

Roe, Dilan, Env. Health

From: M Kara <mmkara707@aol.com>
Sent: Friday, August 26, 2016 4:03 PM
To: Roe, Dilan, Env. Health; Nowell, Keith, Env. Health
Cc: joehernon@gmail.com; JGribi@gribiassociates.com
Subject: Revised Final Human Health Risk Assessment, 411 MaCarthur Blvd, Oakland
Attachments: Revised HHRA Report 411 W MacArthur.pdf

Hello to All:

Mr. Nowell found a typo in the HHRA yesterday that I corrected, in addition, gasoline has surrogates that are utilized in its place for the purposes of calculating non-carcinogenic risk, it depends on which school of thought that you ask regarding which chemical surrogate to use, they are usually methyl-cyclohexanone, n-pentane or hexane; the Hazard Index levels generated by these three chemicals are very close to each other. For the sake of being complete, I added them all so that there would no questions in anyone's mind that we selected one chemical over another. These are the only changes to this Revised HHRA.

The 1st Toxicologist that I spoke with is unavailable for two weeks and would not even look at the document to quantify approximate review costs for at least 2 weeks. She was not interested. The second toxicologist Terri Copeland, I phoned 4 times today, there was no answer and I have left several messages. I am not going to call Dr. Ettinger that was given to me on the list, its like making a confession to the pope in a humble church, this was a bit of an overkill from Alameda County Environmental Health that should have been reserved for a federal Superfund Site, not a closed corner Chevron gas station that the owner has voluntarily agreed to install an SSDS This leaves me with 2 Phd level candidates, it is like taking a "a ballistic nuclear missile to a knife fight". But what choice do I have, after all, this is a republic. Thank you & have a pleasant weekend. Michael

Michael F. Kara

Principal Toxicologist, M.A, REPA # 386340
US EPA Environmental Professional
Registered State of CA Lead Specialist # 21985

ARS, Inc.

P.O. Box 5086, Walnut Creek, CA 94596
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Roe, Dilan, Env. Health

From: M Kara <mmkara707@aol.com>
Sent: Monday, August 29, 2016 2:29 PM
To: Roe, Dilan, Env. Health; Nowell, Keith, Env. Health
Cc: joehernon@gmail.com
Subject: Fwd: Revised Final Human Health Risk Assessment, 411 MaCarthur Blvd, Oakland

Dear Ms. Roe & Keith:

I have retained the services of Dr. Robles, Phd, DABT of Enviro-Tox Services, Inc. to peer review the HHRA. Thank you. Michael

Michael F. Kara

Principal Toxicologist, M.A, REPA # 386340
US EPA Environmental Professional
Registered State of CA Lead Specialist # 21985

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-----Original Message-----

From: M Kara <mmkara707@aol.com>
To: hrobles <hrobles@enviro-tox.com>
Cc: joehernon <joehernon@gmail.com>
Sent: Mon, Aug 29, 2016 2:22 pm
Subject: Re: Revised Final Human Health Risk Assessment, 411 MaCarthur Blvd, Oakland

Dear Dr. Robles:

I hope this message reaches you & you are happy & well. Enclosed please find a copy of the Authorization to Proceed along with a copy of the retainer check which will go out by mail today. Dr. Robles, please, see what you can do for us, time is of the essence. I also would like to inform you that although I used Cyclohexanone as a surrogate for Gasoline to calculate the HI, I also included results for n-Pentane and Hexane as surrogates for Gasoline and calculated their Hazard Indices just to show you that that there is not much difference in the end HI value. I want to thank you in advance for your effort. Michael

Michael F. Kara

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-----Original Message-----

From: Heriberto Robles <hrobles@enviro-tox.com>

To: M Kara <mmkara707@aol.com>

Sent: Mon, Aug 29, 2016 1:59 pm

Subject: Re: Revised Final Human Health Risk Assessment, 411 MaCarthur Blvd, Oakland

Hi Mr. Kara:

Thank you for requesting our proposal to review your risk assessment report. Our proposal is attached. Please give me a call or send me a note if you have any comments or questions.

I look forward to working with you on this interesting project.

Sincerely,

Heriberto Robles, M.S., Ph.D., D.A.B.T.

Enviro-Tox Services, Inc.

20 Corporate Park, Suite 220

Irvine, California 92606

hrobles@enviro-tox.com

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Roe, Dilan, Env. Health

From: Joseph A. Hernon <joehernon@gmail.com>
Sent: Saturday, September 10, 2016 9:37 AM
To: Michael Kara; Roe, Dilan, Env. Health; Nowell, Keith, Env. Health; James Gribi
Subject: Re: ACEH review of risk assessment for RO3192

To All,

Michael, thank you for your detailed critique on the response and the scope of work.

However, I think its best to schedule a meeting to discuss these findings as Dilan recommended, rather than trying to resolve by email.

