

Hugo, Susan, Public Health, EHS

From: Seng, Victoria, Public Health, EH
Sent: Thursday, November 16, 2000 12:54 PM
To: Hugo, Susan, Public Health, EHS
Subject: RE: Check for UST Removal

Susan,

Yes, the check was cleared.

From: Hugo, Susan, Public Health, EHS
Sent: Wednesday, November 15, 2000 5:22 PM
To: Seng, Victoria, Public Health, EH
Subject: Check for UST Removal

Vicky:

Can you please confirm if the check (\$1,250) for the tank removal received on 9/18/00 from William Dubovsky Environmental for 1200 65th Street in Emeryville, Receipt # 858203 has cleared?

Thanks

Susan L. Hugo
Hazardous Materials Specialist
Environmental Health Services
(510) 567-6780

ARULA NANTHAN @ home.com

20608

ALAMEDA COUNTY
HEALTH CARE SERVICES



AGENCY
DAVID J. KEARS, Agency Director

ENVIRONMENTAL HEALTH SERVICES

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

May 24, 1999

Mr. David Kuhre
Oliver Rubber Company
1200 65th Street
Emeryville, California 94608

Subject: Oliver Rubber Company (SLIC# 1330)
1200 65th Street, Emeryville, CA 94608

Dear Mr. Kuhre:

This agency and the Cal-EPA / San Francisco Bay Regional Water Quality Control Board (RWQCB) have reviewed the following reports submitted for the subject site:

- Human Health Risk Assessment for Oliver Rubber Company Plant 1 (December 4, 1998), prepared and submitted by McLaren Hart
- Risk Assessment Work Plan for Oliver Rubber Company Plant 1 (November 18, 1998), prepared and submitted by McLaren Hart
- Report Regarding the Presence and Source of Chlorinated Solvents in Groundwater Beneath the Oliver Rubber Company Property (November 30, 1998), prepared and submitted by Aqua Science Engineers
- Additional Soil and Groundwater Assessment Report (September 25, 1998), prepared and submitted by Aqua Science Engineers

Groundwater Impact

The referenced reports documented the recent work conducted to address the source of low concentrations of chlorinated solvents found in the groundwater and the potential human health risks associated with the impacted groundwater. This agency and the RWQCB have evaluated the data collected for the site. Based on our review of the data submitted to date for the subject site and with the provision that all information provided to the agencies are accurate and representative of site conditions, we find that the source of chlorinated solvents found in the groundwater is unknown. The low concentration of chlorinated solvents occasionally found in this general area appears to be a regional problem.

In addition, the human health risk assessment looked at the potential health risk associated with the live/work residential scenario and concluded that the impacted groundwater does not pose an adverse health effects to the occupants.

At the low concentration of solvents found in the groundwater and with the use of institutional controls (please see listed below), no further action is necessary related to the impacted groundwater.

Closure of Raffex Containing Tanks

On August 12, 1998, the County issued a letter regarding the Raffex (a heavy petroleum hydrocarbon similar to liquid tar at elevated temperatures) found in soil and groundwater at the site. No further action related to the Raffex tank vault release is required provided the following conditions are met:

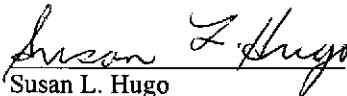
Mr. David Kuhre
RE: 1200 65th Street, Emeryville, CA 94608
May 24, 1999
Page 2 of 2

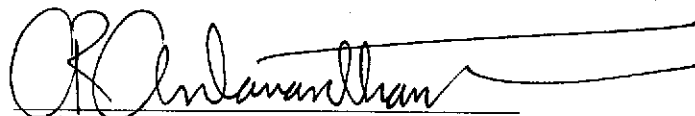
- 1) Preventive measures should be in place to protect the disturbance of the closed tank vault. Your proposal to place a use restriction at the site is acceptable to both agencies.
- 2) The closed tank vault should be identified on the parcel map for the site.
- 3) Use restriction (#1) and parcel map (#2) should be recorded and a copy of the recorded deed should be submitted to both agencies and the City of Emeryville Building and Planning Department.
- 4) If the closed tank vault is proposed to be disturbed, a risk management plan (RMP) should be submitted and approved by this office. The RMP should include at a minimum the following items: an acceptable health and safety plan to be followed during activities involving exposure to soil and groundwater contamination, soil and groundwater management plan, site mitigating measures to prevent any potential vertical conduits between shallow and deeper aquifers, etc.

It is our understanding that there is an on-going property transfer and the potential buyer intends to develop the property for work/live residential usage. This office and the RWQCB have no objection to develop the subject site for this proposed use provided all the above conditions and applicable requirements from other regulatory agencies are met.

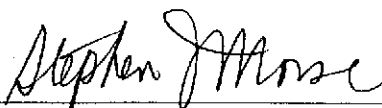
If you have any questions regarding this letter or the subject site, please contact me at (510) 567-6780 or Ravi Arulanantham at (510) 622-2308, email at ra@rb2.swrcb.ca.gov.

Sincerely,


Susan L. Hugo
Hazardous Materials Specialist


Ravi Arulanantham, Ph.D.
Staff Toxicologist, Cal-EPA/S.F. Bay RWQCB

Concur:


Stephen Morse, P.E., Chief
Toxics Cleanup Division, Cal-EPA/S.F. Bay RWQCB

- c: Mee Ling Tung, Director, Environmental Health
Barbara Cook, P.E., Chief, Cal-EPA/DTSC, 700 Heinz Ave., Bldg. F, Suite 200, Berkeley, CA 94710
Dick Pantages, Chief, Hazardous Materials Programs
Tom Peacock, Manager, Hazardous Materials Programs
Claudia Cappio, Emeryville Building and Planning Dept., 2200 Powell St., 12th Floor, Emeryville, CA 94608
Ignacio Dayrit, Emeryville Redevelopment, Agency, 2200 Powell St., 12th Floor, Emeryville, CA 94608
David Allen, Aqua Science Engineers, Inc. 208 West El Pintado Road, Danville, CA 94525
RKK Wenning, McLarenHart/ChemRisk, 1320 Harbor Bay Parkway, Suite 100, Alameda, CA 94502
SH /RA/ files

FARELLA BRAUN & MARTEL LLP

ATTORNEYS AT LAW

FACSIMILE TRANSMITTALRUSS BUILDING, 30TH FLOOR
235 MONTGOMERY STREET
SAN FRANCISCO, CA 94104TELEPHONE (415) 954-4400
FACSIMILE (415) 954-4480**CONFIDENTIAL COMMUNICATION**

This facsimile transmission is intended only for the use of the addressee named below and may contain information that is privileged and confidential. Please forward it directly to the addressee in a sealed confidential envelope. If you are not the intended recipient, any dissemination, distribution, or copying is strictly prohibited. If you received this facsimile in error, please immediately notify the sender by telephone and return the original message to Farella Braun & Martel LLP via the U.S. Postal Service at our expense. Thank you.

Date: May 11, 1999**Number of pages (including this page):** 4**To:** Ms. Claudia Cappio**Fax:** 510-658-8095**Phone:** 510-596-4360**From:** Norma G. Formanek**Matter Name:** Oliver**Direct Dial Number:** (415) 954-4497**Matter Number:** 01399

Please call (415) 954-4479 (Fax Center) if this transmission is incomplete.

MESSAGE:

Dear Claudia:

A copy of the latest DTSC letter is attached. Thanks for your message. We will definitely restrain ourselves! See you at 3:00 Friday.

Regards,
Norma



Department of Toxic Substances Control



Winston H. Hickox
Secretary for
Environmental
Protection

Edwin F. Lowry, Director
700 Heinz Avenue, Bldg. F, Suite 200
Berkeley, California 94710-2721

Gray Davis
Governor

May 6, 1999

NGF Copy

Mr. David Allen
Aqua Science Engineers, Inc.
208 W. El Pintado Road
Danville, California 94526

**OLIVER RUBBER COMPANY PROPERTY, 1200 65TH STREET, EMERYVILLE,
CALIFORNIA**

Dear Mr. Allen:

The California Department of Toxic Substance Control (DTSC) is in receipt of your letter of April 8, 1999 addressed to the Alameda County Health Care Services Agency (ACHCSA). This letter was intended to document a March 29, 1999 meeting between Aqua Science Engineers, Inc. (ASE), and DTSC representatives Mr. Bernard Feather and Mr. Alan Lui to discuss DTSC's concerns about the Oliver Rubber Company Property (Site) in Emeryville, California. This letter makes several statements about that meeting which are not supported by meeting notes taken by DTSC representatives. Further, ASE attributes several statements to DTSC which were either misquoted or were misinterpreted.

On Page 2 of the letter, ASE states that "...Mr. Feather and Mr. Lui stated that they were satisfied with the Risk Assessment's conclusions that representative (chemicals of interest) in groundwater at the site do not pose (an adverse health risk)." While DTSC acknowledged that the risk assessment used United States Environmental Protection Agency accepted methodologies to calculate risk numbers, DTSC made no endorsement about the validity of the Oliver Rubber Company's risk assessment. It is our position that since ASE only collected grab groundwater samples from open boreholes, the resulting sampling data is "qualitative" in nature. A "quantitative" risk assessment cannot be based on "qualitative" data.

Mr. David Allen
May 6, 1999
Page 2

On Page 2, 3 and 4 of the letter there is a discussion regarding the off-site source of volatile organic compound (VOC) groundwater contamination at the Site. The statements which ASE made with regards to the sole use of non-chlorinated solvents at the Site by the Oliver Rubber Company and as to why ASE decided not to perform quantitative groundwater sampling were correctly memorialized. However, ASE still has not adequately explained why the highest levels of VOCs (between 180 and 370 parts per billion (ppb) total VOCs) were detected in grab groundwater samples collected from boreholes adjacent to a sump in the center of the site nor why all up-gradient and down-gradient grab groundwater samples had total VOC concentrations that were either two-orders of magnitude smaller than the sump samples or were non-detect. Counter to ASE's claims, the groundwater sampling conducted at the Site indicate an on-site source of contamination.

On Page 4 and 5 of the letter, ASE discussed the relationship of the VOC contamination in groundwater at the Oliver Rubber Property to the Myers Property. ASE makes the statement that the chemical fingerprint of the VOC groundwater contamination at the Oliver Rubber Property is "very similar" to the chemical fingerprint of the VOC groundwater contamination found at the Myers Property. As stated in our March 18, 1999 letter to the Alameda County Health Care Services Agency (ACHCSA), the primary VOC detected in groundwater at the Oliver Rubber Property is 1,1-dichloroethene (1,1-DCE), whereas 1,1-DCE was only found sporadically in two wells at the Myers Property. In addition, the 1,1-DCE concentration in groundwater at the Myers Property is two-orders of magnitude lower than the levels found at the Oliver Rubber Company Property. ASE also makes the claim that the bedding material in the 66th Street storm drain may be a preferential flow path between the Myers and the Oliver properties. DTSC agrees that this storm drain may be a potential conduit for off-site contaminant migration originating from the Myers Property. DTSC is requiring Myers to perform additional field investigation to investigate this possibility. However, ASE still has not explained how VOCs may have migrated from the storm drain to the Oliver Rubber Property. ASE also does not explain why all grab groundwater samples collected along the 66th Street property boundary, located immediately adjacent to the 66th Street storm drain, had non-detectable levels of VOCs.

With regards to the conclusions on Pages 6 and 7 of the letter, DTSC did not state that a) it intends "...to take no further action regarding the Oliver Property..."; b) that DTSC "...has no objection to the conversion of the Oliver Rubber Company Property into a residential development"; and c) DTSC has no jurisdiction in this matter. Rather, DTSC informed ASE that at that time, our primary concern was ASE's contention that the alleged source of groundwater contamination at the Oliver Rubber Property originated from the Myers Drum *Reconditioning* Site. DTSC informed ASE that we are requiring the party responsible for the Myers Drum *Reconditioning* Site to expand their scope of investigations to address ASE's claims. Finally, DTSC informed ASE that if the additional investigations indicated that the Myers Property was not the source of the Oliver Rubber Property contamination, DTSC would inform the ACHCSA, and the City of Emeryville and we would request that they modify their decisions as appropriate.

Mr. David Allen
May 6, 1999
Page 3

DTSC analysis of the information which ASE has provided to us with regards to the Site has not addressed any of our major concerns regarding the Oliver Rubber Property. As such, DTSC has not modified our request that the ACHCSA require the Oliver Rubber Company to implement our recommendations for further field investigations as discussed in our March 18, 1999 letter. If you have any questions, please contact Robert Feather of my staff at (510) 540-3804.

Sincerely,



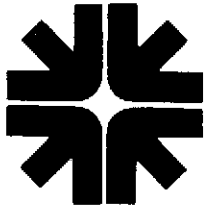
Barbara Cook, P.E., Chief
Northern California
Coastal Cleanup Operations Branch

cc: Ms. Susan Hugo
Alameda County Health Care Services Agency
1131 Harbor Bay Parkway, Suite 250
Alameda, California 94502

Mr. Stephen Morse, P.E., Chief
Toxics Cleanup Branch
Cal/EPA, Regional Water Quality Control Board
San Francisco Bay Region
1515 Clay Street, Suite 1400
Oakland, California 94612

Ms. Claudio Cappio
City of Emeryville Planning Department
2200 Powell Street, 12th Floor
Emeryville, California 94608

Mr. Barry Cromartie
City of Emeryville Planning Department
2200 Powell Street, 12th Floor
Emeryville, California 94608



CITY OF EMERYVILLE

INCORPORATED 1896

PLANNING DEPARTMENT
2200 POWELL, 12TH FLOOR
EMERYVILLE, CALIFORNIA 94608

TEL: (510) 596-4360 FAX: (510) 658-8095

May 6, 1999

MEMORANDUM

CALIFORNIA REGIONAL WATER
MAY 7 1999
QUALITY CONTROL BOARD

TO: ~~David Allen, Aqua Sciences~~
Ravi Arulanantham, Cal-EPA/S.F. Regional Water Quality Control Board
David Feather, Department of Toxic Substances Control
Normal Formanak, Farella, Braun and Martel
Susan Hugo, Alameda County Health Services

FROM: **Claudia Cappio, Emeryville Planning and Building Director**

RE: **Confirmation of May 14, 1999 Meeting Concerning Property at 1200 65th Street and Summary of Issues**

This memorandum confirms my telephone conversations and messages regarding a meeting to be held on Friday, May 14, 1999 at 2:30 PM at the Cal-EPA/RWQCB offices in Oakland. The purpose of this meeting is to review and discuss concerns that have been presented pertaining to past contamination of the Oliver Rubber Company building at 1200 65th Street in Emeryville. Although the RWQCB and Alameda County have completed a review and provided site clearance, the DTSC has remaining concerns regarding contamination and have requested that further testing be completed for the site prior to redeveloping the property for residential loft units.

As a brief background, in February, 1999, the Emeryville Planning Commission reviewed and approved a Conditional Use Permit and Design Review for 50 residential loft units at the former Oliver Rubber Company building. As part of this approval, the Commission established a number of requirements pertaining to the past contamination on the site and measures that needed to be incorporated into the project. (Please refer to Attachment A - Conditions of Approval III. D. 1. and 2) These measures were based on the ACHS letter of January 5, 1999 and, in part, on the letter from the February 18, 1999 letter from DTSC outlining concerns about the residential use of the property. (Please refer to Attachment B and C.) Thereafter, DTSC submitted a more detailed letter outlining their concerns and recommendations. (Please see Attachment D.)

Memorandum
1200 65th Street
Oliver Rubber Company
May 6, 1999
page 2

As part of the effort to resolve DTSC's concern, a meeting was convened on March 29, 1999, and thereafter, a supplemental letter from Aqua Science was submitted in an attempt to clarify and provide supplemental information. (Please see Attachment E.) Unfortunately, I did not attend this meeting and now have two different perspectives of how DTSC's concerns were or were not met.

For the May 14, 1999 meeting, I would like to start by reviewing the actual project, the major physical changes proposed and the location of the housing units and other major site features. Thereafter, using DTSC's March 18th letter as a basis, I would like to review and discuss the following questions:

- ▶ If all the recommendations concerning the physical development of the site were incorporated into the project (deed restrictions, asphalt cap, landscaping in containers, etc.), what other concerns remain.
- ▶ If the recommendations were followed for additional groundwater monitoring, what schedule would be followed and how would it influence the construction schedule for the project?

Thank you all for your cooperation and attention in this matter. I look forward to seeing you on Friday.

