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

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.)

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 H

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

CONDITIONS OF APPROVAL
1200 65th Street
February 25, 1999
Final - As Approved by the Planning Commission

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 to50 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 LPB 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 D

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)

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

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.

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

ATTACHMENT C

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

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 exiting 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);

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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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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. IgnacioDayrit
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

aqua science engineers inc.

April 8, 1999

RECEIVED
APR 12 1999
PLANNING DEPARTMENT

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

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.

208 W. El Pintado Road, Danville, California 94526 • 925-820-9391 • Fax 925-837-4853

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 property confirmed that chlorinated 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 rational 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 is 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

REGISTERED ENVIRONMENTAL ASSESSOR
DAVID ALLEN
No. REA-06211
Expires: 6-99
STATE OF CALIFORNIA

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

REGISTERED GEOLOGIST
ROBERT E. KITAY
No. 6586
STATE OF CALIFORNIA

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

A·C·C
ENVIRONMENTAL CONSULTANTS

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. 98-6482-001.01

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.

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.

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 1998, 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.

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

REGISTERED ENVIRONMENTAL ASSESSOR
STEPHEN P. SOUTHERN
No. 06524
Exp. 6/99
STATE OF CALIFORNIA

ATTACHMENT F

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

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

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. 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