Keith, If ok with you your team, Could you send out a few times and dates that would work for you and Dilan?

In the meantime, I would ask, that if possible, for Keith or Dilan to talk to Michael so we can keep the process moving on all other fronts, and to get an feedback in advance so we can make progress.

Thank you.

Joe,

Joseph A. Hernon

E: joehernon@gmail.com

PH: 415-705 9922

The Hernon Group Inc.
1714 Franklin St. #100-244
Oakland
CA 94612-3409

On 10 Sep 2016, at 8:53 a.m., M Kara <mmkara707@aol.com> wrote:

Dear Ms. Roe:

I fully concur with you, the problem herein lies with the fact that Dr. Robles was supplied with an HHRA and not previous Site Conceptual Model along with seven (7) investigative studies, a RAP, two (2) full blown Remediation Reports and that is just from one previous consultant, as you well know there were other consultants that had their investigative studies & conclusions, so he has no idea what has transpired at the site. The Removal of the USTs at the site began twenty seven (27) years ago and was culminated on May 15, 2015 by a very lengthy & comprehensive Case Closure Summary that was signed by the Director & Case officer who must have been convinced beyond a shadow of a doubt that the Site should be closed for commercial purposes, and further, the Chemicals of Potential Concern (COPCs) were clearly identified in both soil & groundwater all over the Site at the time of Closure. Forgive Ms. Roe, the acceptable Concentration Thresholds between a Commercial & a Residential scenarios may be different, however the COPCs at the Site do not change at all between the two scenarios. It was accepted at the time of Closure that a well defined preset of compounds are the only COPCs, why are we now re-investigating a closed site and searching for additional COPCs that could potentially be lurking down under? Why was this issue not addressed at the time of Site closure in 2015? The site has been dormant with absolutely no possibility of re-introducing any additional COPCs since 2015. Therefore the Agency is correct, the site has been fully

assessed in after 27 years of investigative & remedial work at a 7,800 sf site that must have over 100 borings and in excess of 200 samples collected from it.

Now, after three separate investigation of a 302 sf area that Chevron left behind as a gift to Mr. Herson, and the advancement of 12 soil/soil gas/& groundwater borings within this sizable plot of land, which was correctly selected by the case officer, and was fully assessed to the satisfaction of the Agency; we have Dr. Robles who is completely unaware of the 27 year old history of the site and the thousands of pages of analytical certificates & reports, making observations from 500 miles away at the 13th hour questioning the site assessment process.

I apologize to you & him, this is not his scope of work, that decision was done and over with a long time ago by a regulatory Agency. His job is to explore the HHRA based on the identified COCs in it without questioning the site assessment process and investigate if the HHRA was synthesized in accordance with the 2004 DTSC Model. Dr. Robles may not glide, condemn, interrogate or meander out of this scope of work, its up to the agency to investigate whether based on the converging bodies of evidence, that the three (3) investigations that were recently conducted were designed with a system to indicate that the results are presented in an appropriate manner or not. The agency has ruled by acquiescing with the three (3) separate consultants that the 302 sf parcel has been fully & appropriately characterized. Thank you for listening. Michael

Michael F. Kara

Principal Toxicologist, M.A, REPA
US EPA Environmental Professional
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-----Original Message-----

From: Roe, Dilan, Env. Health, Env. Health <Dilan.Roe@acgov.org>
To: M Kara <mmkara707@aol.com>
Cc: hrobles <hrobles@enviro-tox.com>; Nowell, Keith, Env. Health, Env. Health <Keith.Nowell@acgov.org>; JGribi <JGribi@gribiassociates.com>; joehernon <joehernon@gmail.com>
Sent: Fri, Sep 9, 2016 7:57 pm
Subject: Re: ACEH review of risk assessment for RO3192

Mr. Kara:

I am concerned by the tone of your email - Alameda County Department of Environmental Health requires a third party review of the methodology, inputs and conclusions of the HHRA including the adequacy of the site characterization for purposes of evaluating risk. ACDEH closed the site as a commercial site with the caveat that the site be reevaluated if redeveloped.

I would like to schedule a meeting with all parties to discuss Dr. Robles concerns.

Dilan Ror

Sent from my iPhone

On Sep 9, 2016, at 7:21 PM, M Kara <mmkara707@aol.com<<mailto:mmkara707@aol.com>>> wrote:

Dear Dr. Robles:

We would like to address all of your valid concerns point by point at a later date, however it appears to me that you are surpassing your specific scope of work. Very simply, you were requested to determine whether the HHRA was conducted in accordance with a system that is currently utilized in the industry of your trade & whether it was conducted correctly, no more or less, you were not requested to opine on whether this site was appropriately characterized or not which 90% of your gentle response appears to be about. Dr. Robles, this is a closed site, meaning the regulatory agency had decided after studying it from 1989-2015 that the converging bodies of evidence lead them to believe that it has been fully assessed and further that all chemical of potential concern have been identified and are at appropriate levels that does not to pose a threat to human health & the environment & may be developed into a Commercial scenario.

