

Khatri, Paresh, Env. Health

From: Khatri, Paresh, Env. Health
Sent: Wednesday, August 06, 2008 11:57 AM
To: 'Bob Clark-Riddell'
Cc: JEFF DELGADO; gary@liveoakfund.net; Drogos, Donna, Env. Health
Subject: RE: Uploaded the Revised SCM+CAP for RO0000139; 5175 Broadway, Oakland

Mr. Clark-Riddell,

This e-mail attempts to address your questions presented in an e-mail correspondence dated August 5, 2008.

Soil Reuse

Your first question is if site groundwater is not used for beneficial use (and has low yield), how necessary is it to reuse the soil/rock at least 5 ft above groundwater? In addition, you state that "it would seem like a colossal waste of time, money and resources to dispose of essentially clean rocky material at a landfill only to import other material at a site with impacted groundwater."

We agree that it would seem like a waste of time, money and resources to dispose of essentially clean rocky material. With that being said, does that mean that the excavation is proposed essentially to facilitate site redevelopment that includes sub-grade parking or will the excavation be beneficial in reducing the petroleum impact in the groundwater at the site? You may recall in our meeting that I brought up the fact that the soil does not appear heavily impacted and you must justify that the excavation is necessary for site remediation to mitigate potential risk to human health and the environment. I believe you stated that there are soil impacts that warrant excavation and the Cleanup Fund encourages this type of remediation. So I am a bit confused of why you think the rock/soil is "clean" and should be reused.

The Regional Board's reuse policy clearly states "[t]he PHIS [petroleum hydrocarbon impacted soil] shall be placed at least five feet above the highest anticipated level of groundwater." The policy does not appear differentiate between beneficial and non-beneficial use. FYI, according to the San Francisco Bay RWQCB's Water Quality Control Plan (Basin Plan) for the San Francisco Bay Basin, "the term 'groundwater' includes all subsurface waters, whether or not these waters meet the classic definition of an aquifer or occur within identified groundwater basins." It is also stated in the Basin Plan that "all groundwaters are considered suitable, or potentially suitable, for municipal or domestic water supply (MUN)." Therefore, the groundwater beneath the subject site must be considered beneficial for these uses unless shown to be non-beneficial using criteria presented in the Basin Plan. Therefore, ACEH believes that further interpretation does not appear necessary since the policy does not appear ambiguous or vague.

Potential Contaminant Migration

Thank you for providing clarification to our concerns identified in our July 31, 2008 correspondence. I believe that our concerns should have been presented in more detail in our correspondence and I apologize for that. ACEH is aware of the vent stack, soil vapor wells identified on figures, etc. However, these items do not appear to be described in detail in the text nor do they appear to be in Tables A and B (Cost Estimates) but are included in Table 6. Therefore, it was not clear what exactly has been proposed. Although we appreciate your offer to come in to the office and verbally address our concerns, we would hope that tables and text be consistent, which would eliminate the ambiguity in the CAP and concerns which have stemmed thereof.

As requested in our July 31, 2008 correspondence, we look forward to your revised CAP. Thank you in advance for cooperation.

Sincerely,

Paresh C. Khatri
Hazardous Materials Specialist
Alameda County Environmental Health
Local Oversight Program
1131 Harbor Bay Parkway
Alameda, CA 94502-6577

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<http://www.acgov.org/aceh/lop/lop.htm>

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From: Bob Clark-Riddell [mailto:BRiddell@pangeaenv.com]
Sent: Tuesday, August 05, 2008 6:50 PM
To: Khatri, Paresh, Env. Health
Cc: JEFF DELGADO
Subject: RE: Uploaded the Revised SCM+CAP for RO0000139; 5175 Broadway, Oakland

Paresh,

Thank you very much for responding quickly. Your attached July 31, 2008 letter states that the "ACEH generally concurs with the proposed remedial alternatives based on the potential site development scenarios. However, prior to CAP approval, ACEH requests that you address the following technical comments..." Since there are no specific ACEH comments about the insitu DPE/AS alternative (in the event subgrade development is not performed), Pangea understands you do not have any concerns about this alternative approach. Overall, your letter presents good news for our client and the prospective purchaser, so I thank you again. I hope we can address your two comments soon and proceed with full or conditional approval of the CAP to satisfy the property transaction schedule. A few questions and clarifications are presented below.

