

Detterman, Mark, Env. Health

From: Detterman, Mark, Env. Health
Sent: Thursday, December 09, 2010 10:56 AM
To: 'Shad Small'
Cc: Laura.E.Roman@wellsfargo.com; Karl Lauff; Kathleen Mertz; dkroot@goldfarbblipman.com; Jennifer M. Collins; Phil Neville; Drogos, Donna, Env. Health
Subject: RE: Clarification about the current and future status of Fuel Leak Case RO0000143 (former Chevron svc stn. 9-0020, 1633 Harrison St., Oakland, CA)

Hi Shad,

I wanted to respond to the two questions you posed. In reverse order, you are correct that an NFA cannot be issued until the site in its entirety is ready for closure; it's considered a single unit. This is based on persistent confusion at sites over the long term that received partial closures; it just became too unwieldy of an issue to continue. However, to manage that situation ACEH can issue a letter to the effect that a portion of a site / investigation no longer appears to require further work ("No additional work appears to be necessary on this area of concern"). Critically, this presumes that all the test results of the underlying soil or groundwater, or etc. document this to be the situation.

Hopefully this answers your questions.

Best,

*Mark Detterman
Hazardous Materials Specialist, PG, CEG
Alameda County Environmental Health
1131 Harbor Bay Parkway
Alameda, CA 94502
Direct: 510.567.6876
Fax: 510.337.9335
Email: mark.detterman@acgov.org*

PDF copies of case files can be downloaded at:

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

From: Shad Small [<mailto:ssmall@Oakha.org>]
Sent: Tuesday, December 07, 2010 11:04 PM
To: Detterman, Mark, Env. Health
Cc: Laura.E.Roman@wellsfargo.com; Karl Lauff; Kathleen Mertz; dkroot@goldfarbblipman.com; Jennifer M. Collins; Phil Neville
Subject: Clarification about the current and future status of Fuel Leak Case RO0000143 (former Chevron svc stn. 9-0020, 1633 Harrison St., Oakland, CA)
Importance: High

Mr. Detterman:

This is to request your assistance in responding to an inquiry from Wells Fargo Bank, concerning the County's eventual designation of the status of our development site at 1633 Harrison Street after Chevron and its environmental project manager, CRA, have complied with the requirements in the remediation action plans (RAP) approved for the subject site.

After many, many months, we have finally arrived at a point in time when the closing of our project is imminent. In fact, we expect to close by December 15, 2010. Wells Fargo, our construction lender, has requested a copy of a "No Further Action" ("NFA") letter, in concert with its review and approval of other documents related to the impending closing. I have responded by advising that it is my understanding that your agency will not issue an NFA letter until all of the prescribed activities, whether on- or off-site, have been completed. I have also attempted to explain that Chevron continues to be

responsible for these activities until such time as they are completed, in keeping with the County's approved RAPs, especially since the remediation, as a project, or "case," was comprised of both "on- and off-site" components. I have explained that these components, with the County's permission, were bifurcated in this instance, in order to allow our affordable rental housing development to move forward, in keeping with the time limits imposed on our funding commitments.

Therefore, it would be greatly appreciated if you would respond to the following questions:

1. What is the best or most practical categorization of the site that we can expect from ACEH after you have had an opportunity to review the test results after the onsite debris pits have been excavated and the underlying soil has been tested, especially if there is no need for any further remedial activities; and
2. Are we correct in the understanding that no "NFA" letter can be issued in this instance until all the off-site remedial activities have been completed, as well?

Thanks in advance for your earliest attention to this matter.

Shad Small
Development Program Manager
Office of Real Estate Development
Oakland Housing Authority
1801 Harrison St., 2nd Floor
Oakland, CA 94612
(510) 587-2144
(510) 587-2145 (fax)