You appear to be acting as an investigative scientist questioning whether the regulatory agencies had appropriately conducted their job in closing this site years ago for Chevron in an appropriate manner, you fall short of requesting that this site should actually be tested for Tetra Chloro Di-benzo Dioxin, Mirex, Kepone, and Dieldrin and some other cryptic chemical that might or could have a chance to exist at a gas station. This is not your role herein at all, forgive me for saying this, "you are way over the Top" when you actually question whether this site has been fully assessed or not. No one is requesting your stamp of approving whether this site has been fully characterized or not. Its not your role, it is the government's role, and they have ruled on this issue by virtue of their signature on the Closure Letter and No further action is warranted for a commercial scenario in at this Site in mid 2015 and furthermore that these are the Chemicals of Concern.

You do bring out a very interesting observation though, how could there be No petroleum Hydrocarbon Compounds (PHCs) detected at this location that you reference by stating "I found what appear to be contradictory statements in the report. For example, according to the report (page 3), "TPHg and benzene were not detected in groundwater above laboratory reporting limits during the most recent groundwater monitoring event conducted in February 2013." However, according to Table 2 Figure 10, very high TPH and benzene, toluene, ethylbenzene, xylenes (BTEX) and naphthalene concentrations were detected in groundwater on April of 2016". The response to your question is very simple, Chevron, the former owner of the Site retained a different consultant than ARS, Inc. (us) back then, and it appears that everywhere they drilled they came back with non-detect for PHCs. Its very ironic for a gas exploration company to strike negative hits all the time, well on their sites, when they want to close them, they make sure that they present a "pleasant" picture for the regulatory agency because of the obvious, they want to close the Site. The only problem with this scenario, is that it is quiet unrealistic and untruthful, because a professional geologist from our company went currently to the same spot, three years later when PHCs as we all know should and must biodegrade with time, yet he detected the exact opposite. Elevated levels of PHCs in the same area. I guess we are much luckier at oil & gas exploration than Chevron is. As the old saying states "the sun is out & people can see" what has happened here... Have a pleasant evening.
Michael

Michael F. Kara
Principal Toxicologist, M.A, REPA
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-----Original Message-----

From: Heriberto Robles <hrobles@enviro-tox.com<<mailto:hrobles@enviro-tox.com>>>

To: Keith.Nowell <Keith.Nowell@acgov.org<<mailto:Keith.Nowell@acgov.org>>>; M Kara <mmkara707@aol.com<<mailto:mmkara707@aol.com>>>
Sent: Fri, Sep 9, 2016 5:58 pm
Subject: ACEH review of risk assessment for RO3192

Hi Mr. Nowell and Mr. Kara:

I have been reviewing ARS's "Revised Human Health Risk Assessment Report" for the site located at 411 W. MacArthur Boulevard, Oakland, California.

As you know, I have not participated in any of the site assessment and investigation activities, so I'm not aware of the decisions that were made among all involved parties regarding the scope of the environmental investigation for the site. From reading ARS's report it is not clear to me that environmental contamination at the site has been fully delineated. Therefore, I am reaching out to you so you can illustrate me and helpfully clarify some concerns I have about the site.

From reading ARS's report, it looks to me that soil, soil gas and groundwater data collected at the site this year show very high chemical concentrations in all environmental media sampled. I did not find in the report a clear definition of the vertical and lateral extent of contamination at the site. I did not see where the lateral extent of soil gas and groundwater contamination has been delineated. Do we know if the high levels of contamination found in soil gas and groundwater at the site extend beyond the property boundaries? If the contamination extends to neighboring properties, potential health risks and hazards to offsite receptors should be evaluated in the risk assessment. According to ARS's risk assessment calculations, onsite residents could encounter cancer risks as high as 40 cancer cases in an exposed population of one million people. If the contamination extends to neighboring residences, those residents could be facing elevated and unacceptable cancer risk levels.

In regards to site characterization results, I found what appear to be contradictory statements in the report. For example, according to the report (page 3), "TPHg and benzene were not detected in groundwater above laboratory reporting limits during the most recent groundwater monitoring event conducted in February 2013." However, according to Table 2 Figure 10, very high TPH and benzene, toluene, ethylbenzene, xylenes (BTEX) and naphthalene concentrations were detected in groundwater on April of 2016.

According to U.S. EPA and DTSC risk assessment guidance, the risk assessment process should be conducted only once the lateral and vertical extent of site-related contamination has been fully assessed and defined. From reading ARS's risk assessment it is not clear to me that the extent of contamination has been fully assessed at the site.