Comment 1 on Soil Reuse. Here are a few questions about the RWQCB guidance for soil/rock reuse and our efforts to control cost, in the event excavation is conducted in conjunction with site development. If the site groundwater is not used for beneficial use (and has low groundwater yield), how necessary is it to reuse the soil/rock at least 5 ft above groundwater? Does the ACEH have authority to interpret 'guidelines' for site-specific considerations? Will you contact the RWQCB directly on this matter or should Pangea? As an environmental consultant (and steward of the earth), it would seem like a colossal waste of time, money and resources to dispose of essentially clean rocky material at a landfill only to import other material at a site with impacted groundwater. FYI, our CAP does state that soil/rock would only be reused upon approval from the ACEH. Could this concern be addressed as part of conditional approval? Have you spoken with Mr. Jeff Delgado at the Fund about the CAP and these cost-related issues as we requested? I did send you an email confirming that Jeff Delgado committed to speaking with you about this case.

Comment 2 on Potential Contaminant Migration. Your letter states that the CAP does not propose permanent soil vapor monitoring points, and does not propose soil vapor extraction (SVE) with low flow air sparging. With all due respect, our CAP does address your stated concerns and the monitoring locations and SVE piping are shown on Figures 18 through 22. Figure 18 shows six permanent vapor monitoring points and Figure 19 shows a vent stack/soil vapor monitoring location that would be installed at the edge of the property within the biosparging cell/building fill material. Also shown on Figures 19, 20 and 21 is the vapor extraction piping for contingent SVE. The monitoring locations and SVE piping are also shown on several other figures. Air sparging would be performed at low flow rates to oxygenate groundwater, not create fugitive vapors within the subsurface. Given the highly permeable fill material planned for the boundary of the subgrade parking structure, any fugitive vapors from the biosparging cells would vent to the atmosphere rather than through adjacent low permeability clay or bedrock.

Regarding the SVE costs you mentioned, the costs for contingent SVE was included on Table 6, and was provided to you and the Fund. I had hoped we could have met or talked to help ensure your thorough review of the presented information. I had also hoped that you would have spoken with Mr. Jeff Delgado, who told me this afternoon that he left you messages but did not receive any return phone calls.

Closing – CAP Addendum and Future CAP Approval. Pangea does not feel it is necessary to prepare a revised CAP, especially since most of your concerns are already addressed in the CAP. However, we do agree that we can prepare a brief Addendum to help address and clarify the above items. To facilitate Addendum preparation, we will address

soil/rock reuse with the ACEH and the RWQCB, and will correspond with Jeff Delgado of the Cleanup Fund (who suggested today that cost pre-approval could be completed as soon as Thursday, August 7, 2008).

Therefore, upon ACEH review of the upcoming CAP Addendum, we trust that your agency can grant CAP approval and provide conditional approval for any lingering ACEH concerns given the schedule for the property transaction. I will call you soon to discuss. Thank you again for your assistance with this time-sensitive case.

Bob Clark-Riddell, P.E.
Principal Engineer
Pangea Environmental Services, Inc.
(510) 435.8664 Phone

From: Khatri, Paresh, Env. Health [mailto:paresh.khatri@acgov.org]
Sent: Tuesday, August 05, 2008 4:28 PM
To: Bob Clark-Riddell
Cc: JEFF DELGADO
Subject: RE: Uploaded the Revised SCM+CAP for RO0000139; 5175 Broadway, Oakland

Hello Bob,

The CAP has been reviewed and a letter was mailed out last week. In case you have not received a copy, attached is a PDF version of the letter.

Please contact me should you have any questions or concerns regarding the attached letter.

Sincerely,

Paresh C. Khatri
Hazardous Materials Specialist
Alameda County Environmental Health
Local Oversight Program
1131 Harbor Bay Parkway
Alameda, CA 94502-6577

Phone: (510) 777-2478
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<http://www.acgov.org/aceh/lop/lop.htm>

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From: Bob Clark-Riddell [mailto:BRiddell@pangeaenv.com]
Sent: Tuesday, August 05, 2008 1:27 PM
To: Khatri, Paresh, Env. Health
Cc: JEFF DELGADO
Subject: RE: Uploaded the Revised SCM+CAP for RO0000139; 5175 Broadway, Oakland

Paresh,

Just checking in about the subject site. Can I meet with you to discuss and answer any questions? Have you spoke with Jeff Delgado of the Fund, who is reviewing the cost pre-approval request? Please recall that the property transaction contingency period ends on August 15 so we'd very much appreciate a meeting and response by then. Thank you in advance for your assistance.

Bob Clark-Riddell, P.E.
Principal Engineer
Pangea Environmental Services, Inc.
(510) 435.8664 Phone

From: Bob Clark-Riddell
Sent: Thursday, July 24, 2008 3:26 PM
To: 'Khatri, Paresh, Env. Health'
Cc: 'gary@liveoakfund.net'
Subject: FW: Uploaded the Revised SCM+CAP for RO0000139; 5175 Broadway, Oakland

Paresh,

FYI, I just walked Dave Charter of the Fund through the basic elements of the report on the phone. He seemed to like the document and its approaches, figures, conceptual models (Figs 22 and 23), and comparison of alternatives (Table 6). He is assigning it to a staff member for a more detailed review. He also stated he likes the recent progress on this case/claim, which had little progress for over 15 years (claim opened in 1992). He asked me to check with him late next week, and indicated he'd likely send a detailed email sometime in early or mid August. Hope this information helps. Thanks again for all your help.