Project ATTACHMENT A

EMERYVILLE PLANNING COMMISSION
RESOLUTION NO. UP 98-17 and DR 98-18 OF EMERYVILLE
PLANNING DEPARTMENT

CONDITIONS OF APPROVAL

1200 65th Street

February 25, 1999

Final - As Approved by the Planning Commission

APPROVED
Chad Coffin 2/25/99
(Signature) (Date)

PLNG/BUDG. DIR.
UP 98-17 / DR 98-18

1. GENERAL CONDITIONS AND COMPLIANCE WITH APPROVED PLANS

- A. Final plans submitted for the Building Permit shall substantially conform with architectural drawings by NPH Architects, dated February 8, 1999, Sheets SD 1.0 through SD 5.0, and Sheet SD0.1, SD 6.0 through 12.0, dated October 16, 1998, identified as Exhibit A, except as hereinafter modified.
- B. The applicant shall be responsible for assuring that any successor in interest in the property is informed of the terms and conditions of this zoning approval.
- C. This action by the Planning Commission includes the following items:
1. Design Review Application for exterior building changes and additions and site improvements.
 2. Conditional Use Permit for up to 50 one bedroom residential loft units.
- D. This approval shall not become effective unless and until 30 days after the Emeryville City Council enacts an Ordinance entitled "An Ordinance of the City of Emeryville Amending the Zoning District Boundary Map for the Parcels Located at 1200 65th Street (APN: 94-1509-001-1) and 1200/1256 66th Street (APN: 049-1056-6 and 049-1506-4.) From IG (General Industrial) to IL (Light Industrial)."
- E. Construction of the building improvements shall commence within one (1) year following Planning Commission approval, and shall be substantially completed one year thereafter.
- F. All improvements shall be installed as approved by this action of the Emeryville Planning Commission. Once constructed or installed, all improvements shall be maintained as approved. Minor changes may be approved by Planning Department staff.
- G. Final inspection and a certificate of occupancy shall not be issued until all construction and landscaping is complete and in accordance with the final building permit and improvement plans; including off-site and public improvements, or until cash, a certificate of deposit or a letter of credit, as acceptable to the City Attorney, has been posted to cover all costs of the unfinished work plus 25 percent.

- H. The site shall be well maintained and shall be kept free of litter, debris and weeds.
- I. All new on-site electrical service and communication lines shall be placed underground.
- J. There shall be no outside storage of any type in the interior parking area. Designated parking spaces shall be kept free of obstruction and available for parking use at all times. Boats, trailers, camper tops, inoperable vehicles and the like shall not be parked or stored on the site.
- K. Conditions of Approval set forth herein include certain fees, dedication requirements, reservation requirements, and other exactions. Pursuant to Government Code Section 66020(d)(1), this set of Conditions of Approval, attached hereto to Planning Commission Resolution No. CPC UP 98-17 and DR 98-18 as Exhibit B, constitute written notice of a statement of the amount of such fees, and a description of the dedications, reservations and other exactions. The applicant is hereby further notified that the 90 day approval period in which these fees, dedications, reservations and other exactions may be protested, pursuant to Government Code Section 66020(a), has begun. If the applicant fails to file a protest within this 90 day period complying with all of the requirements of Section 66020, applicant will be legally barred from challenging such exactions.
- L. Applicant shall provide a notice in all lease and sales documents to all prospective tenants or future purchasers of the residential units, in a form acceptable to the City Attorney, discussing: a) the fact that the current, surrounding IL (Light Industrial) and IG (General Industrial) Zoning Districts permit a variety of uses which operate during a broad time of day and evening, thus creating a level of background activity which is greater than that found in a strictly residential neighborhood; b) the existence of nearby uses which have the potential to emit noise at levels during hours of the day that persons of average sensibilities might find disturbing; c) the existence of truck traffic, use of industrial machinery and other industrial processes that are potentially disruptive to a residential use and may produce odors or dust; d) the fact that the site has been used for heavy industrial activities in the past and has been the subject of technical studies, including a Health Risk Assessment, and a series of requirements from the Alameda County Department of Health Services (ACDHS) in order to change the use to residential, and further shall identify a location where the ACDHS and other technical studies may be reviewed; and e) that the floor space within each residential unit identified for office purposes does not meet the Uniform Building Code (UBC) standards for light, ventilation or emergency egress and therefore shall not be used for sleeping purposes.

- A. Prior to the recordation of a final map for the sale of the residential units or the issuance of an occupancy permit for first residential unit, the applicant shall demonstrate that all agreements and documentation has been completed for compliance with the City of Emeryville Affordable Housing Set Aside Program (EMC Section 9-4.62.).

II. PUBLIC SAFETY AND PARKING REQUIREMENTS

- A. Final building permit plans shall include all standard security measures as required by the Emeryville Police Department, including hardware for all doors and windows and security lighting. Deadbolt locks shall be provided on all exterior doors, and security locks on all ground floor windows and doors shall be provided, subject to Police Department standards and approval.
- B. The project is approved with an off-street parking requirement of 1 space/unit, based on the residential parking requirement as set forth in EMC Section 9-4.55.3(c), for a total of 63 spaces.
- C. Each unit in the project shall have a minimum of one dedicated off-street parking space assigned and available for the exclusive use of that unit at all times.
- D. Plans submitted for the building permit shall incorporate the following Fire Department requirements for this project:
- 1) The fire sprinkler for the building shall be upgraded per the requirements of the Emeryville Fire Department standards.
 - 2) Fire hose standpipes provided in the common area and in the garage or otherwise required by the Fire Department.
 - 3) An approved fire detection and alarm system, supervised by a UL listed central station, which covers all areas and individual units.
 - 4) The provision of Knox boxes of an approved size and type, located at the entries 65th and 66th Street and at up to two other locations as approved by the Fire Department.
 - 5) Emergency exit lighting, at a level equivalent to (1) footcandle at floor level.

III. GEOLOGY, CONTAMINATION AND HAZARDOUS MATERIALS REQUIREMENTS

- A. Plans submitted for the building permit shall include a seismic and structural upgrade in accordance with Uniform Building Code standards (UBC, 1994), or other

standards as adopted prior to the date that the first permit application is received, and constructed under the seismic provisions of the UBC for Seismic Zone 4.

- B. A survey of lead-based paint (LBP) and asbestos-containing materials (ACMs) should be completed for the existing structure prior to demolition or construction. All identified ACMs must be abated prior to demolition or construction activities. Any loose or peeling LBP must be abated prior to demolition/renovation activities. If intact LBP was present at the site, demolition and construction activities must comply with the State construction lead standard (Title 8, California Code of Regulations, Section 1532.1)
- C. Final Plans submitted for the demolition, grading or building permit for the project shall provide for compliance with the Alameda County Health Care Services (ACHCS) letter dated January 5, 1999.
- D. Prior to the issuance of a demolition, grading or building permit for the project:
 - 1. The applicant shall complete all requirements set forth in the ACHCS letter dated January 5, 1999.
 - 2. The applicant shall provide evidence that the concerns set forth in the Department of Toxic Substance Control letter dated February 18, 1999 have been addressed as determined by the Planning Director.

IV. ENGINEERING AND PUBLIC IMPROVEMENT CONDITIONS

- A. Final building permit plans, specifications and information shall include the following items:
 - 1) Detailed public improvements for 65th & 66th and Vallejo Streets, including, but not limited to, curbs, gutters, sidewalks, storm drains, and street trees in conformance with City of Emeryville Public Works Department standards.
 - 2) Details for providing any new electrical service to the site including the location and design of a transformer (if above ground and if required) and all connections.
 - 3) An estimate of the cost of all work to be completed within the City's right-of-way.

These plans, specifications and information shall be reviewed and approved by the Public Works Director/City Engineer prior to the issuance of a building permit.

- B. The applicant shall apply for and receive an encroachment permit for all work and improvements within the City's right-of-way. As required by the Public Works Director/City Engineer, the applicant shall post the required security and provide evidence of liability insurance as part of the encroachment permit process.

V. DESIGN CONDITIONS

- A. Exterior lighting for the project shall comply with the following standards and criteria:
- 1) It shall provide adequate illumination for on-site security and display purposes for the building, parking lots and pedestrian accessways while limiting off-site spillover of light through shielding and directing the light in a downward direction, particularly along 65th & 66th and Vallejo Streets.
 - 2) It shall be designed as an integral part of the building facades to highlight building forms and architectural details.
- B. All mechanical equipment, including electrical and gas meters, heating/air conditioning or ventilation units, radio/tv antennas or satellite dishes shall be appropriately screened from off-site view, and electrical transformers shall be either placed underground or appropriately screened.
- C. All trash enclosures shall be completely screened from off-site view by a solid fence or masonry wall at least six feet high and in harmony with the architecture of the building(s). Alternatively, the trash facilities may be placed within the building.
- D. The trash and solid waste facilities shall incorporate design features for the project that are conducive to collecting and storing recyclables and shall incorporate recycling collection at a designated facility within each building. The design and siting of these facilities shall be subject to the review and approval of the Emeryville Environmental Programs Manager prior to the issuance of a building permit.
- E. All visible vents, gutters, down spouts, flashings, and the like shall be painted to match the color of adjacent surfaces, or shall be incorporated into the overall exterior color and materials scheme for the building.

VI. CONSTRUCTION PROVISIONS

- A. Prior to issuance of a building permit for the project, a construction phasing and management plan shall be submitted for review and approval by the City Engineer and Planning Director. The plan shall include the scheduling of construction traffic periods, restriction and limitations on using certain local streets for construction traffic, proposed truck delivery and haul routes, parking arrangements for construction personnel, and proposed on-site staging and equipment/material storage areas. This plan shall include, but is not limited to, the following items and requirements:
- 3) Construction hours shall be limited to 7:00 a.m. to 6:00 p.m., Monday through Friday.
 - 4) Defined construction staging areas and main ingress and egress routes for construction equipment and materials and construction worker parking areas. There shall be no vehicle parking or material storage on 65th, 66th and Vallejo Streets without authorization, through an encroachment permit process of the City of Emeryville Public Works Department.
 - 3) A temporary construction fence or other security measures to contain debris and material and secure the site.
 - 4) Traffic control measures such as deliveries scheduled to avoid peak traffic hours, detour signs if required, lane closure procedures, and notification procedures for adjacent businesses and public safety personnel for major construction work such as concrete pours or large materials deliveries.
 - 5) Dust control measures to minimize air quality impacts including:
 - a. Water all active construction areas as necessary to control impacts.
 - b. Watering or covering stockpiles of debris, soil, or other materials that can be blown by the wind.
 - c. Cover all trucks hauling soil, sand, or other loose materials or require all trucks to maintain at least two feet of freeboard.
 - d. Sweep adjacent public rights of way and streets daily, if visible soil material and debris is carried onto these areas.

ATTACHMENT B
ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



RECEIVED

JAN 12 1999

ENVIRONMENTAL HEALTH SERVICES

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

January 5, 1999

Mr. David Kuhre
Oliver Rubber Company
1200 65th Street
Emeryville, California 94608

PLANNING DEPARTMENT

Subject: Oliver Rubber Company (SLIC# 1330)
1200 65th Street, Emeryville, CA 94608

Dear Mr. Kuhre:

This agency and the Cal-EPA / San Francisco Bay Regional Water Quality Control Board (RWQCB) have reviewed the following reports submitted for the subject site:

- Human Health Risk Assessment for Oliver Rubber Company Plant 1 (December 4, 1998), prepared and submitted by McLaren Hart
- Risk Assessment Work Plan for Oliver Rubber Company Plant 1 (November 18, 1998), prepared and submitted by McLaren Hart
- Report Regarding the Presence and Source of Chlorinated Solvents in Groundwater Beneath the Oliver Rubber Company Property (November 30, 1998), prepared and submitted by Aqua Science Engineers
- Additional Soil and Groundwater Assessment Report (September 25, 1998), prepared and submitted by Aqua Science Engineers

The referenced reports documented the recent work conducted to address the source of chlorinated solvents found in the groundwater and the potential human health risks associated with volatile organic compounds (VOCs) in the groundwater. This agency and the RWQCB have evaluated the data collected for the site. Based on our review of the data submitted to date for the subject site and with the provision that all information provided to the agencies are accurate and representative of site conditions, we conclude that the source of chlorinated solvents found in the groundwater is likely the result of migration from an upgradient site. Oliver Rubber Company does not appear to be the source of the chlorinated solvent found in the groundwater beneath the facility and no further action related to the chlorinated solvent in groundwater is required.

In addition, the result of the human health risk assessment conducted for the subject site showed that the VOCs in groundwater do not appear to pose an adverse health effect to potential on-site residential receptors.

On August 12, 1998, the County issued a letter regarding the Raffex (a heavy petroleum hydrocarbon similar to liquid tar at elevated temperatures) found in soil and groundwater at the site. No further action related to the Raffex tank vault release is required provided the following conditions are met:

1. Preventive measures should be in place to protect the disturbance of the closed tank vault. Your proposal to place a use restriction at the site is acceptable to both agencies.
2. The closed tank vault should be identified on the parcel map for the site.
3. Use restriction (#1) and parcel map (#2) should be recorded and a copy of the recorded deed should be submitted to both agencies and the City of Emeryville Building and Planning Department.

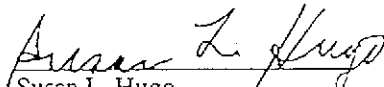
Mr. David Kuhre
RE: 1200 65th Street, Emeryville, CA 94608
January 5, 1999
Page 2 of 2

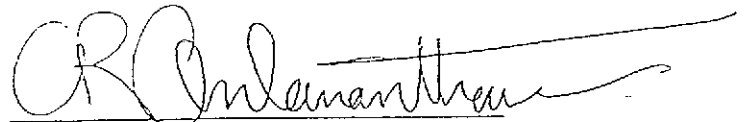
- 4) If the closed tank vault is proposed to be disturbed, a risk management plan (RMP) should be submitted and approved by this office. The RMP should include at a minimum the following items: an acceptable health and safety plan to be followed during activities involving exposure to soil and groundwater contamination, soil and groundwater management plan, site mitigating measures to prevent any potential vertical conduits between shallow and deeper aquifers, etc.

It is our understanding that there is an on-going property transfer and the potential buyer intends to develop the property for work/live residential usage. This office and the RWQCB have no objection to develop the subject site for its proposed use provided all the above conditions and applicable requirements from other regulatory agencies are met.


If you have any questions regarding this letter or the subject site, please contact me at (510) 567-6780 or Ravi Arulanantham at (510) 622-2308.

Sincerely,


Susan L. Hugo
Hazardous Materials Specialist


Ravi Arulanantham, Ph.D.
Staff Toxicologist, Cal-EPA/S.F. Bay RWQCB

Concur:


Stephen Morse, P.E., Chief
Toxics Cleanup Division, Cal-EPA/S.F. Bay RWQCB

- c: Mee Ling Tung, Director, Environmental Health
Dick Pantages, Chief, Hazardous Materials Programs
Tom Peacock, Manager, Hazardous Materials Programs
Barry Cromartie, Emeryville Building and Planning Dept., 2200 Powell St., 12th Floor, Emeryville, CA 94608
Ignacio Dayrit, Emeryville Redevelopment, Agency, 2200 Powell St., 12th Floor, Emeryville, CA 94608
David Allen, Aqua Science Engineers, Inc. 208 West El Pintado Road, Danville, CA 94525
Todd Bernhardt, McLarenHart, 1320 Harbor Bay Parkway, Suite 100, Alameda, CA 94502
SH /RA/ files



Department of Toxic Substances Control



Jesse R. Huff, Director
700 Heinz Avenue, Bldg. F, Suite 200
Berkeley, California 94710-2721

Gray Davis
Governor

Winston H.
Hickox
Secretary for
Environmental
Protection

February 18, 1999

Ms. Claudia Cappio
Planning and Building Director
City of Emeryville
2200 Powell Street, 12th Floor
Emeryville, California 94608

Dear Ms. Cappio:

1200-65TH STREET (OLIVER LOFTS) PROPOSAL TO CONVERT FORMER OLIVER RUBBER COMPANY BUILDING INTO LOFT APARTMENT UNITS, EMERYVILLE

The Department of Toxic Substances Control (DTSC) received notice from the Emeryville City Planning Commission regarding a proposal to convert the former Oliver Rubber Company building, at the above address, into 63 loft apartment units. DTSC has reviewed the information contained in the City of Emeryville's "One-Stop Shop" regarding this property and properties immediately adjacent to the site. From the data reviewed, it appears that significant groundwater and soil contamination were found at nearby sites; however, no sample data is available from the 1200-65th Street property. Based on the existing data and previous use of the property (a heavy industrial tire and rubber company), DTSC believes that soil and groundwater sampling needs to be conducted to determine whether the property is suitable for residential use.

If you have any questions regarding this letter, please contact Lynn Nakashima at (510) 540-3839.