Also, according to U.S. EPA and DTSC risk assessment guidance, all chemicals of potential concern at the site should be included in the risk assessment. However, from reading the report, it appears that only six chemicals were actually included in the risk assessment. I found no explanation in the report as to why soil, soil gas and groundwater were analyzed only for a few analytes. According to the report (pages 5 and 6), "soil gas samples were analyzed for TPH-G, BTEX, and Naphthalene using USEPA Method TO-15." The report further states that "groundwater samples (one per boring) were analyzed for TPH-G, BTEX, and Naphthalene using USEPA Method 8260." We know that in addition to BTEX and naphthalene there are many, many chemicals of potential concern in petroleum hydrocarbons. We also know subsurface contaminants at former gasoline station facilities are not limited to petroleum hydrocarbons but also may include potentially toxic chemicals such as chlorinated hydrocarbons, semi-volatile organic compounds, polycyclic aromatic hydrocarbons and possibly metals. It is not clear to me if those chemicals have been analyzed for in environmental media at the site or if ARS only included BTEX and naphthalene because no other chemicals were detected in groundwater and soil gas at the site.

I find it hard to believe that the only chemicals of potential concern at the site are BTEX and naphthalene. Very high levels of TPH-G were detected in both soil gas and groundwater at the site (see Tables 2 and 4). According to Table 4, detected BTEX and naphthalene represent less than 1% of the total mass of volatile organic compounds (VOCs) detected in soil gas. So, according to the report, the chemical composition of 99% of the total VOCs present in soil gas at the site is unknown. This is of concern since (again according to the report) the 1% of all the VOCs detected in soil gas are deemed to pose a cancer risk as high as seven cancer cases in an exposed population of one million people. Also, the report estimated a hazard index of 0.46 for that 1% of the chemicals. If we were to extrapolate these results to the remaining 99% of the chemicals, it could be said that future onsite residents could encounter a hazard index as high as 46. This is an extremely high and unacceptable hazard level for future onsite residents. Therefore, the chemical composition of VOCs in soil gas at the site should be evaluated and then the potential health risks and hazards posed by all detected VOCs should be defined in the risk assessment. At a minimum soil gas surveys should be conducted in accordance with the most recent version of Cal/EPA's Active Soil Gas Investigation Advisory for collection of soil gas and Guidance for the Evaluation and Mitigation of Subsurface Vapor Intrusion to Indoor Air. Soil gas samples collected should

be analyzed using the U.S. EPA TO-15 method. All soil gas samples should be analyzed for all analytes listed in the attached table.

Before I continue reviewing the risk assessment calculations, I would like to be brought up to speed on the Site Investigation and assessment activities so that I understand the rationale for the analytical methods used and the results obtained. Please let me know your availability for a conference call the week of September 12 and I'll set up a GoToMeeting conference call so we can discuss site characterization activities at the site.

Thank you.

Heriberto Robles, M.S., Ph.D., D.A.B.T.

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Roe, Dilan, Env. Health

From: James Gribi <jgribi@gribiassociates.com>
Sent: Sunday, September 11, 2016 8:55 PM
To: Nowell, Keith, Env. Health; Roe, Dilan, Env. Health
Cc: M Kara; joehernon@gmail.com
Subject: 411 W MacArthur Site

Dilan and Keith,

I thought it appropriate to add my comments relative to Dr. Robles emailed assessment of the HHRA.

I concur with Michael's comments and believe strongly that Dr. Robles' emailed assessment goes far beyond his mandated scope of work. Dr. Robles' primary conclusions seem to be that (1) the site has not been adequately characterized, and (2) because the HHRA was based on a short list of COPCs, there must be some other unknown chemicals of concern, thereby increasing the risk. These conclusions are not valid nor supported for the following reasons:

1. **Dr. Robles is not qualified to comment on site characterization.** During prior meetings with ACEH, it was agreed that the site has been adequately characterized. As far as I can tell, Dr. Robles is not a PE or PG and, as such, does not have the necessary qualifications to draw conclusions relative to site characterization. As the PG of record for this site, and having reviewed and/or evaluated all aspects of the site (COCs, sources, geology, contaminant migration, potential receptors, etc.), it is clear to me that the site has been adequately characterized. This determination has also been affirmed by ACEH registered professionals (Dilan, PE; Keith, PG).
2. **Dr. Robles' assertion that additional COPCs should be analyzed for is outside State Water Board guidelines for closure of gasoline UST sites.** The COPCs used in risk-based evaluations at this site (TPHg, BTEX, Oxygenates, Naphthalene) are those that are included in regulatory guidelines and directives, be they LUFT Manual guidelines, LTCP guidance, or site-specific directive letters for this or any other UST site overseen by ACEH. Mr. Robles' entire argument summarized in the comment "I find it hard to believe that the only chemicals of potential concern at the site are BTEX and naphthalene", fails to recognize that, while gasoline is made up of some 270 individual chemicals, the required analytes (TPHg, BTEX, Oxygenates, Naphthalene) are those that have been shown to pose the greatest risk relative to human health and environmental receptors. To now require more analysis for a wider range of gasoline-range contaminants outside the normal regulatory guidelines for gasoline USTs is not meaningful and would potentially set a new precedent for all those sites that have been closed in the past and for those to be closed in the future (to say nothing of the additional time and financial burden placed on Mr. Herson). We believe, based on the preponderance of data for this site, that this is wholly unnecessary and would not add significantly to site characterization or assessed risk.