Bob Clark-Riddell

From: Bob Clark-Riddell
Sent: Thursday, July 24, 2008 2:23 PM
To: 'DCHARTER@waterboards.ca.gov'
Cc: 'gary@liveoakfund.net'
Subject: FW: Uploaded the Revised SCM+CAP for RO0000139; 5175 Broadway, Oakland

Dave,

Here is Pangea's Revised SCM+CAP for the subject site that we recently discussed (hard copy to follow). As shown on my email correspondence below to the regulatory case worker at the Alameda County Environmental Health (ACEH), we are seeking written informal cost pre-approval or other feedback from the Fund for the recommended cleanup alternative of excavation and biosparging. In case future development does not include the subgrade parking structure approved by the Oakland Planning Department, we also seek comment or informal cost pre-approval for the alternate approach of insitu DPE/AS. The Fund's feedback is important for the prospective purchaser to evaluate the anticipated extent of Fund reimbursement for future corrective action at the site.

As you may recall from our prior discussion, the site is under contract for sale. Therefore, to comply with the due diligence contingency period, the claimant (Gary Feiner Trust) would greatly appreciate a written tentative cost pre-approval by August 14, 2008 or earlier. Earlier feedback would be appreciated so we could forward to the ACEH case worker, who I understand has already discussed this site with the Fund in a preliminary manner and would appreciate further input from the Fund for this unique site.

I also offer to come with you and/or your staff to discuss the Revised SCM+CAP. Such a meeting could help familiarize you with the significant amount of data and the site's unique conditions. We could also discuss other claims for which you are reviewing information provided by Pangea. Thank you in advance for your assistance. Please call me with any questions at 510.435.8664.

--Bob

Bob Clark-Riddell, P.E.

Principal Engineer
Pangea Environmental Services, Inc.
(510) 435.8664 Phone

From: Bob Clark-Riddell
Sent: Thursday, July 24, 2008 2:08 PM
To: 'Khatri, Paresh, Env. Health'
Cc: 'gary@liveoakfund.net'; 'Drogos, Donna, Env. Health'
Subject: RE: Uploaded the Revised SCM+CAP for RO0000139; 5175 Broadway, Oakland

Paresh,

Pangea just uploaded the required Revised Site Conceptual Model and Corrective Action Plan (SCM/CAP) to your FTP site. Thanks to you and Donna for meeting with us on July 10, 2008. As you requested, we've made a concerted effort to summarize all historical and available data to substantiate the recommended approach of excavation and biosparging, to be implemented with the mixed-use development approved by the City of Oakland Planning Department (The specific summarized site data is discussed in on pages 27-29, Section 4.8 - Feasibility Study Conclusions and Selected Alternatives). Since the site is being sold and the future use is uncertain, Pangea also provided an alternate plan in case future development does not include a subgrade structure (and its associated excavation cost savings). Each of these alternatives is the most cost-effective approach based on our cost estimates presented in the SCM/CAP.

I will also forward a report copy to the Fund to obtain their comments and/or cost pre-approval, which may assist with your review. The Fund may deem that all excavation-related costs will likely be eligible for reimbursement since excavation is the lowest cost alternative, but they may also deem that select costs will not be eligible for reimbursement (e.g., cost for disposal of any clean overburden soil that could have been reused at the site). To facilitate cost review by your office (ACEH) and the Fund, Pangea divided the excavation-related costs for the planned garage area and the contaminant impact area. Note that a portion of the garage excavation would target the shallowest impact area (9-11'), while the deeper impact (11-15') would require excavation beyond the limit of the planned garage.

I'd like to reiterate our offer to meet with you to discuss this large report and sensitive project. Such a meeting could help familiarize you with the significant amount of data and the site's unique conditions. As property owner Gary Feiner explained at our meeting, it would be greatly appreciated if the ACEH could issue written tentative approval of the CAP by August 14, 2008 due to the transaction contingency removal date of August 15, 2008. We will attempt to obtain Fund comments/approval by early to mid August as well. Thank you in advance for your assistance. Please call me with any questions at 510.435.8664.

P.S. Since some of the report attachments are 11"x17" in size, Pangea can bring you a bound report copy to help with your review. As you know, we have not provided a hard copy of the report, in accordance with ACEH direction.

--Bob

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Tracking:

Recipient

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Delivery

Delivered: 8/6/2008 11:57 AM