Sincerely,

Barbara J. Cook, P.E., Chief
Northern California - Coastal Cleanup
Operations Branch

cc: Mr. Mike Biddle
City Attorney
City of Emeryville
2200 Powell Street, 12th Floor
Emeryville, California 94608



ATTACHMENT
D

Department of Toxic Substances Control



Jesse R. Huff, Director
700 Heinz Avenue, Bldg. F, Suite 200
Berkeley, California 94710-2721

Winston H. Hickox
Secretary for
Environmental
Protection

Gray Davis
Governor

March 18, 1999

FILE COPY

Ms. Susan L. Hugo
Alameda County Health Care Services Agency
Environmental Health Services
1131 Harbor Bay Parkway, Suite 250
Alameda, California 94502

Dear Ms. Hugo:

**COMMENTS REGARDING DISPOSITION OF GROUNDWATER
CONTAMINATION AT THE OLIVER RUBBER COMPANY
1200 65TH STREET, EMERYVILLE, CALIFORNIA**

The Department of Toxic Substances Control (DTSC) recently became aware that the Alameda County Health Care Services Agency (County) and the San Francisco Regional Water Quality Control Board (RWQCB) have approved redevelopment at the Oliver Rubber Company (Oliver) property for residential land use.

The County and RWQCB based their approval for residential land use redevelopment on the findings of the following reports regarding the Oliver property:

- Report of Additional Soil and Groundwater Assessment at Oliver Rubber Company Plant 1 prepared by Aqua Science Engineers, Inc. (September 30, 1998).
- Report Regarding the Presence and Source of Chlorinated Solvents in Groundwater Beneath the Oliver Rubber Company Property prepared by Aqua Science Engineers, Inc. (November 30, 1998); and
- Human Health Risk Assessment for Oliver Rubber Company Plant 1 prepared by McLaren/Hart (December 4, 1998);

V.A.

Ms. Susan L. Hugo

March 18, 1999

Page 2

The two reports prepared by Aqua Science Engineers, Inc. (Aqua Science) conclude that the chlorinated solvents detected in groundwater at the Oliver Property originate from an upgradient off-site source, such as the Myers Drum Site located at 6549 San Pablo Avenue, Oakland, California. Please be aware that Aqua Science did not consult with DTSC before making this assessment. The consultant for the Myers Drum Site, TRC Environmental Solutions, Inc. believes that the Myers Drum Site groundwater plume is restricted solely to an area underneath the former process building at the Myers Drum Site. In addition, the groundwater contamination under the Myers Drum Site has a different chemical fingerprint than the groundwater contamination at the Oliver Rubber Company property.

According to the Aqua Science report, elevated concentrations of 1,1-dichloroethene (1,1-DCE) were detected in only two grab groundwater samples. These grab groundwater samples were collected from soil borings located adjacent to three 5,000 gallon capacity underground storage tanks located at the Oliver Property. 1,1-DCE was detected at a concentration of 260 micrograms per liter (ug/L) in soil boring BH-20 and at 120 ug/L in soil boring BH-27, respectively. VOCs were not detected in six grab groundwater samples collected from soil borings located along the upgradient perimeter of the Oliver Property, i.e., BH-1, BH-4, BH-21, BH-22, BH-23 and BH-24. If the 1,1-DCE in groundwater at the Oliver Property originates from an offsite, upgradient source, one would also expect to detect 1,1-DCE in groundwater samples collected along the upgradient perimeter of the Oliver Property. The proximity of the groundwater samples with detected concentrations of 1,1-DCE to an on-site underground tank vault, and non-detected concentrations of 1,1-DCE in groundwater samples collected throughout the upgradient perimeter of the Oliver Property is indicative of an on-site release of 1,1-DCE to groundwater.

Volatile organic compounds (VOCs) were not detected at elevated concentrations in soil samples collected at the Oliver Property. These soil samples appear to have been collected from randomly selected depths. The presence of VOCs in shallow soil was not quantified, i.e., at the one foot depth interval. Selected soil samples were analyzed for Total Petroleum Hydrocarbons, Oil and Grease, VOCs, and zinc. The rationale for analyzing soil samples solely for zinc is unclear. The presence of transformers along Vallejo Street, next to soil borings BH-10 and BH-24 would seem to indicate a need to analyze soil samples for polychlorinated biphenyls (PCBs), but apparently, soil samples were not analyzed for PCBs.

DTSC recommends that land use restrictions recorded for the Oliver Property should be permanently recorded. Due to the qualitative nature of grab groundwater sample data, monitoring wells should be installed to accurately assess groundwater quality and any potential impacts to future residents at the Oliver Property. Soil samples should be collected under the underground tank vault and the samples should be analyzed for VOCs. If results show the presence of VOCs, then a determination needs to be made as to whether soil under the vault needs to be removed. Additional soil samples should be collected in the shallow soils near the

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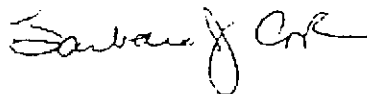
Ms. Susan L. Hugo
March 18, 1999
Page 3

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electrical transformers and analyzed for the presence of PCBs. The entire property should be paved with a minimum of 2-inches of asphaltic concrete with at least 4-inches of aggregate base rock. Landscaping should be planted in containers only. These measures would minimize volatilization of VOCs from the groundwater through the vadose zone.

If you have any questions, please contact Alan Lui at (510) 540-3803.

Sincerely,



Barbara Cook, P.E., Chief
Northern California - Coastal Cleanup Operations
Branch

cc: Mr. Stephen Morse
Toxics Cleanup Division
San Francisco Bay RWQCB
1515 Clay Street, Suite 1400
Oakland, CA 94612

Mr. Ignacio Dayrit
Emeryville Redevelopment Agency
2200 Powell Street, 12th Floor
Emeryville, CA 94608

Mr. Barry Cromartie
Emeryville Building and Planning Department
2200 Powell Street, 12th Floor
Emeryville, CA 94608

I.A.

ATTACHMENT E



April 8, 1999

Ms. Susan L. Hugo
Hazardous Materials Specialist
Alameda County Health Care Services Agency
1131 Harbor Bay Parkway, Suite 250
Alameda, CA 94502

RECEIVED

APR 12 1999

PLANNING DEPARTMENT

Mr. Ravi Arulanantham, Ph.D.
Staff Toxicologist
Mr. Stephen Morse, P.E., Chief
Toxics Cleanup Division
Cal-EPA/S.F. Bay RWQCB
1515 Clay Street, Suite 1400
Oakland, CA 94612

SUBJECT: Oliver Rubber Company Property, (SLIC# 1330)
1200 65th Street
Emeryville, CA 94608

Dear Susan, Ravi and Stephen:

Thank you for forwarding to us the DTSC letter of March 18, 1999, which commented on your January 5, 1999 letter to David Kuhre of Oliver Rubber Company. As you know, we met with Alan Lui and Bernard Feather of the DTSC on March 29 to discuss that letter, and we believe we were able to address the various questions they had raised to their satisfaction. For your information, we report here on that meeting.

As a preliminary matter, Mr. Feather commented that the DTSC has no jurisdiction over the Oliver property and that the Alameda County Health Care Services Agency (ACHCSA) and the Regional Water Quality Control Board (RWQCB) have sole authority in this matter. We are forwarding this letter to the DTSC as well as to the City of Emeryville, which has asked for evidence that the DTSC's concerns have been addressed. We believe that there are no outstanding issues and offer this letter in support.

The Risk Assessment

The most important issue to all of us is, of course, the Human Health Risk Assessment For the Oliver Rubber Company, dated December 4, 1998, prepared by ChemRisk (McLaren/Hart) ("the Risk Assessment"). The DTSC questioned whether testing on the Oliver property was adequate to identify vinyl chloride, a contaminant found on the nearby Myers Drum site, as Mr. Lui was under the impression that only EPA Method 8240 had been used. During the March 29 meeting, we directed the DTSC to the various testing protocols ASE used at the site (EPA Methods 8010, 8240 and 8260), and pointed out that testing was, therefore, sufficient to detect vinyl chloride at 0.5 parts per billion. All testing resulted in non-detects for vinyl chloride. With that clarification, Mr. Feather and Mr. Lui stated that they were satisfied with the Risk Assessment's conclusion that "representative COIs in groundwater at the site do not appear to pose either adverse non-cancer health effects or cancer risks to potential on-site residential receptors" (See Risk Assessment, page 25).

Discussion with the DTSC Regarding the Source of VOC Contamination on the Oliver Property

The DTSC expressed reservations as to ASE's conclusion that VOC contamination at the Oliver property may have originated from some off-site source (a conclusion with which your agencies have concurred). Much of our discussion on March 29 focused on that issue and the factors indicating an off-site source.

First, soils testing at the Oliver property revealed no VOC contamination in soil, only in groundwater. The DTSC questioned the soil sampling techniques, characterizing the samples as "collected from randomly selected depths." As we explained to the DTSC in our meeting, the depths were not random. The majority of the soil borings drilled inside the building were adjacent to below-floor pits that housed machinery. The pits were typically 12-18" deep. Thus, the soil sampling depth reflected the physical features of the building and, in ASE's opinion, best represented subsurface conditions, given the physical design of the building.

On the subject of test methodology, Mr. Lui had previously commented to Mr. David Kuhre of Oliver on the collection of grab groundwater samples

from open bore holes at the site; this sample-collection method can allow for the volatilization of compounds and inaccurate analytical data, and Mr. Lui stated his preference for hydropunch-type sampling techniques. While ASE uses hydropunch sampling whenever appropriate, the subsurface conditions at the Oliver site precluded that approach. At Oliver, as you know, much of the lithology consists of low permeability clayey soils that produce extremely low volumes of water for sampling. Accordingly, we concluded that hydropunch sampling is not suitable. We explained these facts to Mr. Lui, and believe he now understands the reasons for the particular sample-collection techniques used at Oliver.

The DTSC was also under the mistaken impression that 1,1-DCE was detected in only two groundwater samples, which were adjacent to the former location of the vaulted tanks (BH-27 and BH-20). The DTSC apparently did not have a complete file on the Oliver property, and so they did not realize that VOCs were *also* detected in borings BH-24, BH-25 and BH-26, all of which are upgradient of the borings near the former vault (See ASE's Report of Additional Soil and Groundwater Assessment dated September 25, 1998, at pages 6-7 and Tables 11, 12).

ASE's conclusion that groundwater contamination at Oliver must have an off-site source was also supported by historical evidence provided by Oliver and reported as Appendix A of ASE's "Report Regarding the Presence and Source of Chlorinated Solvents in Groundwater Beneath the Oliver Rubber Company Property," dated November 30, 1998 (the "ASE November 30 Report"). During our meeting, Mr. Feather commented that he understood that chlorinated solvents were commonly used as softeners and vulcanizing agents in the tire manufacture process. Oliver's prior report on its operations at its Emeryville plant. Nevertheless, we received solvents were not used at its Emeryville plant. Nevertheless, we received further supplemental information in two forms, which may be helpful in light of Mr. Feather's comments. Mr. Feather is correct that many tire manufacturers do employ chlorinated solvents in their processes, which although more expensive than the non-chlorinated variety, pose a lower risk of fire and potentially harmful air emissions. Based on information provided by Oliver's Technical and Development Vice President, Oliver's facility in Emeryville was able to use the cheaper, non-chlorinated solvents because the plant was equipped with an incinerator that burned solvent vapors and avoided air emissions. Information was also provided by

Oliver's Senior Chemist in their Asheboro, North Carolina plant, who held the same position in the Emeryville, CA plant from 1974 to 1982. He stated that in both of the primary rubber manufacturing processes (precure and moldcure) conducted in Emeryville, neither process used chlorinated solvents as softeners or vulcanizing agents.

Further, the manufacturing processes that did use non-chlorinated solvents were *not* conducted at the 1200 65th Street plant. Those operations took place at the 1150 65th Street, Oakland, CA property. The only activities at 1200 65th Street building that employed some very minor quantities of non-chlorinated solvents were research and development work, as described in Appendix A to the ASE November 30 Report.

With respect to the potential off-site source of VOC contamination, the DTSC suggested in its March 18 letter that soil samples should have been collected from underneath the concrete vault. We explained to the DTSC that, in fact, ASE had attempted to collect soil samples at two locations within the vault after the tanks were removed in early 1988. Once coring was completed in the floor of the vault, groundwater began flowing out of the core holes. Because collection and analysis of saturated soil samples would likely give erroneous and misleading data, ASE concluded that testing at that location was not feasible; your agencies concurred. As an alternative, we assessed soil and groundwater downgradient of the vault in the railroad spur area where unsaturated soil samples could be collected. Based on our March 26 discussions, The DTSC now understands why further testing directly underneath the vault was not feasible.

The Relationship to the Myer's Drum Site

In its March 18 letter to you, the DTSC expressed doubt as to ASE's suggestion that the Myers Drum site was a potential off-site source for VOCs on the Oliver property, commenting that "the groundwater contamination under the Myers Drum site has a different chemical fingerprint" than that at Oliver. In fact, the chemical fingerprints of the two sites are very similar. All of the VOCs detected at the Oliver site were detected at higher concentrations at the Myers site. The primary difference in the sites is that vinyl chloride has been detected at Myers but not at Oliver, and the DTSC questioned whether ASE had used testing

protocols appropriate to detect vinyl chloride. As noted above, we reviewed with the DTSC our testing methodologies as described in ASE's September 25 and November 30, 1998 Reports. The DTSC agreed that the testing methodologies that Oliver used (EPA Methods 8010, 8240 and 8260), which included detection limits for vinyl chloride as low as 0.5 ppb, were appropriate. Assuming that Myers Drum is the off-site source for VOCs at Oliver (and there certainly might be other sources given the historic industrial uses in the neighborhood), the absence of vinyl chloride at Oliver may be explained by the fact that vinyl chloride is readily biodegradable in an aerobic environment. One would anticipate such an environment in a utility line backfill, and ASE discovered such utility lines running along both 66th and Vallejo Street (See Utility Line Maps at Appendix D of ASE's November 30 Report). ASE identified a City of Oakland, 5-foot diameter, concrete storm drain pipe, buried 5-feet below street level, located in the middle of 66th Street extending from San Pablo Avenue westward past the Oliver site, which just happens to be pitched toward the Oliver site. It appears to ASE that the location of this pipe is likely in between Myer's well MW-2 which is significantly contaminated with chlorinated solvents, and well MW-10, which is downgradient of MW-2 by approximately 70 feet but has been basically free of contamination since its installation in 1990.

During our meeting, the DTSC acknowledged that they had not been aware of those utility lines before ASE identified them. The DTSC commented that they were requiring the operators of the Myers Drum site to perform additional investigation along those utility lines, but that such work should have no bearing on the Oliver site.

PCB and Zinc Testing

In its March 18 letter, the DTSC suggested that soil samples near soil borings BH-1 (actually BH-10) and BH-24 should be analyzed for polychlorinated biphenyls ("PCBs"). In making that comment, the DTSC did not, however, have a copy of the addendum to a Phase I report prepared by ACC Environmental Consultants, consultants for the potential buyer for the Oliver Rubber site. We have attached a copy in Appendix A. The addendum explains that the pad beneath the on-site transformers was inspected, showed no visible signs of integrity failure and, as a result, ACC

concluded that further testing wasn't needed. We understand that your agencies concur. ASE does not believe that additional action is warranted.

The DTSC questioned the analyses for zinc at the site. The rationale for analyzing for zinc is related to Oliver's use of a product that contained zinc stearate which would prohibit the rubber from adhering to itself after extrusion. The only sample analyzed for zinc was taken from boring BH-1, which was located adjacent to the only area on the property where the product containing zinc stearate was used.

DTSC Recommendations

The March 18 letter from the DTSC included several recommendations regarding the site, which your agencies have already addressed. First, the DTSC proposed a permanent land use restriction in the area of the vault. As you know, the proposed improvements to the property allow only for unenclosed parking in this area. As required by the County, the closed tank vault will be identified on the parcel map for the site and a use restriction, in a form acceptable to the County, will be recorded in the title to the property. The DTSC also recommended capping the property with a minimum of 2" of asphaltic concrete over a 4" aggregate base. In fact, the entire property within the building and rear yard is already covered with approximately 6" of concrete in some areas and asphalt to a similar depth in others. There are no areas of exposed dirt and we understand that future development plans will leave the surface covered.

Finally, the DTSC suggested that your agencies consider installation of monitoring wells at the Oliver property. We do not believe that recommendation is appropriate, given the low VOC concentrations found in the rear yard of the Oliver site, the proposed use of that area solely for unenclosed parking and the Risk Assessment's conclusion that the minimal contaminants found at the site pose no human health risk at the property even when converted to residential use.

Conclusion

At the end of our meeting with the DTSC, we indicated that we would prepare this letter to record our responses to its questions; Messrs. Feather and Lui stated that, because they have no jurisdiction in the case,

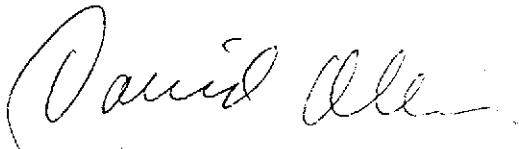
the DTSC intended to take no further action regarding the Oliver property and had no objection to its conversion to a residential development.

We are forwarding a copy of this letter to Ms. Claudia Cappio and Mr. Barry Cromartie of the City of Emeryville in response to the City's request for evidence that the DTSC's letter has been addressed. We would greatly appreciate your confirming the same to the City.