In our April meeting at ACEH offices, my understanding and Michael's was that we all agreed on the following: (1) That ACEH conceptually approved the site mitigation plan (SMP) for the planned residential development, to include vapor barrier and SSDS on the east half and the elevator pit; (2) That 3 additional borings would be drilled for soil samples only to assess potential shallow methane hydrocarbon sources in a narrow band on the east edge of the site; and (3) That, regardless of the results from the 3 borings (if soil contamination, it could be excavated; if no soil contamination, no excavation needed), Mr. Herson and the City planning department were to receive a letter on or about May 5 that would allow him to proceed with project permitting. As you know, the schedule slid a little; however, the three borings were completed and no significant shallow soil impacts were encountered by Aquifer Sciences, Inc.

We understand that the requirement for a risk evaluation was added in June only as an administrative exercise to evaluate potential current risk, minus the planned mitigative measures (vapor barrier and SSDS). Given that the planned mitigative measures will be designed, implemented, and maintained in a manner that reduces all vapor intrusion risk, we do not view the HHRA (or the subsequent review by Dr. Robles) as a necessary component for the planned development. This is particularly true given the HHRA is time-specific and will be invalid in 5 years due to decreasing contaminant concentrations from biodegradation. Thus, we respectfully request that ACEH allow this project to proceed without further HHRA evaluation and with the provision that, as agreed in the most recent meeting, a RAP will be submitted which provides a step-wise process to insure that the SMP is designed, implemented, and maintained for the full life of the development, with full oversight from ACEH & the City of Oakland Building Department.

Respectfully submitted,

Jim Gribi
Professional Geologist
California No. 5843

Phone: 707-748-7743
Cell: 707-631-1505

Roe, Dilan, Env. Health

From: M Kara <mmkara707@aol.com>
Sent: Tuesday, September 13, 2016 6:07 PM
To: Roe, Dilan, Env. Health; Nowell, Keith, Env. Health; joehernon@gmail.com; JGribi@gribiassociates.com
Subject: Fwd: ACEH review of risk assessment for RO3192

Hello To All:

I would like to apologize to all as the response below was directed from me to Dr. Robles Only. It was never intended to be sent to you, but modern technology has a reply all button which can cause disastrous effects. I sincerely apologize to Ms. Roe & Mr. Nowell, I never intended for you to see this melodrama unfold. I had found documentation linking Dr. Robles directly to Chevron & when I read his defense story regarding who polluted the Site & how the site was being polluted by offsite sources from counter gradient locations, I said enough is enough, I imploded. I should have done what I was explicitly instructed to do by Mr. Hernon which is "Do not contact Dr. Robles any more". I am terribly sorry for jeopardizing the project & I hope that you penalize me instead of the project because Mr. Hernon had nothing to do with any of this. This was a solo act to strike back at Robles. I beg your pardon. You will never hear any more outbursts from me, I promise you. The funny thing about this whole ordeal is that the intended target of my wrath never received the e-mail, what a situation. Please forgive me & lets move on, life is too short. Best, Michael

Michael F. Kara/Principal Toxicologist

ARS, Inc.

P.O. Box 5086, Walnut Creek, CA 94596

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-----Original Message-----

From: Joseph A. Hernon <joehernon@gmail.com>
To: Michael Kara <mmkara707@aol.com>
Cc: Roe, Dilan, Env. Health, Env. Health <dilan.roe@acgov.org>; keith.nowell <keith.nowell@acgov.org>; JGribi <JGribi@gribiassociates.com>
Sent: Tue, Sep 13, 2016 5:36 pm
Subject: Re: ACEH review of risk assessment for RO3192

To All,

The email from Mr Robles this morning at 9.40am, (of which Michaels email/memo below was a response to) I found to be really strange and troubling.

However, this is one part of our process, and I think the email speaks for itself.

I ask that we not get deflected from our plans which we agreed at our meeting a few weeks ago.

The Goal is to get the site approved for residential development by the end of September enough to allow the Oakland Planners to proceed with granting permission.

For now, I am waiting for Dilan and or Keith to contact Jim or Michael to work through/comment on what we have submitted so far. If you want a meeting to work through this as Dilan recccomend earlier, then give us a schedule when you can meet.

