that DHS and HSA (the consultants doing the testing) maintain close communication with Shell, S-W and the City about test results and formulate an action plan immediately if the test results reveal elevated concentrations of contaminants. Mark stressed the importance of having a plan in place *before* the data is released to Co-op residents.

Larry then concluded the meeting by stating that the next CWG meeting will probably be held in June and will focus on the field investigation in progress and results of the dust sampling. The meeting ended at this point.

Agenda
Consultative Work Group Meeting
Wednesday March 24, 1999
Sherwin-Williams Facility
1450 Sherwin Avenue, Emeryville, California

1. City of Emeryville regional groundwater monitoring presentation
2. Site update - deep well and treatment system status
3. Rifkin IRM status
4. Workplan Addendum update

Consultative Work Group Meeting

Weds. MARCH 24, 1999 9:30 AM

<u>NAME</u>	<u>Representing</u>	<u>Phone / E-mail</u>
LARRY MENCIA	The Sherwin-Williams Co	216 565 1768 LR.MENCIA@sherwin
Wini Curley	ENTRIX	925-988-1220 wcurley@entrix.ca
Sandra Maxfield	ENTRIX	925-988-1225 Smaxfield@entrix.ca
Mara Feene	Mara Feene & Associates	(415) 863-8760 marafeene@saal
Michael Mersten	LFR	510 576-9553 Michael.Mersten@LFR.com
Melissa Mernick	MFTA	(510) 653-7848 MLSMEDNICK@col.com
Reber Brown	CAOMS	(510) 622-4487 colhsreber@earthlink.net
Ginaun Baepik	Emmyville	30 576 4356 gbaepik@emmyville.co
Mark Johnson	RWQCB	(510) 622-2493 MJO@r02.surco.ca.gov
Susan Colman	Geomatix	415-743-7031 scolman@geomatix.com