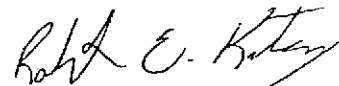
Should you have any questions, please feel free to call us at (925) 820-9391.

Respectfully submitted,

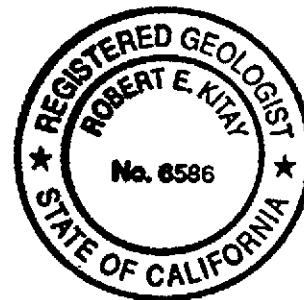
AQUA SCIENCE ENGINEERS, INC.



David Allen, R.E.A.
Senior Project Manager



Robert Kitay, R.G., R.E.A.
Senior Geologist



Attachment: Appendix A

cc: Mr. Alan Lui, Department of Toxic Substances Control
Mr. Bernard Feather, Department of Toxic Substances Control
Ms. Claudia Cappio, City of Emeryville
Mr. Barry Cromartie, City of Emeryville
Mr. David Kuhre, The Oliver Rubber Company
Mr. Nicholas Haralambides



September 9, 1998

Mr. Nicolas P. Haralambides
NPH Architects
2512 9th Street
Berkeley, California 94710

RE: Boring Investigation Report and
Phase I Environmental Site Assessment Addendum
1200 65th Street, Emeryville, California
ACC Project No. 98-6452-001.01

Dear Mr. Haralambides:

This letter reports the findings of the boring investigation conducted at the subject property on July 27, 1998 and provides supplementary information in the form of a Phase I Environmental Site Assessment (ESA) Addendum for 1200 65th Street, Emeryville, California (Figure 1). The goal of the boring investigation was to evaluate soil conditions on site that may be associated with past use of the property and to collect representative data needed for future soil profiling. The ESA Addendum summarized the activities performed and the information collected after the initial ESA was completed.

BACKGROUND

ACC performed a Phase I ESA dated June 1998 for the site at 1200 65th Street, Emeryville, California. The subject property is located in an area of Emeryville that has historically been industrial. It is ACC's understanding that proposed redevelopment of the subject property will necessitate soil excavation in the area where new footings for a future building will be placed. Because of the site history, ACC recommended performing a soil investigation which included analyzing soil samples for the presence of metals in order to determine disposal options and assure worker health and safety.

FIELD WORK

Field work was performed on July 27, 1998. ACC drilled four borings (B1 through B4) to a depth of 5 feet below ground surface (bgs) to evaluate the subsurface conditions. The borings were drilled throughout the area of proposed excavation. The boring locations are illustrated on Figure 2. The borings were drilled using a hydraulically driven Geoprobe[®] sampling tool equipped with 1.5-inch, inside diameter, clear, acetate liners. Soil samples were collected at 1 to 2 feet bgs and 4 to 5 feet bgs.

The soil samples were preserved by capping with Teflon[®] sheeting and plastic end caps, attaching preprinted labels, and storing them in a pre-chilled, insulated container to be transported following chain of custody protocol to Chromalab, Inc., a state-certified laboratory.

The four samples from each corresponding depth were composited to produce two composite samples which were analyzed for CAM 17 metals by EPA Method 6010/7000. Composite A represents the shallower soil samples and Composite B represents the deeper samples.

Mr. Nicolas Haralambides

September 9, 1998

Page 2

SUBSURFACE CONDITIONS

The surface of the area investigated was covered by 4 to 6 inches of concrete underlain by native soils consisting of clay or silty clay. Soils were generally fine-grained with low estimated permeability.

ANALYTICAL RESULTS

Analytical results are summarized in Table 1. A copy of the analytical results and chain of custody record is attached.

TABLE 1 - SOIL SAMPLE ANALYTICAL RESULTS

Constituent	Composite A	Composite B	Northbay Average	Southbay Average	San Francisco Average*
Antimony	<2.0	<2.0	1.3-101	—	<1
Arsenic	3.7	1.7	16-65	6.5	10
Barium	130	110	500	700	1000-3000
Beryllium	<0.5	<0.5	<1	<1	<1
Cadmium	<0.5	<0.5	---	---	---
Chromium	16	19	100-700	100-700	100-700
Cobalt	8.4	6.4	15-70	15-70	15-70
Copper	15	14	50-300	30	50-300
Lead	28	5.8	30-300	30-300	30-300
Molybdenum	<1.0	<1.0	<3	<3	<3
Nickel	17	18	30-200	30-200	30-200
Selenium	<2.0	<2.0	0.5	0.5	0.1
Silver	<1.0	<1.0	---	---	---
Thallium	<1.0	<1.0	---	---	---
Vanadium	24	22	150-500	150-500	150-500
Zinc	48	60	120-510	120-510	120-510
Mercury	0.087	<0.05	0.082-0.13	0.2-1.3	0.2-1.3

Notes: All results are in milligrams per kilogram approximately equal to parts per million (ppm)

< Not detected above laboratory reporting limit indicated

* According to United States Geologic Survey Professional Paper 1270

DISCUSSION

The concentrations of metals encountered in the soil samples are all within the background range for the San Francisco Bay Area. Based on this investigation and subsurface investigations performed by Aqua Science Engineers, Inc. (ASE), soil from the site should be acceptable at a Class III facility. In addition, subsurface investigations suggest there has been no significant impact at the site as a result of historical use.

Mr. Nicolas Haralambides
September 9, 1998
Page 3

ADDENDUM

The Phase I ESA performed for this site referenced investigation activities at the subject property that were performed by Aqua Science Engineers, Inc. (ASE). According to ASE reports, subsurface investigations at the subject property indicated elevated levels (4,600 parts per billion (ppb)) of Raffex, (the main chemical in rubber manufacturing), in groundwater in the area where Raffex containing storage tanks were located. The Raffex tanks were previously located in a sub-grade vault. Based on the information provided in these reports, ACC concluded that a potential threat to groundwater existed and recommended additional investigation. In July 1988, ASE conducted another site investigation at the subject property. Analytical results from groundwater samples collected during the investigation indicated concentration of Raffex at 270 ppb in a boring located approximately 14 feet from the former Raffex vault. The decrease in the concentrations of Raffex indicates the low potential for Raffex to migrate. As of the date of this report, the Alameda County Health Care Services Agency (ACHCSA) is reviewing the work performed by ASE and will make a determination regarding granting site closure. Based on a review of the work performed by ASE, ACC does not believe that additional work regarding the Raffex vault is warranted; however, the final decision regarding the status of this site will be made by ACHCSA.

During the site reconnaissance, ACC observed the presence of friable and non-friable suspect asbestos containing building materials (ACBM) at the subject property. It is ACC's understanding that Oliver Rubber has contracted with an asbestos abatement contractor to remove identified asbestos throughout the subject property. It is ACC's opinion that removal of asbestos will mitigate any potential impact to the environment.

During the site reconnaissance, ACC observed the presence of chipped and peeling paint. Due to the age of the building, the paint is suspect for containing lead. It is ACC's understanding that Oliver Rubber has contracted with a contractor to abate the chipped and peeling paint. It is ACC's opinion that the removal of chipped and peeling paint will mitigate potential impacts to the environment.

In the Phase I ESA, ACC discussed information obtained at Cal-EPA/DTSC that indicated that elevated levels of lead in soil were identified at the subject property in 1985. ACC has since learned the soil samples containing elevated lead levels were actually obtained from the former Oliver Rubber facility located across Vallejo Street and were not associated with the subject property. In addition, based on the subsurface investigation performed by ACC, there is no indication of lead impacted soil located at the subject property. Because lead was not detected in soil samples, it is ACC's opinion that there is no potential impact to the environment or human health and safety.

During the Phase I ESA, ACC observed pad-mounted electrical transformers located in the yard of the subject property. The transformers, owned by Pacific Gas and Electric (PG&E), and by Oliver Rubber are segregated from the rest of the yard by a locked cage. ACC observed substantial staining and evidence of leaking originating from the transformers. Since the Phase I ESA report was issued, PG&E de-energized the transformers which allowed the locked cage to be entered and inspected. The concrete pad appeared to be intact with minimal cracking. All surface staining appeared to be surficial in nature with no indication that staining had migrated through the pad to subsurface soils. Samples were collected from the transformers and analyzed for PCBs. Analytical results indicated the absence of PCB containing oils in the transformers. It is ACC's opinion that the staining observed on the concrete pad does not pose a threat to the environment.

Mr. Nicolas Haralambides

September 9, 1998

Page 4

CONCLUSIONS

#1
Based on the findings of the subsurface investigation conducted by ACC, it does not appear that subsurface soils have been impacted by metals, particularly lead. In addition, items discussed above, and previously identified by ACC in the Phase I ESA as having potential to impact the environment, have either been mitigated or additional investigation has been performed to determine that a potential threat to the environment does not exist.

If you have any questions regarding this letter or the findings of the work, please contact me at (510) 638-8400.

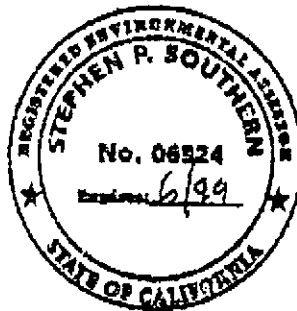
Sincerely,



Stephen Southern
Senior Environmental Assessor

/clm:sps

Attachments



ATTACHMENT
F**Department of Toxic Substances Control**

Winston H. Hickox
Secretary for
Environmental
Protection

Edwin F. Lowry, Director
700 Heinz Avenue, Bldg. F, Suite 200
Berkeley, California 94710-2721

Gray Davis
Governor

May 4, 1999

Ms. Claudia Cappio
Planning and Building Director
City of Emeryville
2200 Powell Street, 12th Floor
Emeryville, California 94608

Dear Ms. Cappio:

PROPOSED RE-ZONING OF 1200 65TH STREET (OLIVER RUBBER COMPANY BUILDING) FOR RESIDENTIAL USE IN EMERYVILLE

The California Department of Toxic Substances Control (DTSC) is in receipt of your letter of April 30, 1999 with regards to the subject property (Site). Please be aware that DTSC concerns about the Site, as outlined in our February 18 and March 18, 1999 letters to Ms. Susan Hugo of the Alameda County Health Care Services Agency, have not been addressed. As such, the recommendations, as outlined in our letters, need to be implemented for the Oliver Rubber Company Site.

Thank you for your consideration in this matter. If you have any questions, please contact Robert Feather, of my staff, at (510) 540-3804.

Sincerely,

Barbara Cook, P.E., Chief
Northern California Coastal Cleanup Operations Branch

Ms. Claudia Cappio

May 4, 1999

Page 2

cc: Ms. Susan Hugo
Alameda County Health Care Services Agency
1131 Harbor Bay Parkway, Suite 250
Alameda, California 94502

Mr. Steven Morse, P.E., Chief
Toxic Cleanup Branch
Regional Water Quality Control Board
San Francisco Bay Region
1515 Clay Street, Suite 1400
Oakland, California 94612



Department of Toxic Substances Control



Edwin F. Lowry, Director
700 Heinz Avenue, Bldg. F, Suite 200
Berkeley, California 94710-2721

Winston H. Hickox
Secretary for
Environmental
Protection

Gray Davis
Governor

May 4, 1999

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Northern California Coastal Cleanup Operations Branch

Ms. Claudia Cappio

May 4, 1999

Page 2

cc: Ms. Susan Hugo
Alameda County Health Care Services Agency
1131 Harbor Bay Parkway, Suite 250
Alameda, California 94502

Mr. Steven Morse, P.E., Chief
Toxic Cleanup Branch
Regional Water Quality Control Board
San Francisco Bay Region
1515 Clay Street, Suite 1400
Oakland, California 94612

**CITY OF EMERYVILLE**

INCORPORATED 1898

PLANNING DEPARTMENT
2200 POWELL, 12TH FLOOR
EMERYVILLE, CALIFORNIA 94608

TEL: (510) 596-4360 FAX: (510) 658-8095

April 30, 1999

Barbara Cook, P.E.
Lynn Nakashima
Department of Toxic Substances Control
700 Heinz Avenue, Building F Suite 200
Berkeley, CA 94710-2721

By Facsimile and U.S. Mail

Susan Hugo
Alameda County Health Care Services Agency
1131 Harbor Bay Parkway, Suite 250
Alameda, CA 94502

Ravi Arulanantham, Ph.D
Stephen Morse
Cal-EPA/S.F. Bay RWQCB
1515 Clay Street Suite 1400
Oakland, CA 94612

RE: Proposed Re-zoning of 1200 65th Street (Oliver Rubber Company Building) for
Residential Use in Emeryville

Dear Barbara, Susan, Ravi and Stephen:

This letter is a final follow-up to the concerns that DTSC has presented regarding the proposed residential use of the property at 1200 65th Street in Emeryville. It is my understanding from the property owner's consultant, Aqua Science, that these concerns, as outlined in the DTSC letters of February 18 and March 18, 1999 have been adequately addressed through meetings and supplemental correspondence, particularly a supplemental letter from Aqua Science dated April 8, 1999. However, I wanted to confirm this understanding directly with you.

On Tuesday, May 4, 1999, the Emeryville City Council will consider the recommendation from the Planning Commission to re-zone this property from IG (General Industrial) to IL (Light Industrial.) Such an action will enable the building and site to be converted into 50 residential loft units. Previously, the Planning Commission approved a Conditional Use Permit and Design

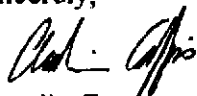
Letter re: 1200 65th Street
DTSC, ACHS, RWQCB
April 30, 1999
page2

Review for this project; the City Council approval of the re-zoning would make these approvals effective. The ACHS requirements, as presented in their letter dated January 5, 1999 have been incorporated into the project as Conditions of Approval which will be enforced through the Conditional Use Permit.

If you have any remaining concerns regarding the residential use of this property, please contact me at your earliest convenience, or attend the City Council hearing on May 4, 1999 at 7:15 PM.

Thank you for your attention and cooperation in this matter. Please call me at (510) 596-4361 if you have any further questions or I can provide any other information.

Sincerely,



Claudia Cappio
Planning and Building Director

cc: Norma Formanak, Farella, Braun and Martel
David Allen, Aqua Science Engineers, Inc.

FARELLA BRAUN & MARTEL LLP

ATTORNEYS AT LAW

FACSIMILE TRANSMITTAL

RUSS BUILDING, 30TH FLOOR
235 MONTGOMERY STREET
SAN FRANCISCO, CA 94104

TELEPHONE (415) 954-4400
FACSIMILE (415) 954-4480

SMC 1330

CONFIDENTIAL COMMUNICATION

This facsimile transmission is intended only for the use of the addressee named below and may contain information that is privileged and confidential. Please forward it directly to the addressee in a sealed confidential envelope. If you are not the intended recipient, any dissemination, distribution, or copying is strictly prohibited. If you received this facsimile in error, please immediately notify the sender by telephone and return the original message to Farella Braun & Martel LLP via the U.S. Postal Service at our expense. Thank you.

Date: April 28, 1999

Number of pages (including this page): 4

To: Susan Hugo
cc: Nicolas Haralambides

Fax: 510-337-9335
Fax: 510-486-0445

Phone: 510-567-6780
Phone:

From: Jon F. Hartung
Matter Name: Oliver Rubber

Direct Dial Number: (415) 954-4417
Matter Number: 01399

Please call (415) 954-4479 (Fax Center) if this transmission is incomplete.

MESSAGE:

Please see attached.