Regards,

Joe,

Joseph A. Hernon

E: joehernon@gmail.com

PH: 415-705 9922

The Hernon Group Inc.
1714 Franklin St. #100-244
Oakland
CA 94612-3409

On 13 Sep 2016, at 4:00 p.m., M Kara <mmkara707@aol.com> wrote:

Dear Dr. Robles:

This response to an infinitesimal portion of your baseless accusations, which is going to cost me dearly, because I am not authorized to converse with you any longer by my client for extremely good reasons which will become crystallized in the fullness of time. You sir were picked because you were a Diplomat of the American Board of Toxicology, an honorable society that allows non-biased members in search of science & the truth in their academic & professional life. You fit neither, and very shortly we will inform you, why you have deceived & concealed your true allegiance to one of the tenants who was the legal successor to the only other tenant at the site. Any reasonably intelligent person would deduce that since there were only two tenants at this site that operated as gas stations since the 1980's, until 2013, are the only culprits in contaminating & impacting the Site. The Agency certainly did their homework and only named these two gasoline stations as the Responsible Parties (RPs). I did not conclude, fabricate, or induce the small minded readers that they are the only RPs the Agency legally named them. If you have proof that Dow chemical, Dupont or some other petrochemical plant operated at this site produce it now or forever stay silent. Because no one believes any of this refuse that you are spreading. Secondly the gradient of groundwater movement at the Site is to the South according to your comrades at Chevron, you are actually asserting that there is offsite migration against the gradient in a northerly direction from offsite neighboring sources like Single Family homes which are in the southern location at the site. You are bringing contaminants from a single family home via the groundwater against the known well documented gradient by Chevron, this is a 1st and a testament to the fact of your desperate act to defend the oil company by all means necessary.

Shame on you for not recusing yourself when you read the first few pages of the HHRA and knew that your biggest patron Chevron, was the primary polluter of this site. You should have absolutely refused to accept this case, where are your morals & ethics? you are a DABT, I looked up to you for morality in a decent office, not at a Chevron corporate office or in an oil field owned by them, but I guess money can and does blind the truth. You are not fit to review this HHRA, you are biased, unethical and immoral and fully support the polluter. I expect you to fully refund the retainer immediately. Michael

From: Heriberto Robles [<mailto:hrobles@enviro-tox.com>]

Sent: Tuesday, September 13, 2016 9:40 AM

To: Roe, Dilan, Env. Health <Dilan.Roe@acgov.org>

Cc: M Kara <mmkara707@aol.com>; Nowell, Keith, Env. Health <Keith.Nowell@acgov.org>; James Gribi <jgribi@gribiassociates.com>; joehernon@gmail.com

Subject: Re: ACEH review of risk assessment for RO3192

Dilan Roe:

I am glad to see that you agree with me that the role of the third party reviewer includes the review of site characterization data. As you, I am surprised by Mr. Kara's email tone. In his September 9 email he claims I should have known the Alameda County Department of Environmental Health (ACDEH) had closed the case for the site in 2015. How could I have known the case had been closed? ARS's risk assessment report makes no mention of the case closure. Unlike his Sep 9 email where he mentions, highlights and underlines the case closure, Mr. Kara's risk assessment report does not mention the case closure, does not mention ACDEH, and does not mention any regulatory agency "No Further Action" determinations granted to the owners or operators of the two historical service stations at the site.

I do not know why Mr. Kara chose not to mention the case closure in his risk assessment report. I can only guess the reason the case closure is not mentioned is that ARS wants the readers of the report to conclude that the existing contamination is the sole responsibility of the owners/operators of the two service stations that operated at the site. The direct link between the existing contamination and the operator of the former service stations is further emphasized by Mr. Kara's Sep 9 email where he directly names Chevron as the entity responsible for the contamination found at the site.

I am not convinced the contamination found at the site on April of 2016 can be entirely linked to the former service stations that operated at the site. I believe there are two more plausible explanations for finding contamination at a closed site:

1. There was a new unauthorized release of chemical contaminants at the site; and,
2. Contamination migrated into the site from neighboring facilities. Contamination might have migrated into the site driven by groundwater flow or through preferential subsurface conduits such as sewer lines or utility line corridors.

After reviewing the soil, soil gas and groundwater data for the site up to 2015, I can see why (in 2015), the ACDEH felt that the site was fully assessed and that all chemicals of potential concern had been identified. I can also see why the agency granted case closure in 2015. After all, soil, soil gas and groundwater data reported up to 2013, showed very low levels of residual contamination and the vertical and lateral extent of contamination had been well assessed and characterized.

I am not concerned about the contamination that remained at the site at the time the case was closed by the ACDEH in 2015. I am very concerned about the high levels of contamination that were found in soil, soil gas and groundwater at the site on April and May of 2016. ARS's report Tables 2 and 4 show very high levels of soil gas and groundwater contamination. Contamination that was not seen at the site in 2013 when the last round of sampling was conducted. Contamination that was not seen at the site at the time of the case closure in 2015. Since the 2016 contamination was discovered after site closure, this indicates to me that the 2016 contamination was the result of a new unauthorized release at the site or the result of contamination migration into the site from neighboring facilities. In any case, since the new contamination was discovered after site closure, I do not see how Chevron or the ACDEH should be held responsible for it.