4/29/99


*Jon:
Do we sign
documents?*

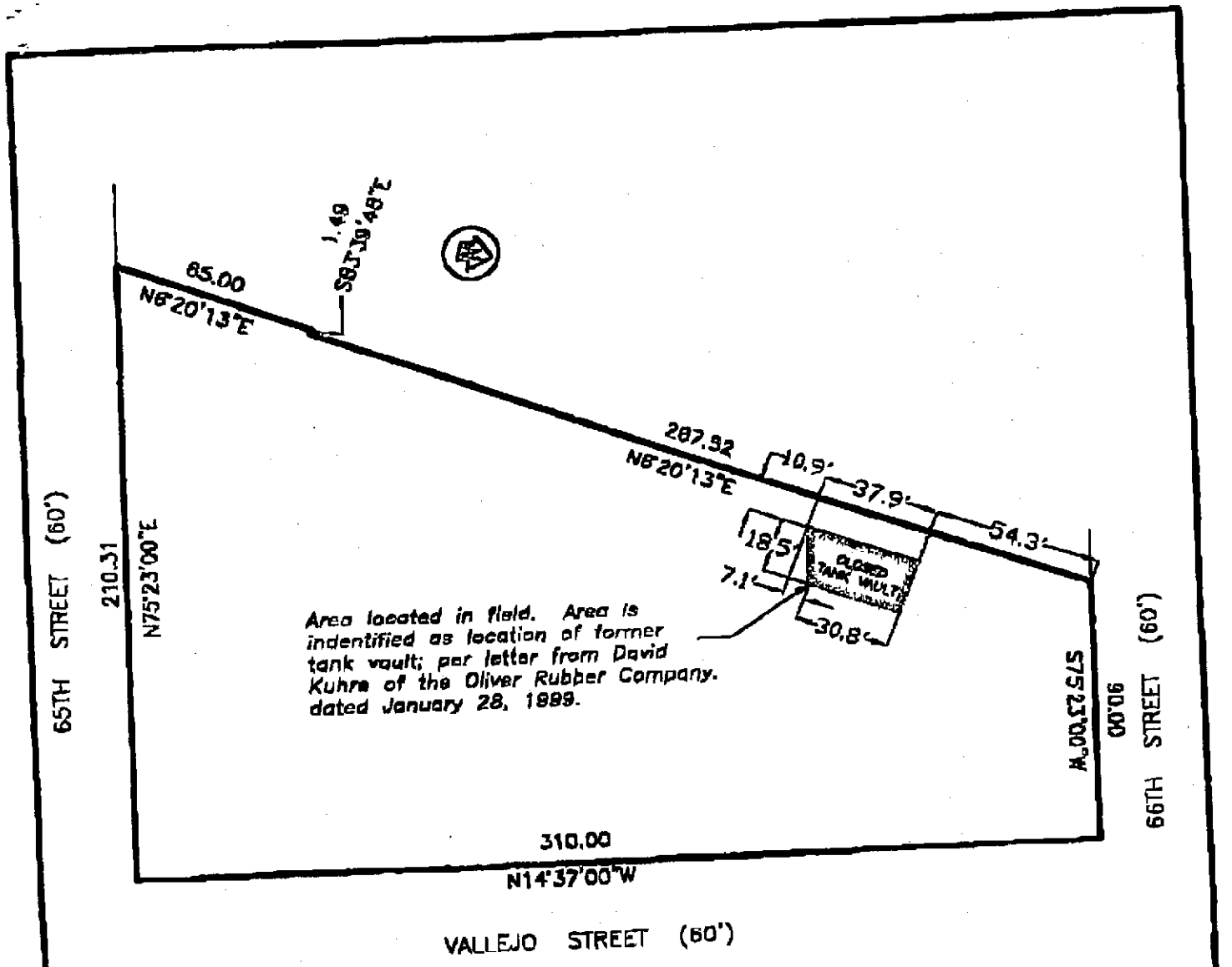
*this type of
Susan*

*This is a closed
VOP case.*

*5-3-99
Spoke w/above, he now understands
that content of this issue is
of the city.*

File this w/ closure





CLOSED TANK VAULT RESTRICTIONS:

1. During construction the closed tank vault shall be protected from damage.
2. The closed tank vault will be identified and marked with paint.
3. This closed tank vault shall not be disturbed.
4. In the event of a future proposal which might disturb the closed tank vault, a risk management plan (RMP) shall be submitted and approved by the Office of Alameda County Health Care Services.

For:	NPH Architects	Scale:	1" = 50'	BATES AND BAILEY LAND SURVEYORS 15 BHATTUCK SQ., BERKELEY, CA 94704 (510) 843-2007
Survey of:	Location of Former Tank Vault	Date:	4-20-99	
			Job #:	14967

FARELLA BRAUN & MARTEL LLP

ATTORNEYS AT LAW

FACSIMILE TRANSMITTAL

RUSS BUILDING, 30TH FLOOR
235 MONTGOMERY STREET
SAN FRANCISCO, CA 94104

TELEPHONE (415) 954-4400
FACSIMILE (415) 954-4480

SMC 1330

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Date: April 28, 1999

Number of pages (including this page): 4

To: Susan Hugo
cc: Nicolas Haralambides

Fax: 510-337-9335
Fax: 510-486-0445

Phone: 510-567-6780
Phone:

From: Jon F. Hartung
Matter Name: Oliver Rubber

Direct Dial Number: (415) 954-4417
Matter Number: 01399

Please call (415) 954-4479 (Fax Center) if this transmission is incomplete.

MESSAGE:

Please see attached.

*4/29/99
Jon,
do we sign this type of
documents?
Susan*

FARELLA BRAUN & MARTEL LLP

ATTORNEYS AT LAW

RUSS BUILDING, 30TH FLOOR
235 MONTGOMERY STREET
SAN FRANCISCO, CA 94104

TELEPHONE: (415) 954-4400
FACSIMILE: (415) 954-4480

WINE COUNTRY OFFICE
TELEPHONE: (707) 967-4000

JON F. HARTUNG
DIRECT DIAL: (415) 954-4417
E-MAIL: hartungj@fbm.com

April 28, 1999

VIA FACSIMILE

Susan L. Hugo
Hazardous Materials Specialist
Alameda County Health Care Services Agency
Environmental Health Services
1131 Harbor Bay Parkway, Suite 250
Alameda, California 94502-6577

Re: Oliver Rubber Company (SLIC# 1330)
1200 65th Street, Emeryville, CA 94608

Dear Ms. Hugo:

We represent Oliver Rubber Company in the sale of the above property to Nicolas Haralambides, et. al.

It is my understanding that one of the conditions to Mr. Haralambides' development of the property is that a restriction be recorded indicating the location of the former vault and imposing certain restrictions on any future use of that area. We propose to do this by attaching the enclosed map to the Grant Deed, and adding the following language immediately below the conveyancing language of the Grant Deed:

"This conveyance is subject to use restrictions relating to the location of a former tank vault as shown on the attached "Survey of Former Tank Vault", which restrictions are for the benefit of the Alameda County Health Care Services Agency or any successor to said governmental agency ("Beneficiary"), and are intended to bind all future owners of the property and their successors and assigns, and to run with the land. Said restrictions may be released by said Beneficiary in the future by recording a release of these restrictions."

The title company has informed me that recording this document will in fact place the restrictions in the chain of title.

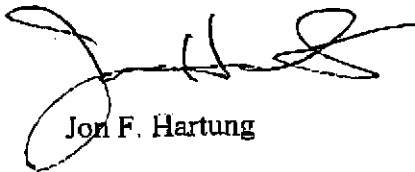
FARELLA BRAUN & MARTEL LLP

Susan Hugo
April 28, 1999
Page 2

I believe that this should satisfy the conditions imposed on the property. If so, could you please sign and return one copy of this letter to me by fax indicating your concurrence or, if you have any questions or comments, give me a call at the above number. Please note that we plan to close the sale next Monday, so your early attention would be appreciated.

Thank you very much for your help in this.

Yours very truly,



Jon F. Hartung

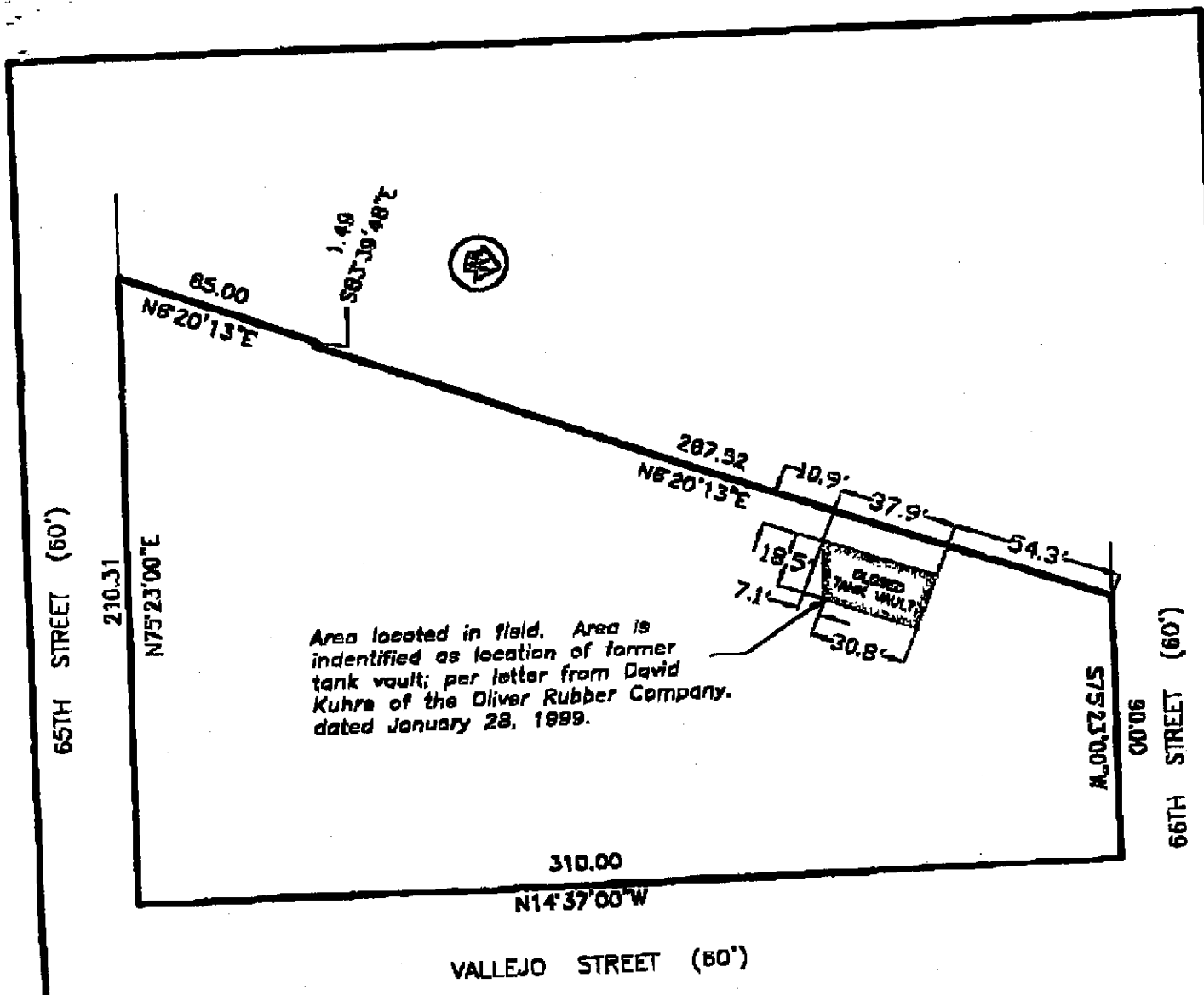
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01399\6X87011.DOC:322999

cc: Nicolas Haralambides

The Alameda County Health Care Services Agency agrees that recording a grant deed with the above-stated language and with the attached map will satisfy the Agency's use and notice restrictions on the development of the above-described property.

Date: April, __, 1999

Title: _____



CLOSED TANK VAULT RESTRICTIONS:

1. During construction the closed tank vault shall be protected from damage.
2. The closed tank vault will be identified and marked with paint.
3. This closed tank vault shall not be disturbed.
4. In the event of a future proposal which might disturb the closed tank vault, a risk management plan (RMP) shall be submitted and approved by the Office of Alameda County Health Care Services.

For: NPH Architects	Scale: 1" = 50'	Job #: 14967	BATES AND BAILEY LAND SURVEYORS 15 SHATTUCK SQ., BERKELEY, CA 94704 (510) 843-2007
Survey of: Location of Former Tank Vault	Date: 4-20-99		

Hugo, Susan, Public Health, EH

From: Hugo, Susan, Public Health, EH
Sent: Monday, February 08, 1999 2:41 PM
To: Kelly, Candyce, Public Health, EH
Cc: Peacock, Tom, Public Health, EH
Subject: Oliver RubberCompany - 1200 65th Street, Emeryville 94608

I will be closing the case file for the Oliver Rubber Site- STID # 1330, Site # 1713. There are three (3) open (accounts) project #s for the site - 1713B, 1713C and 1857A. Project# 1713A is closed. Please merge all open accounts. We received \$6,500 on 1/22/99 to cover for the work done at this site. Is this amount enough ?

I also noticed that administrative charges were debited on 10/15/91 (1 hr) for Project 1713 A and on 8/7/96 (1 hr) for Project 1713 B. Do we debit administrative charges for each individual project # s?

Please let me know if we have enough deposit for this site. Thanks.

Susan L. Hugo
Environmental Health Services
(510) 567-6780

Oliver Rubber Company
1200 65th Street
Oakland, CA 94608
Phone: 510-654-7716
Fax: 510-655-8319

facsimile transmittal

To: Susan Hugo - ACHCSA Fax: 510-337-9335
From: David Kuhre Date: January 7, 1998
Re: Oliver Rubber Project Accounts Pages: 4 -Including Cover Sheet

Urgent For Review Please Comment Please Reply

Susan:

Per our conversation, attached are the letter from Tom Peacock, the note from Dave Allen, and a copy of the check we sent to satisfy previous accounts. Please advise on what Oliver Rubber still owes and I will process your invoice ASAP. Again, thank you for your extensive efforts regarding closing this project.

Regards,

David

CONFIDENTIAL

**ALAMEDA COUNTY
HEALTH CARE SERVICES**



AGENCY
DAVID J. KEARS, Agency Director

ENVIRONMENTAL HEALTH SERVICES
ENVIRONMENTAL PROTECTION
1131 Harbor Bay Parkway, Suite 250
Alameda, CA 94502-8577
(510) 567-8700
FAX (510) 337-9335

May 12, 1998

ATTN: Sir Or Madam

Aqua Science Engineers
2411 Old Crow Canyon Rd. #4
San Ramon, CA 94583

RE: Project # 1713B - Type R
at 1200 65th St in Emeryville 94608

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 \$634.50, 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

OLIVER ACCOUNTSFUND STATUS

1713 A (1991 JOB)

-\$ 212

1713 B (1996 JOB)

- 634.50

1713 C (CURRENT JOB)

+ \$500.00

I SPOKE TO AMIR GHOLAMI REGARDING THE ATTACHED LETTER. HE LET ME KNOW ABOUT THE OTHER ACCOUNTS ABOVE. AMIR RECOMMENDED THAT YOU SEND THE ACHUSA A CHECK FOR \$1000.00 TO COVER THE DELINQUENT FUNDS AND FOR FUTURE TIME FOR SUSAN KUSO TO COMPLETE THE CURRENT PROJECT. I'LL SEND A COVER LETTER WITH YOUR ✓ ASKING THESE FUNDS TO COVER MY + ALL OLIVER ACCOUNTS AND TO LUMP ALL THE ^{OLIVER} ACCOUNTS INTO L.

CALL IF YOU HAVE ANY QUESTIONS.

Oliver

OliverRubberCompany ATHENS, GA 30601



Subsidiary of THE STANDARD PRODUCTS co. 328698

DATE	REFERENCE AND OR DESCRIPTION	DISCOUNT (CHARGE BACK)	GROSS AMOUNT
5 22 98	ALAMEDA CO. HEALTHCARE SERVICES AGENCY		100000
TOTALS			

NET FOR ABOVE ITEMS

100000

Oliver

OliverRubberCompany

GENERAL OFFICES
165 DOUGHERTY STREET
ATHENS, GA 30601

No. 328698

58-389 / 412



Subsidiary of
THE STANDARD PRODUCTS co.

PAY TO
THE ORDER
OF

the sum of 100000.00

ALAMEDA CO. HEALTHCARE SER. AGENCY

DATE

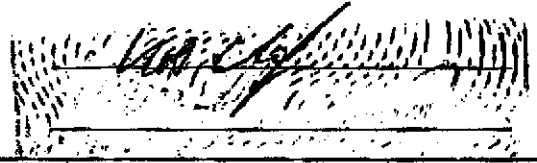
AMOUNT

5-22-98

\$*****1000 00

Not Valid After Six Months

FIRST NATIONAL BANK OF ASHLAND
ASHLAND, OHIO
An Affiliate of National City Bank
Cleveland, Ohio



⑈ 3 28698 ⑈ ⑆ 04 1 203895 ⑆ 0088 209 ⑈

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



Alameda County

OCT 25 2004

Environmental Health Services

ENVIRONMENTAL HEALTH SERVICES
1131 Harbor Bay Parkway, Suite 50
Alameda, CA 94502-6577
(510) 567-6700
(510) 337-9335 (FAX)

January 5, 1999

Mr. David Kuhre
Oliver Rubber Company
1200 65th Street
Emeryville, California 94608

Subject: **Oliver Rubber Company (SLIC# 1330)**
1200 65th Street, Emeryville, CA 94608

CALIFORNIA REGIONAL WATER

JAN 11 1999

QUALITY CONTROL BOARD

Dear Mr. Kuhre:

This agency and the Cal-EPA / San Francisco Bay Regional Water Quality Control Board (RWQCB) have reviewed the following reports submitted for the subject site:

- Human Health Risk Assessment for Oliver Rubber Company Plant 1 (December 4, 1998), prepared and submitted by McLaren Hart
- Risk Assessment Work Plan for Oliver Rubber Company Plant 1 (November 18, 1998), prepared and submitted by McLaren Hart
- Report Regarding the Presence and Source of Chlorinated Solvents in Groundwater Beneath the Oliver Rubber Company Property (November 30, 1998), prepared and submitted by Aqua Science Engineers
- Additional Soil and Groundwater Assessment Report (September 25, 1998), prepared and submitted by Aqua Science Engineers

The referenced reports documented the recent work conducted to address the source of chlorinated solvents found in the groundwater and the potential human health risks associated with volatile organic compounds (VOCs) in the groundwater. This agency and the RWQCB have evaluated the data collected for the site. Based on our review of the data submitted to date for the subject site and with the provision that all information provided to the agencies are accurate and representative of site conditions, we conclude that the source of chlorinated solvents found in the groundwater is likely the result of migration from an upgradient site. Oliver Rubber Company does not appear to be the source of the chlorinated solvent found in the groundwater beneath the facility and no further action related to the chlorinated solvent in groundwater is required.

In addition, the result of the human health risk assessment conducted for the subject site showed that the VOCs in groundwater do not appear to pose an adverse health effect to potential on-site residential receptors.

On August 12, 1998, the County issued a letter regarding the Raffex (a heavy petroleum hydrocarbon similar to liquid tar at elevated temperatures) found in soil and groundwater at the site. No further action related to the Raffex tank vault release is required provided the following conditions are met:

- 1) Preventive measures should be in place to protect the disturbance of the closed tank vault. Your proposal to place a use restriction at the site is acceptable to both agencies.
- 2) The closed tank vault should be identified on the parcel map for the site.
- 3) Use restriction (#1) and parcel map (#2) should be recorded and a copy of the recorded deed should be submitted to both agencies and the City of Emeryville Building and Planning Department.

0150069

JK

Mr. David Kuhre
RE: 1200 65th Street, Emeryville, CA 94608
January 5, 1999
Page 2 of 2

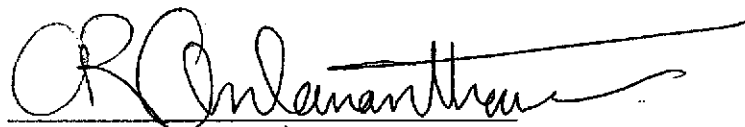
- 4) If the closed tank vault is proposed to be disturbed, a risk management plan (RMP) should be submitted and approved by this office. The RMP should include at a minimum the following items: an acceptable health and safety plan to be followed during activities involving exposure to soil and groundwater contamination, soil and groundwater management plan, site mitigating measures to prevent any potential vertical conduits between shallow and deeper aquifers, etc.

It is our understanding that there is an on-going property transfer and the potential buyer intends to develop the property for work/live residential usage. This office and the RWQCB have no objection to develop the subject site for its proposed use provided all the above conditions and applicable requirements from other regulatory agencies are met.


If you have any questions regarding this letter or the subject site, please contact me at (510) 567-6780 or Ravi Arulanantham at (510) 622-2308.

Sincerely,


Susan L. Hugo
Hazardous Materials Specialist


Ravi Arulanantham, Ph.D.
Staff Toxicologist, Cal-EPA/S.F. Bay RWQCB

Concur:


Stephen Morse, P.E., Chief
Toxics Cleanup Division, Cal-EPA/S.F. Bay RWQCB

- c: Mee Ling Tung, Director, Environmental Health
Dick Pantages, Chief, Hazardous Materials Programs
Tom Peacock, Manager, Hazardous Materials Programs
Barry Cromartie, Emeryville Building and Planning Dept., 2200 Powell St., 12th Floor, Emeryville, CA 94608
Ignacio Dayrit, Emeryville Redevelopment, Agency, 2200 Powell St., 12th Floor, Emeryville, CA 94608
David Allen, Aqua Science Engineers, Inc. 208 West El Pintado Road, Danville, CA 94525
Todd Bernhardt, McLarenHart, 1320 Harbor Bay Parkway, Suite 100, Alameda, CA 94502
SH/RA/ files

14
RECORDING REQUESTED BY
FIRST AMERICAN TITLE

Recording Requested By:

Oliver Rubber Company
P.O. Drawer 1827
Athens, GA 30603-1827

When Recorded, Mail To:

Loretta K. Barsamian, Executive Officer
California Regional Water Quality Control Board
San Francisco Bay Region
1515 Clay Street, Suite 1400
Oakland, California 94612

SP 850864

015000
Recorded in Official Records, Alameda County
Patrick O'Connell, Clerk-Recorder



43.00

99214396 08:30am 06/09/99

005 793889 35 10 000065 R
A91 13 7.00 36.00 0.00 0.00 0.00 0.00 0.00
0.00

CALIFORNIA REGIONAL WATER

JUL 0 2 1999

QUALITY CONTROL BOARD

B pu

COVENANT AND ENVIRONMENTAL RESTRICTION
ON PROPERTY

OLIVER RUBBER COMPANY PLANT
1200 65TH STREET, EMERYVILLE, CALIFORNIA

This Covenant and Environmental Restriction on Property (this "Covenant") is made as of the 28th day of May, 1999 by Oliver Rubber Company, a California corporation ("Covenantor") who is the owner of record of that certain property situated in the City of Emeryville, County of Alameda, State of California, which is described in Exhibit A attached hereto and incorporated herein by this reference (such property hereinafter referred to as the "Burdened Property"), for the benefit of the California Regional Water Quality Control Board for the San Francisco Bay Region (the "Board"), with reference to the following facts:

A. The Burdened Property and groundwater underlying the Burdened Property contains hazardous materials.

B. Contamination of the Burdened Property. Soil at the Burdened Property was contaminated by RAFFEX 120 ("Raffex"), a heavy petroleum hydrocarbon similar to liquid tar at elevated temperatures, which was stored in a below-grade tank vault located as shown on Exhibit B attached hereto. These operations resulted in contamination of soil and groundwater with organic chemicals consisting of extractable range hydrocarbons, which constitute hazardous materials as that term is defined in Health & Safety Code Section 25260. The Board has evaluated the potential for health risks from this material in the soil and groundwater and concluded that no further action is required provided that:

1. The tank vault is filled with compactible backfill consisting of Class 2 AB and covered with concrete or asphaltic paving.

2. Preventive measures are taken to protect against disturbance of the closed tank vault.

Use of of the tank vault area for outdoor parking, covered with asphalt or concrete paving, is an acceptable preventive measure. No landscaping shall be permitted over the tank vault.

3. If the closed tank vault is proposed to be disturbed, a risk management plan is submitted to and approved by the Board or its delegated representative. The risk management plan shall contain at a minimum an acceptable health and safety plan to be followed during activities involving exposure to soil and groundwater contamination, soil and groundwater management plan, and site mitigating measures to prevent any potential vertical conduits between shallow and deeper aquifers.

4. The location of the tank vault shall be shown on a parcel map, and the parcel map and these tank vault restrictions shall be recorded in the Alameda County official records. Further any future deeds conveying title to the property shall reference the recorded restrictions.

C. Exposure Pathways. The contaminants addressed in this Covenant are present in soil and groundwater on the Burdened Property. Without the mitigation measures which have been performed on the Burdened Property, exposure to these contaminants could take place via exposure to disturbed soil. The risk of public exposure to the contaminants has been substantially mitigated by the remediation and controls described herein.

D. Adjacent Land Uses and Population Potentially Affected. The Burdened Property is to be used for residential loft space, and is adjacent to office, heavy industrial and light industrial land uses.

E. Full and voluntary disclosure to the Board of the presence of hazardous materials on the Burdened Property has been made and extensive sampling of the Burdened Property has been conducted.

F. Covenantor desires and intends that in order to benefit the Board, and to protect the present and future public health and safety, the Burdened Property shall be used in such a manner as to avoid potential harm to persons or property that may result from hazardous materials that may have been deposited on portions of the Burdened Property.

ARTICLE I GENERAL PROVISIONS

1.1 Provisions to Run with the Land. This Covenant sets forth protective provisions, covenants, conditions and restrictions (collectively referred to as "Restrictions") upon and subject to which the Burdened Property and every portion thereof shall be improved, held, used, occupied, leased, sold, hypothecated, encumbered, and/or conveyed. The restrictions set forth in Article III are reasonably necessary to protect present and future human health and safety or the environment as a result of the presence on the land of hazardous materials. Each and all of the Restrictions shall run with the land, and pass with each and every portion of the Burdened Property, and shall apply to, inure to the benefit of, and bind the respective successors in interest thereof, for the benefit of the Board and all Owners and Occupants. Each and all of the

Restrictions are imposed upon the entire Burdened Property unless expressly stated as applicable to a specific portion of the Burdened Property. Each and all of the Restrictions run with the land pursuant to section 1471 of the Civil Code. Each and all of the Restrictions are enforceable by the Board.

1.2 Concurrence of Owners and Lessees Presumed. All purchasers, lessees, or possessors of any portion of the Burdened Property shall be deemed by their purchase, leasing, or possession of such Burdened Property, to be in accord with the foregoing and to agree for and among themselves, their heirs, successors, and assignees, and the agents, employees, and lessees of such owners, heirs, successors, and assignees, that the Restrictions as herein established must be adhered to for the benefit of the Board and the Owners and Occupants of the Burdened Property and that the interest of the Owners and Occupants of the Burdened Property shall be subject to the Restrictions contained herein.

1.3 Incorporation into Deeds and Leases. Covenantor desires and covenants that the Restrictions set out herein shall be incorporated in and attached to each and all deeds and leases of any portion of the Burdened Property. Recordation of this Covenant shall be deemed binding on all successors, assigns, and lessees, regardless of whether a copy of this Covenant and Agreement has been attached to or incorporated into any given deed or lease.

1.4 Purpose. It is the purpose of this instrument to convey to the Board real property rights, which will run with the land, to facilitate the remediation of past environmental contamination and to protect human health and the environment by reducing the risk of exposure to residual hazardous materials.

ARTICLE II
DEFINITIONS

2.1 Board. "Board" shall mean the California Regional Water Quality Control Board for the San Francisco Bay Region and shall include its successor agencies, if any.

2.2 Improvements. "Improvements" shall mean all buildings, roads, driveways, regradings, and paved parking areas, constructed or placed upon any portion of the Burdened Property.

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

2.4 Owner or Owners. "Owner" or "Owners" shall mean the Covenantor and/or its successors in interest, who hold title to all or any portion of the Burdened Property.

ARTICLE III
DEVELOPMENT, USE AND CONVEYANCE OF THE BURDENED PROPERTY

3.1 Restrictions on Development and Use. Covenantor promises to restrict the use of the

Burdened Property as follows:

1. The tank vault will be filled with compactible backfill consisting of Class 2 AB and covered with concrete or asphaltic paving.
2. Preventive measures will be taken to protect against disturbance of the closed tank vault. Use of of the tank vault area for outdoor parking, covered with asphalt or concrete paving, is an acceptable preventive measure. No landscaping shall be permitted over the tank vault.
3. Before the closed tank vault is disturbed, a risk management plan must be submitted to and approved by the Board or its delegated representative. The risk management plan shall contain at a minimum an acceptable health and safety plan to be followed during activities involving exposure to soil and groundwater contamination, soil and groundwater management plan, and site mitigating measures to prevent any potential vertical conduits between shallow and deeper aquifers.
4. The location of the tank vault shall be shown on a parcel map, and the parcel map and these tank vault restrictions shall be recorded in the Alameda County official records as Exhibit B hereto. Further any future deeds conveying title to the property shall reference these recorded restrictions.
5. No Owners or Occupants of the Property or any portion thereof shall drill, bore, otherwise construct, or use a well for the purpose of extracting water for any use, including but not limited to, domestic, potable, or industrial uses, unless expressly permitted in writing by the Board.
6. The Covenantor agrees that the Board, and/or any persons acting pursuant to Board orders, shall have reasonable access to the Burdened Property for the purposes of inspection, surveillance, maintenance, or monitoring, as provided for in Division 7 of the Water Code.
7. No Owner or Occupant of the Burdened Property shall act in any manner that will aggravate or contribute to the existing environmental conditions of the Burdened Property. All use and development of the Burdened Property shall preserve the integrity of any capped areas.

3.2 Enforcement. Failure of an Owner or Occupant to comply with any of the restrictions, as set forth in paragraph 3.1, shall be grounds for the Board, by reason of this Covenant, to have the authority to require that the Owner modify or remove any Improvements constructed in violation of that paragraph. Violation of the Covenant shall be grounds for the Board to file civil actions against the Owner as provided by law.

3.3 Notice in Agreements. After the date of recordation hereof, all Owners and Occupants shall execute a written instrument which shall accompany all purchase agreements or leases relating to the property. Any such instrument shall contain the following statement:

A portion of the land described herein (shown as the "closed tank vault"

on Exhibit A hereto) contains hazardous materials in soils and in the ground water under said portion of the property, and is subject to a deed restriction dated as of May 28, 1999, and recorded on June 9, 1999 in the Official Records of Alameda County, California, as Document No. 99-214396 which Covenant and Restriction imposes certain covenants, conditions, and restrictions on usage of the property described herein. This statement is not a declaration that a hazard exists.

ARTICLE IV VARIANCE AND TERMINATION

4.1 Variance. Any Owner or, with the Owner's consent, any Occupant of the Burdened Property or any portion thereof may apply to the Board for a written variance from the provisions of this Covenant.

4.2 Termination. Any Owner or, with the Owner's consent, any Occupant of the Burdened Property or a portion thereof may apply to the Board for a termination of the Restrictions as they apply to all or any portion of the Burdened Property.

4.3 Term. Unless terminated in accordance with paragraph 4.2 above, by law or otherwise, this Covenant shall continue in effect in perpetuity.

ARTICLE V MISCELLANEOUS

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

5.2 Notices. Whenever any person gives or serves any notice, demand, or other communication with respect to this Covenant, each such notice, demand, or other communication shall be in writing and shall be deemed effective (1) when delivered, if personally delivered to the person being served or official of a government agency being served, or (2) three (3) business days after deposit in the mail if mailed by United States mail, postage paid certified, return receipt requested:

If To: "Covenantor"

Oliver Rubber Company
P.O. Drawer 1827
Athens, GA 30603-1827

If To: "Board"

Regional Water Quality Control Board
 San Francisco Bay Region
 Attention: Executive Officer
 1515 Clay Street, Suite 1400
 Oakland, California 94612

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

5.4 Article Headings. Headings at the beginning of each numbered article of this Covenant are solely for the convenience of the parties and are not a part of the Covenant.

5.5 Recordation. This instrument shall be executed by the Covenantor and by the Executive Officer of the Board. This instrument shall be recorded by the Covenantor in the County of Alameda within ten (10) days of the date of execution.

5.6 References. All references to Code sections include successor provisions.

5.7 Construction. Any general rule of construction to the contrary notwithstanding, this instrument shall be liberally construed in favor of the Covenant to effect the purpose of this instrument and the policy and purpose of the Water Code. If any provision of this instrument is found to be ambiguous, an interpretation consistent with the purpose of this instrument that would render the provision valid shall be favored over any interpretation that would render it invalid.

5.8 Counterpart Execution. This Agreement may be executed in counterpart signature, and shall become effective when signed and delivered by both parties.

IN WITNESS WHEREOF, the parties execute this Covenant as of the date set forth above.

AGENCY:

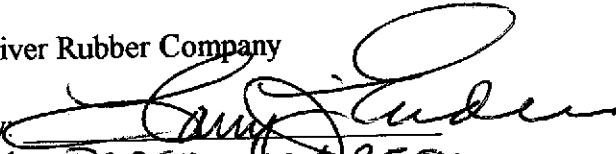
State of California
 Regional Water Quality Board,
 San Francisco Bay Region

By: 
 Title: Executive Officer

Date: June 2, 1999

COVENANTOR:

Oliver Rubber Company

By: 

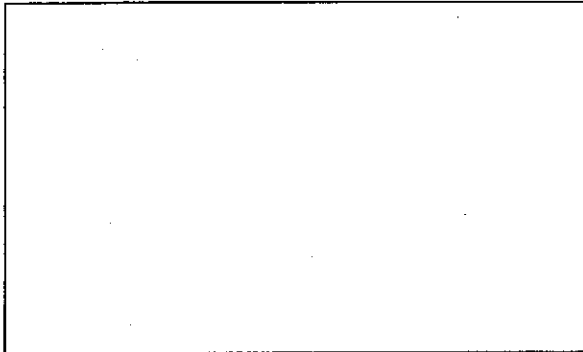
Title: PRESIDENT & CEO

Date: May 28 1999

State of Georgia)
County of Clarke)

On _____, 1999, before me, _____
personally appeared _____

personally known to me, OR



proved to me on the basis of satisfactory evidence to the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

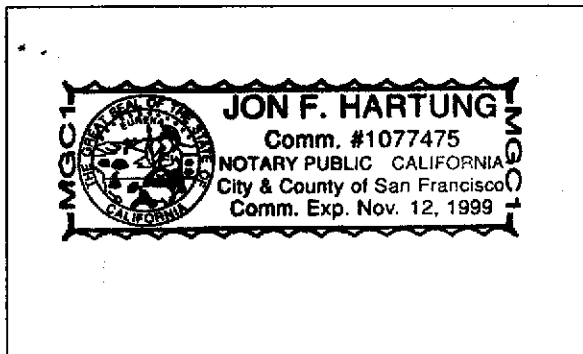
WITNESS my hand and official seal.