If the soil, soil gas and groundwater contamination that were discovered at the site on April and May of 2016 prove to be not related to the historical underground fuel storage tanks, then I would recommend a new environmental investigation at

the site so that (1) the source(s) of the contamination can be identified; (2) the vertical and lateral extent of the new contamination can be delineated; and (3) the chemical composition of contaminants in soil, soil gas and groundwater can be determined. Once the source, nature and extent of the 2016 contamination is fully assessed, a risk assessment should be conducted in accordance with U.S.EPA and DTSC guidelines.

Thank you

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On Sep 9, 2016, at 7:57 PM, Roe, Dilan, Env. Health
<Dilan.Roe@acgov.org> wrote:

Mr. Kara:

I am concerned by the tone of your email - Alameda County Department of Environmental Health requires a third party review of the methodology, inputs and conclusions of the HHRA including the adequacy of the site characterization for purposes of evaluating risk. ACDEH closed the site as a commercial site with the caveat that the site be reevaluated if redeveloped.

I would like to schedule a meeting with all parties to discuss Dr. Robles concerns.

Dilan Ror

Sent from my iPhone

On Sep 9, 2016, at 7:21 PM, M Kara
<mmkara707@aol.com<<mailto:mmkara707@aol.com>>> wrote:

Dear Dr. Robles:

We would like to address all of your valid concerns point by point at a later date, however it appears to me that you are surpassing your specific scope of work. Very simply, you were requested to determine whether the HHRA was conducted in accordance with a system that is currently utilized in the industry of your trade & whether it was conducted correctly, no more or less, you were not requested to opine on whether this site was appropriately characterized or not which 90% of your gentle response appears to be about. Dr. Robles, this is a closed site, meaning the regulatory agency had decided after studying it from 1989-2015 that the converging bodies of evidence lead them to believe that it has been fully assessed and further that all chemical of potential concern have been identified and are at appropriate levels that does not to pose a threat to human health & the environment & may be developed into a Commercial scenario.

You appear to be acting as an investigative scientist questioning whether the regulatory agencies had appropriately conducted their job in closing this site years ago for Chevron in an appropriate manner, you fall short of requesting that this site should actually be tested for Tetra Chloro Di-benzo Dioxin, Mirex, Kepone, and Dieldrin and some other cryptic chemical that might or could have a chance to exist at a gas station. This is not your role herein at all, forgive me for saying this, "you are way over the Top" when you actually question whether this site has been fully assessed or not. No one is requesting your stamp of approving whether this site has been fully characterized or not. Its not your role, it is the government's role, and they have ruled on this issue by virtue of their signature on the Closure Letter and No further action is warranted for a commercial scenario in at this Site in mid 2015 and furthermore that these are the Chemicals of Concern.

You do bring out a very interesting observation though, how could there be No petroleum Hydrocarbon Compounds (PHCs) detected at this location that you reference by stating "I found what appear to be contradictory statements in the report. For example, according to the report (page 3), "TPHg and benzene were not detected in groundwater above laboratory reporting limits during the most recent groundwater monitoring event conducted in February 2013." However, according to Table 2 Figure 10, very high TPH and benzene, toluene, ethylbenzene, xylenes (BTEX) and naphthalene concentrations were detected in groundwater on April of 2016". The response to your question is very simple, Chevron, the former owner of the Site retained a different consultant than ARS, Inc. (us) back then, and it appears that everywhere they drilled they came back with non-detect for PHCs. Its very ironic for a gas exploration company to strike negative hits all the time, well on their sites, when they want to close them, they make sure that they present a "pleasant" picture for the regulatory agency because of the obvious, they want to close the Site. The only problem with this scenario, is that it is quiet unrealistic and untruthful, because a professional geologist from our company went currently to the same spot, three years later when PHCs as we all know should and must biodegrade with time, yet he detected the exact opposite. Elevated levels of PHCs in the same area. I guess we are much luckier at oil & gas exploration than Chevron is. As the old saying states "the sun is out & people can see" what has happened here... Have a pleasant evening. Michael

Michael F. Kara
Principal Toxicologist, M.A, REPA
US EPA Environmental Professional
Registered State of CA Lead Specialist

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-----Original Message-----

From: Heriberto Robles <hrobles@enviro-tox.com<<mailto:hrobles@enviro-tox.com>>>
To: Keith.Nowell
<Keith.Nowell@acgov.org<<mailto:Keith.Nowell@acgov.org>>>; M Kara <mmkara707@aol.com<<mailto:mmkara707@aol.com>>>
Sent: Fri, Sep 9, 2016 5:58 pm
Subject: ACEH review of risk assessment for RO3192

Hi Mr. Nowell and Mr. Kara:
I have been reviewing ARS's "Revised Human Health Risk Assessment Report"

for the site located at 411 W. MacArthur Boulevard, Oakland, California. As you know, I have not participated in any of the site assessment and investigation activities, so I'm not aware of the decisions that were made among all involved parties regarding the scope of the environmental investigation for the site. From reading ARS's report it is not clear to me that environmental contamination at the site has been fully delineated. Therefore, I am reaching out to you so you can illustrate me and helpfully clarify some concerns I have about the site.