Signature _____

State of California)
County of ALAMEDA)

On JUNE 2, 1999, before me, JON F. HARTUNG
personally appeared LORETTA KAY BORSEMIAN

personally known to me, OR



proved to me on the basis of satisfactory evidence to the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

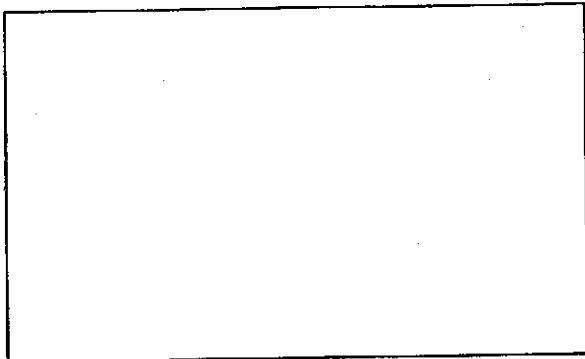
WITNESS my hand and official seal.

Signature [Handwritten Signature]

State of Georgia)
County of Clarke)

On May 28, 1999, before me, Evelyn Cutshaw
personally appeared Larry D. Enders

personally known to me, **OR**



proved to me on the basis of satisfactory evidence to the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

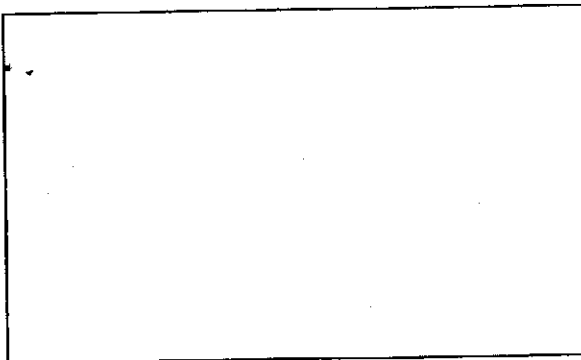
Signature Evelyn A. Cutshaw

Notary Public, Clarke County, Georgia
My Commission Expires May 10, 2002

State of California)
County of _____)

On _____, 1999, before me, _____
personally appeared _____

personally known to me, **OR**



proved to me on the basis of satisfactory evidence to the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature _____

EXHIBIT A

LEGAL DESCRIPTION OF PROPERTY

LEGAL DESCRIPTION

REAL PROPERTY in the City of Emeryville, County of Alameda, State of California, described as follows:

PARCEL ONE:

Beginning at the intersection of the Southern line of 66th Street, formerly Hallett Avenue, with the Western line of Vallejo Street, formerly Maple Street as the said streets are shown on the Map hereinafter referred to; running thence Southerly along said line of Maple Street, 155 feet; thence Westerly, parallel with said line of 66th Street, 140 feet; thence Northerly parallel with the said line of Vallejo Street 24 feet; thence Northwesterly in a direct line 140.2 feet more or less, to a point on said line of 66th Street, distant thereon 90 feet Westerly from the Western line of Vallejo Street; thence Easterly along said line of 66th Street, 90 feet to the place of beginning.

Being Lot 64 and a portion of Lot 65 in Block No. 5, as said lot and block are shown on the "Map of the Maxwell Tract, Alameda County California", filed September 19, 1872 in Book 5 of Maps, Page 21, in the Office of the County Recorder of Alameda County.

PARCEL TWO:

Beginning at a point on the Northern line of 65th Street, formerly Dalton Avenue, distant thereon Westerly 90 feet from the intersection thereof with the Western line of Vallejo, formerly Maple Street; as said streets are shown on the Map hereinafter referred to; running thence Northerly and at right angles to said Northern line of 65th Street, 155 feet; thence at right angles Westerly, 50 feet; thence at right angles Southerly 155 feet to the Northern line of 65th Street; thence Easterly along said last named line 50 feet to a point of beginning.

Being the Eastern one half of Lot 97 in Block 5, as said lot and block are delineated and so designated upon that certain Map entitled "Map of Maxwell Tract", filed September 19, 1872, in Liber 5 of Maps, Page 21, in the Office of the County Recorder of Alameda County.

PARCEL THREE:

Beginning at a point in the Northerly line of 65th Street (formerly Dalton Avenue) that is South 75° 41' 08.5" West, along said Northerly line, 140.00 feet from the Westerly line of Maple Street, thence continuing along said Northerly line South 75° 41' 08.5" West 68.71 feet, to a point that is 20 feet Easterly, at right angles, from the center line between main tracks of the Southern Pacific Company (formerly known as the 9th Street Berkeley Electric Line); thence North 6° 41' 08.5" East, parallel with said centerline and 20.00 feet Easterly, at right angles, therefrom, a distance of 191.73 feet; thence South 14° 18' 51.5" East, 179 feet, to the point of beginning, being a portion

of Lots 65, 96 and 97 in Block 5 as said lots and block are delineated and so designated upon a certain Map entitled, "Map of the Maxwell Tract, Alameda County, California", filed September 19, 1872, Alameda County Records.

PARCEL FOUR:

Beginning at a point in the Northerly line of 65th Street (formerly Dalton Avenue) that is South 75° 41' 08.5" West, along said Northerly line, 208.71 feet from the Westerly line of Vallejo Street (formerly Maple Street); thence South 75° 41' 08.5" West continuing along said Northerly line 1.60 feet, to a point that is 18.51 feet Easterly, at right angles, from the center line between main tracks of the Southern Pacific Company (formerly known as the 9th Street Berkeley Electric Line); thence North 6° 41' 08.5" East, parallel with said centerline and 18.51 feet Easterly, at right angles, therefrom, a distance of 65 feet; thence South 83° 18' 51.5" East, 1.49 feet, to a point that 20.0 feet Easterly, at right angles, from the center line of the above said main line tracks; thence South 6° 41' 08.5" West, 64.93 feet to the point of beginning, being a portion of Lots 96 and 97 in Block 5 as said lots and block are delineated and so designated upon a certain Map entitled, "Map of the Maxwell Tract, Alameda County, California", filed September 19, 1872, Alameda County Records.

PARCEL FIVE:

Lot 98, in Block 5, as said lot and block are shown on the "Map of the Maxwell Tract, Alameda County, California", filed September 19, 1872 in Book 5 of Maps, Page 21, in the Office of the County Recorder of Alameda County.

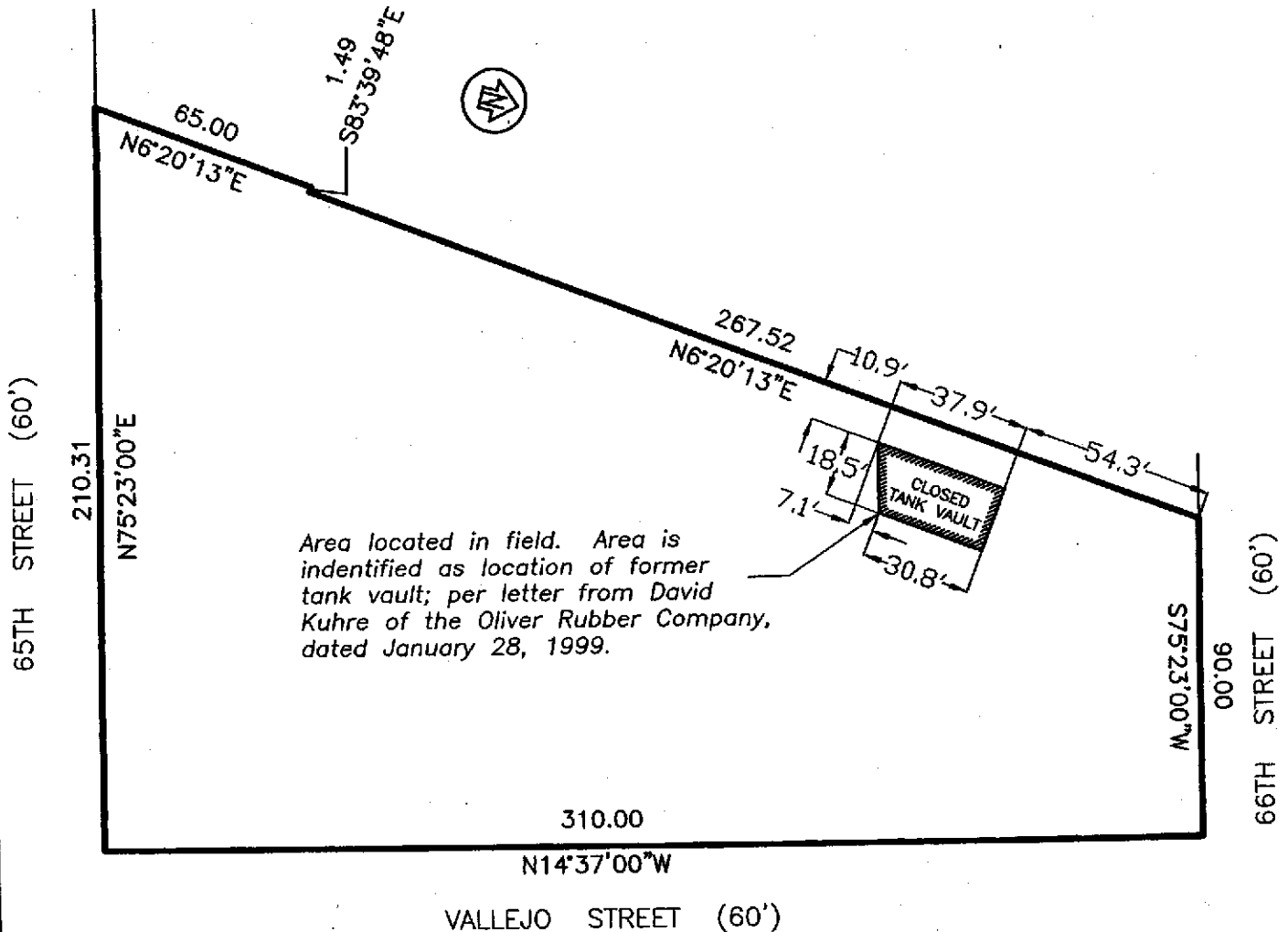
A.P. No. 049-1509-001-01

EXHIBIT A

EXHIBIT B

MAP OF TANK VAULT LOCATION

EXHIBIT B
VAULT LOCATION MAP



CLOSED TANK VAULT RESTRICTIONS:

1. During construction the closed tank vault shall be protected from damage.
2. The closed tank vault will be identified and marked with paint.
3. This closed tank vault shall not be disturbed, nor shall there be any landscaping permitted over the closed tank vault.
4. In the event of a future proposal which might disturb the closed tank vault, a risk management plan (RMP) shall be submitted and approved by the California Regional Water Control Board for the San Francisco Bay Region.

For: **NPH Architects**

Scale: 1" = 50'

Survey of: Location of Former Tank Vault

Date: 5-24-99

Job #: 14967

BATES AND BAILEY
LAND SURVEYORS

15 SHATTUCK SQ., BERKELEY, CA 94704 (510) 843-2007



November 30, 1998

Alameda County Health Care Services Agency
1131 Harbor Bay Parkway, 2nd floor
Alameda, CA 94502

ATTENTION: Ms. Susan Hugo

SUBJECT: REPORT REGARDING THE PRESENCE AND SOURCE OF
CHLORINATED SOLVENTS IN GROUNDWATER BENEATH
THE OLIVER RUBBER COMPANY PROPERTY
1200 65th Street
Oakland, California

Dear Ms. Hugo:

On behalf of our client, the Oliver Rubber Company, Aqua Science Engineers, Inc. (ASE) is pleased to submit the following document which we believe answers the few remaining questions regarding the presence and source of chlorinated solvents identified in the groundwater beneath the subject site.

We look forward to your comments upon completion of your review of this document. If we can be of further assistance, please feel free to contact us at (925) 820-9391.

Respectfully submitted,

AQUA SCIENCE ENGINEERS, INC.

David Allen, R.E.A.
Senior Project Manager

ENVIRONMENTAL
PROTECTION
98 NOV 30 PM 4:12



November 9, 1998

SH 1330

Ms. Susan Hugo
Senior Hazardous Materials Specialist
Alameda County Health Care Services Agency
1131 Harbor Bay Parkway, 2nd Floor
Alameda, CA 94502

Subject: Oliver Rubber Company: Chlorinated Solvents - Verification of Non-Use at Site

Dear Ms. Hugo:

This letter is being written to provide an assurance to the Alameda County Health Care Services Agency and the San Francisco Bay Regional Water Quality Control Board that chlorinated solvents are not known to have been used at the Oliver Rubber Company site - 1200 65th Street, Emeryville, CA. This has been established using three methods: 1) Review of the list of materials (and Material Safety Data Sheets - MSDS) used at this location, 2) Interviews of long-term employees who worked in a capacity to have knowledge of materials used, and 3) Recent on-site (within building walls or fences) soil boring analyses.

1) List of Materials Used On-Site

A binder with MSDSs of all materials used in the manufacture of rubber and the maintenance of the facility was compiled by the Laboratory Manager. The binder includes MSDSs for materials recently used and historically used at the site. No materials containing chlorinated solvents were found in my review of this data.

2) Interviews of Long-Term Employees

I interviewed Henry Torrez, who had worked at this location from 1953 until his retirement in 1995. Mr. Torrez began work as a Lab Technician and held the positions of Plant Supervisor and Tire Testing Manager, all of which qualify him to comment on the use of chlorinated solvents. He firmly stated that no materials of this nature were used in the facility. He did say that the (non-chlorinated) solvents hexane, heptane and toluene were used in the manufacture of rubber cement. He also stated that hexane and kerosene were used to clean equipment and tools. Used in very small quantities were benzene, methyl ethyl ketone, acetone, and xylene by laboratory personnel for testing and experimentation. Mr. Torrez stated that the rear yard (where chlorinated solvents were found in groundwater) had always been asphalt surfaced and that only rubber, carbon black and oil were stored on this area.

I interviewed Gregory Stewart, who began with Oliver in 1972 and is still with the Company. Mr. Stewart was the Plant Superintendent until manufacturing operations ceased and the facility was decommissioned in 1998. He stated that only hexane solvent and soap were used to clean equipment and tools and no chlorinated solvents were used either in the manufacture of rubber or for parts cleaning.

I spoke next with Edward Falkard, Chief Chemist from 1983 until 1998 and he stated that chlorinated solvents were never used in this plant. He also stated that benzene, toluene, and acetone were used in the laboratory.

Oliver Rubber Company

General Office: 1200 65th Street, P.O. Box 8447, Oakland, CA 94662 • (510) 654-7711 TWX 990106 (ORCO EMVL)
FAX (510) 655-6319
Oakland, CA • Athens, GA • Paris, TX • Asheboro, NC • Dallas, TX • Export, PA



Subsidiary of
THE STANDARD PRODUCTS CO.

I myself have been employed by Oliver since 1987 and functioned as the Division Manager. I can also state that no chlorinated solvents were used in this facility. I can add that our maintenance group used Safety Kleen, a non-chlorinated petroleum naphtha solvent, until I instituted the use of d-limonene, a non-chlorinated terpene hydrocarbon solvent, for parts and tools cleaning. The entire site (except for a small planting strip along 65th Street) has been covered at all times during Oliver's ownership; with an asphalt or concrete surface providing an impervious barrier for soils below.

3) Soil Boring Analytical Results

Aqua Science Engineers (ASE), of Danville, completed on-site soil borings on April 8, September 2 & 3, and September 25, 1998. (Reference ASE "Reports of Soil and Groundwater Assessment" dated April 30, September 8 and September 30). ASE is also preparing a comprehensive discussion of the report findings and the hydrogeology of this site. Of 17 on-site borings, 14 had no detectable concentrations of VOCs. 3 boring soil samples did have detectable concentrations of VOCs (1 was a SVOC); however, all concentrations were at least several orders of magnitude less than the US EPA Region 9 Preliminary Remediation Goals (PRGs) for residential soil. It should also be noted that none of the 3 detected VOCs were chlorinated solvents.

Conclusion

The review of approximately 150 materials used on-site as described in method #1 and the interview of long-term employees as described in method #2 provides reasonable supportive evidence that chlorinated solvents were never used at this site. Additionally, the soil boring and analyses described in method #3 found no chlorinated solvents in soil within the Oliver Rubber property. For these reasons, it is logical to conclude that the Oliver Rubber Company is not a source for the chlorinated solvents found in local groundwater and that this contamination must be a result of the migration of similar pollutants through the groundwater from an off-site source.

If you have any questions, I may be contacted at (510) 654-7716.

Very truly yours,

OLIVER RUBBER COMPANY



David Kuhre
Oakland Division Manager



September 9, 1998

Ms. Susan Hugo
Alameda County Health Care Services Agency
1131 Harbor Bay Parkway, 2nd Floor
Alameda, CA 94502

Subject: Oliver Rubber Company, Additional Reports and Revised Closure Letter

Dear Ms. Hugo:

Enclosed are the following reports as promised during our August 26 meeting. This additional information completes our evaluation of the subject site.

- RGA, Asbestos Survey Report, July 2, 1998
- RGA, Lead Paint Survey Report, July 21, 1998
- ASE, Additional Soil and Groundwater Report, September 8, 1998
- ACC, Boring Investigation Report and Phase 1 Environmental Site Assessment Addendum, September 8, 1998
- CST, Asbestos and Lead Base Paint Abatement, Close Out Report, Sept. 4, 1998
- IHI, Asbestos Clearance Air Monitoring Report, September 9, 1998
- NPH Architects, Proposed Live/Work Redevelopment Drawings

Also enclosed is the revised draft closure letter that Tom Palmer and I said we would provide during our phone conference on September 2. As we discussed, please call or fax me if any changes to this letter before your final draft.

After your review of the additional reports, please call me with your comments. We are hopeful that we can resolve our case and generate an acceptable closure letter by this Friday 9/11 (or, at the latest, Monday 9/14; before you leave the office).

Please call me should you have any questions: 510-654-7716. Thank you.

Very truly yours,

OLIVER RUBBER COMPANY

David Kuhre
Division Manager

Oliver Rubber Company

General Office: 1200 65th Street, P.O. Box 8447, Oakland, CA 94662 • (510) 654-7711 TWX 990106 (ORCO EMVL)
FAX (510) 655-6319
Oakland, CA • Athens, GA • Paris, TX • Asheboro, NC • Dallas, TX • Export, PA



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THE STANDARD PRODUCTS CO.

TRANSMIT REPORT

1998-08-13 12:41
510 337 9335
ALAMEDA CO EHS HAZ-DPS

COM No.	REMOTE STATION	START TIME	DURATION	PAGES	RESULT	USER ID	REMARKS
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7499402046

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



Post-It™ brand fax transmittal memo 7671 # of pages 2

To	DAVID KUHRE	From	SUSAN HUGO
Co.	OLIVER RUBBER	Co.	ACDEH
Dept.		Phone #	
Fax #	570-654-7917	Fax #	(510) 337 9335

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

August 12, 1998

Mr. David Kuhre
Oliver Rubber Company
1200 65th Street
Emeryville, California 94608

Subject: Oliver Rubber Company – 1200 65th Street, Emeryville, CA 94608 (SLIC# 1330)

Dear Mr. Kuhre:

This agency has reviewed the case file concerning the petroleum hydrocarbon contamination associated with Raffex (a heavy petroleum hydrocarbon similar to liquid tar at elevated temperatures) found in soil and groundwater at the above referenced site. We are in receipt of the following reports submitted by Aqua Science Engineers for the subject site:

- Additional Soil and Groundwater Assessment Report, July 20, 1998
- Workplan for Soil and Groundwater Assessment, June 25, 1998
- Soil and Groundwater Assessment Report, April 30, 1998
- Workplan for Soil and Groundwater Assessment, March 20, 1998
- Soil and Groundwater Assessment Report, February 19, 1998

The site is located in an industrial /commercial area of Emeryville, surrounded by present and former industrial facilities and railroad tracks immediately to the west of the site boundary. The property was used primarily as a rubber manufacturing plant from 1950's through 1997. The facility is currently vacant.

Raffex 120 was used during the production of rubber for tire treads and stored in three 5,000 - gallon tanks inside a subgrade concrete vault outside the plant. The tanks have been removed and disposed off site. In February 1998, soil and groundwater samples were collected in the area of the vault and found up to 380 ppm Raffex in soil beneath the vault. Grab water sample collected from the bottom of the vault found up to 28 ppm Raffex. On April 8, 1998, twelve borings (BH-1 to BH-12) were drilled between 2 to 6 feet below ground surface (bgs) at the site. Soil samples collected from two borings (BH-11 and BH-12) downgradient of the vault at 6 feet bgs detected up to 74 ppm Raffex. Nine soil borings (BH-1 to BH-9) were drilled inside the building to depths ranging from 2.5 feet to 6 feet below ground surface (bgs) and detected up to 40 ppm Raffex, 260 ppm oil & grease and 18 ppm zinc. Volatile organic compounds (VOCs) were not detected in the soil.

For Dave Allen
925-837-4853

Dave Kubie
570 654-7717

TRANSMIT REPORT

1998-08-13 12:38
510 337 9335
ALAMEDA CO EHS HAZ-OPS

COM No.	REMOTE STATION	START TIME	DURATION	PAGES	RESULT	USER ID	REMARKS
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7499402046

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



Post-It™ brand fax transmittal memo 7671 # of pages 2

To	DAVE ALLEN	From	SUSAN HUGO
Co.	ASE	Co.	ACDEH
Dept.		Phone #	
Fax #	925 837-4853	Fax #	510-937-9335

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

August 12, 1998

Mr. David Kuhre
Oliver Rubber Company
1200 65th Street
Emeryville, California 94608

Subject: Oliver Rubber Company - 1200 65th Street, Emeryville, CA 94608 (SLIC# 1330)

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- Soil and Groundwater Assessment Report, February 19, 1998

The site is located in an industrial /commercial area of Emeryville, surrounded by present and former industrial facilities and railroad tracks immediately to the west of the site boundary. The property was used primarily as a rubber manufacturing plant from 1950's through 1997. The facility is currently vacant.

Raffex 120 was used during the production of rubber for tire treads and stored in three 5,000 - gallon tanks inside a subgrade concrete vault outside the plant. The tanks have been removed and disposed off site. In February 1998, soil and groundwater samples were collected in the area of the vault and found up to 380 ppm Raffex in soil beneath the vault. Grab water sample collected from the bottom of the vault found up to 28 ppm Raffex. On April 8, 1998, twelve borings (BH-1 to BH-12) were drilled between 2 to 6 feet below ground surface (bgs) at the site. Soil samples collected from two borings (BH-11 and BH-12) downgradient of the vault at 6 feet bgs detected up to 74 ppm Raffex. Nine soil borings (BH-1 to BH-9) were drilled inside the building to depths ranging from 2.5 feet to 6 feet below ground surface (bgs) and detected up to 40 ppm Raffex, 260 ppm oil & grease and 18 ppm zinc. Volatile organic compounds (VOCs) were not

COM No.	REMOTE STATION	START TIME	DURATION	PAGES	RESULT	USER ID	REMARKS
355	5105222454	04-09 15:18	04' 45	12/12	OK		

7499402045

FROM : ASE NORTH

PHONE NO: 1 925 637 4853



April 8, 1999

Ms. Susan L. Hugo
Hazardous Materials Specialist
Alameda County Health Care Services Agency
1131 Harbor Bay Parkway, Suite 250
Alameda, CA 94502

Mr. Ravi Arulanantham, Ph.D.
Staff Toxicologist
Mr. Stephen Morse, P.E., Chief
Toxics Cleanup Division
Cal-EPA/S.F. Bay RWQCB
1515 Clay Street, Suite 1400
Oakland, CA 94612

Post-It™ brand fax transmittal memo 7671		# of pages ▶	12	
To	RAVI ARULANANTHAM		From	SUSAN HUGO
Co.	RWQCB		Co.	ACDEH
Dept.			Phone #	
Fax #	510 622-2464		Fax #	510-337-9335

SUBJECT: Oliver Rubber Company Property, (SLIC# 1330)
1200 65th Street
Emeryville, CA 94608

Dear Susan, Ravi and Stephen:

Thank you for forwarding to us the DTSC letter of March 18, 1999, which commented on your January 5, 1999 letter to David Kuhre of Oliver Rubber Company. As you know, we met with Alan Lui and Bernard Feather of the DTSC on March 29 to discuss that letter, and we believe we were able to address the various questions they had raised to their satisfaction. For your information, we report here on that meeting.

ALAMEDA COUNTY, DEPARTMENT OF ENVIRONMENTAL HEALTH

Hazardous Materials Inspection Form

II, III

white -env.health
yellow -facility
pink -files

Site ID # _____ Site Name OLIVER RUBBER COMPANY Today's Date 3/30/98

Site Address 1200 65th Street

City EMERYVILLE Zip 94608 Phone 654-7716

MAX AMT stored > 500 lbs., 55 gal., 200 cft.?

Inspection Categories:

- I. Haz. Mat/Waste GENERATOR/TRANSPORTER
- II. Business Plans, Acute Hazardous Materials
- III. Underground Tanks

* Calif. Administration Code (CAC) or the Health & Safety Code (HS&C)

Comments:

ON SITE INSPECTION TO A REQUEST BY
OLIVER RUBBER COMPANY TO CLOSURE
OF THE PLANT.
WANTED TO ABANDON THE PLANT WITH DAVE
AND DAVE WENTRE (654-7716) UNDER THE
SAMPLE PLAN - SEEMED APPROPRIATE FOR
PLAN OF ACTION.
ACTUAL ASAMPLING OF THE SITES TO FOLLOW.
SUBMIT RESULTS OF THE PLAN TO THE OFFICE
WITHIN 14 DAYS OF LAB RESULTS.

II.A BUSINESS PLANS (Title 19)

- ___ 1. Immediate Reporting 2703
- ___ 2. Bus. Plan Stds. 25503(b)
- ___ 3. RR Cars > 30 days 25503.7
- ___ 4. Inventory Information 25504(a)
- ___ 5. Inventory Complete 2730
- ___ 6. Emergency Response 25504(b)
- ___ 7. Training 25504(c)
- ___ 8. Deficiency 25505(a)
- ___ 9. Modification 25505(b)

II.B ACUTELY HAZ. MATLS

- ___ 10. Registration Form Filed 25533(a)
- ___ 11. Form Complete 25533(b)
- ___ 12. RMPP Contents 25534(c)
- ___ 13. Implement Sch. Req'd? (Y/N)
- ___ 14. OffSite Conseq. Assess. 25524(c)
- ___ 15. Probable Risk Assessment 25534(d)
- ___ 16. Persons Responsible 25534(g)
- ___ 17. Certification 25534(i)
- ___ 18. Exemption Request? (Y/N) 25536(b)
- ___ 19. Trade Secret Requested? 25538

III. UNDERGROUND TANKS (Title 23)

- | | |
|------------------------------------------|-----------------------------------------------------------------------------------------|
| General | ___ 1. Permit Application 25284 (H&S) |
| | ___ 2. Pipeline Leak Detection 25292 (H&S) |
| | ___ 3. Records Maintenance 2712 |
| | ___ 4. Release Report 2651 |
| | ___ 5. Closure Plans 2670 |
| Monitoring for Existing Tanks | ___ 4. Method |
| | 1) Monthly Test |
| | 2) Daily Vadose
Semi-annual groundwater
One time soils |
| | 3) Daily Vadose
One time soils
Annual tank test |
| | 4) Monthly Gndwater
One time soils |
| | 5) Daily Inventory
Annual tank testing
Cont pipe leak det
Vadose/gndwater mon. |
| | 6) Daily Inventory
Annual tank testing
Cont pipe leak det |
| | 7) Weekly Tank Gauge
Annual tank test |
| | 8) Annual Tank Testing
Daily inventory |
| | 9) Other _____ |
| New Tanks | ___ 7. Precs Tank Test 2643
Date: _____ |
| | ___ 8. Inventory Rec. 2644 |
| | ___ 9. Soil Testing . 2646 |
| | ___ 10. Ground Water. 2647 |
| ___ 11. Monitor Plan 2632 | |
| ___ 12. Access. Secure 2634 | |
| ___ 13. Plans Submit 2711
Date: _____ | |
| ___ 14. As Built 2635
Date: _____ | |

Contact: DAVID AUBEN
Title: Senior Project Mgr.
Signature: [Signature]

Inspector: [Signature]
Signature: Amir H. Attalami

II, III



March 12, 1998

Mr. Amir Gholami
Alameda County Health Care Services Agency
1131 Harbor Bay Parkway
Alameda, CA 94502

SUBJECT: Oliver Rubber Company
1200 65th Street
Oakland, California

Dear Mr. Gholami:

Enclosed is the workplan for a subsurface soil and groundwater assessment at the above-referenced facility. Oliver Rubber has provided a check in the amount of \$1,000.00, as you have requested, to cover costs for your involvement at the site. A copy of this workplan has also been sent to Ms. Susan Hugo.

Should you have any questions or comments, please feel free to give us a call at (510) 820-9391.

Respectfully submitted,

AQUA SCIENCE ENGINEERS, INC.

David Allen, R.E.A.
Senior Project Manager

cc: Mr. Dave Kuhre, Oliver Rubber Company

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



January 7, 1998

Mr. David Kuhre
Oliver Rubber Company
1200 65th Street
Emeryville, CA 94608

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

**RE: Project # 1713 C - Type M (STID # 1330)
Oliver Rubber Company - 1200 65th Street, Emeryville, CA 94608**

Dear Mr.Kuhre:

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 \$6,500.00 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 6.92.040L of the Alameda County Ordinance Code. Work on this project will be debited at the Ordinance specified rate, currently at \$ 100 per hour.

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

- project #,
- type of project and
- site address (see RE: line above).

If you have any questions, please contact me at (510) 567-6780.

Sincerely,

Susan L. Hugo
Hazardous Materials Specialist

c: Thomas Peacock, Program Manager
SH / files

ALAMEDA COUNTY
HEALTH CARE SERVICES



AGENCY
DAVID J. KEARS, Agency Director

September 4, 1997

ENVIRONMENTAL HEALTH SERVICES
1131 Harbor Bay Parkway
Alameda, CA 94502-6577
(510)

Mr. David Kuhre, Division Manager
Oliver Rubber Company
1200 65th Street
P.O. Box 8447
Oakland, CA 94662

RE: 1150-1200 65th Street, Oakland, Site Mitigation File

Dear Mr. Kuhre:

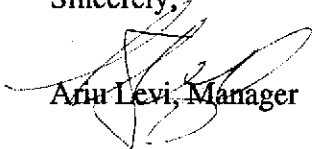
This letter responds to your request for information on the above noted address.

Alameda County Environmental Health Services conducted a search of their records for documents dated between 1985 and 1988. This search identified one eligible report titled "Soil and groundwater investigation, Oliver Rubber Co., 1200 65th st., Emiryville (sic), Ca." and dated March 31, 1988.

Staff time used to provide this service totaled 1.25 hours. The deposit refund account set up on your behalf will be debited accordingly.

Please call me at (510) 567-6771 if you have any questions.

Sincerely,


Ariu Levi, Manager

attachment

c: **Dep/Ref files**

al:st
Prog.dep/ref/970904

LOP - RECORD CHANGE REQUEST FORM

printed:
05/31/95

Mark Out What Needs Changing and Hand to LOP Data Entry
(Name/Address changes go to Annual Programs Data Entry)

Insp: SH

AGENCY # : 10000 SOURCE OF FUNDS: F SUBSTANCE: 12034
 StID : 1330 LOC:
 SITE NAME: Oliver Rubber Co. DATE REPORTED : 07/01/92
 ADDRESS : 1200 65th St DATE CONFIRMED: 06/24/92
 CITY/ZIP : Emeryville 94608 MULTIPLE RPs : N

SITE STATUS

CASE TYPE: S CONTRACT STATUS: 4 PRIOR CODE:1C3 EMERGENCY RESP:
 RP SEARCH: S DATE COMPLETED: 07/21/92
 PRELIMINARY ASMNT: C DATE UNDERWAY: 06/25/92 DATE COMPLETED: 10/01/92
 REM INVESTIGATION: C DATE UNDERWAY: 10/01/92 DATE COMPLETED: 07/14/93
 REMEDIAL ACTION: C DATE UNDERWAY: 10/01/92 DATE COMPLETED: 07/14/93
 POST REMED ACT MON: DATE UNDERWAY: DATE COMPLETED:

ENFORCEMENT ACTION TYPE: 1 DATE ENFORCEMENT ACTION TAKEN: 07/21/92
 LUFT FIELD MANUAL CONSID: 2HSCAWG
 CASE CLOSED: Y DATE CASE CLOSED: 06/01/95
 DATE EXCAVATION STARTED : 11/01/91 REMEDIAL ACTIONS TAKEN: ED

RESPONSIBLE PARTY INFORMATION

RP#1-CONTACT NAME: David Kuhre
 COMPANY NAME: Oliver Tire & Rubber Company
 ADDRESS: 1200 65th Street
 CITY/STATE: Emeryville, California 94608

INSPECTOR VERIFICATION:

NAME SUSAN HUGO SIGNATURE Susan L. Hugo DATE 6/1/95

DATA ENTRY INPUT:

Name/Address Changes Only			Case Progress Changes	
ANNPGMS _____	LOP _____	DATE _____	LOP _____	DATE _____