From reading ARS's report, it looks to me that soil, soil gas and groundwater data collected at the site this year show very high chemical concentrations in all environmental media sampled. I did not find in the report a clear definition of the vertical and lateral extent of contamination at the site. I did not see where the lateral extent of soil gas and groundwater contamination has been delineated. Do we know if the high levels of contamination found in soil gas and groundwater at the site extend beyond the property boundaries? If the contamination extends to neighboring properties, potential health risks and hazards to offsite receptors should be evaluated in the risk assessment. According to ARS's risk assessment calculations, onsite residents could encounter cancer risks as high as 40 cancer cases in an exposed population of one million people. If the contamination extends to neighboring residences, those residents could be facing elevated and unacceptable cancer risk levels.

In regards to site characterization results, I found what appear to be contradictory statements in the report. For example, according to the report (page 3), "TPHg and benzene were not detected in groundwater above laboratory reporting limits during the most recent groundwater monitoring event conducted in February 2013." However, according to Table 2 Figure 10, very high TPH and benzene, toluene, ethylbenzene, xylenes (BTEX) and naphthalene concentrations were detected in groundwater on April of 2016.

According to U.S. EPA and DTSC risk assessment guidance, the risk assessment process should be conducted only once the lateral and vertical extent of site-related contamination has been fully assessed and defined. From reading ARS's risk assessment it is not clear to me that the extent of contamination has been fully assessed at the site.

Also, according to U.S. EPA and DTSC risk assessment guidance, all chemicals of potential concern at the site should be included in the risk assessment. However, from reading the report, it appears that only six chemicals were actually included in the risk assessment. I found no explanation in the report as to why soil, soil gas and groundwater were analyzed only for a few analytes. According to the report (pages 5 and 6), "soil gas samples were analyzed for TPH-G, BTEX, and Naphthalene using USEPA Method TO-15." The report further states that "groundwater samples (one per boring) were analyzed for TPH-G, BTEX, and Naphthalene using USEPA Method 8260." We know that in addition to BTEX and naphthalene there are many, many chemicals of potential concern in petroleum hydrocarbons. We also know subsurface contaminants at former gasoline station facilities are not limited to petroleum hydrocarbons but also may include potentially toxic chemicals such as chlorinated hydrocarbons, semi-volatile organic compounds, polycyclic aromatic hydrocarbons and possibly metals. It is not clear to me if those chemicals have been analyzed for in environmental media at the site or if ARS only included BTEX and naphthalene because no other chemicals were detected in groundwater and soil gas at the site.

I find it hard to believe that the only chemicals of potential concern at the site are BTEX and naphthalene. Very high levels of TPH-G were detected in both soil gas and groundwater at the site (see Tables 2 and 4). According to Table 4, detected BTEX and naphthalene represent less than 1% of the total mass of volatile organic compounds (VOCs) detected in soil gas. So, according to the report, the chemical composition of 99% of the total VOCs present in soil gas at the site is unknown. This is of concern since (again according to the report) the 1% of all the VOCs detected in soil gas are deemed to pose a cancer risk as high as seven cancer cases in an exposed population of one million people. Also, the report estimated a hazard index of 0.46 for that 1% of the chemicals. If we were to extrapolate these results to the remaining 99% of the chemicals, it could be said that future onsite residents could encounter a hazard index as high as 46. This is an extremely high and unacceptable hazard level for future onsite residents. Therefore, the chemical composition of VOCs in soil gas at the site should be evaluated and then the potential health risks and hazards posed by all detected VOCs should be defined in the risk assessment. At a minimum soil gas

surveys should be conducted in accordance with the most recent version of Cal/EPA's Active Soil Gas Investigation Advisory for collection of soil gas and Guidance for the Evaluation and Mitigation of Subsurface Vapor Intrusion to Indoor Air. Soil gas samples collected should be analyzed using the U.S. EPA TO-15 method. All soil gas samples should be analyzed for all analytes listed in the attached table.

Before I continue reviewing the risk assessment calculations, I would like to be brought up to speed on the Site Investigation and assessment activities so that I understand the rationale for the analytical methods used and the results obtained. Please let me know your availability for a conference call the week of September 12 and I'll set up a GoToMeeting conference call so we can discuss site characterization activities at the site.

Thank you.

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