

## Detterman, Mark, Env. Health

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**From:** Detterman, Mark, Env. Health  
**Sent:** Friday, April 08, 2016 5:48 PM  
**To:** 'Jan A. Greben'; Francis Meynard (fmeynard@pacamgroup.com)  
**Subject:** Chevron 91723; 9757 San Leandro Street, Oakland, (RO412); Development Plan Inquiry

**Importance:** High

Francis and Jan,

I wanted to followup on a previous inquiry from February 2014 in regards to any active development plans you might have for the site. As you will likely recall, ACDEH issued a directive letter requesting a work plan in December 2015. Rather than submit a work plan, Chevron requested a meeting to provide additional preliminary information that they had collected since that letter went out (but have not submitted, but the data is partially addresses the concerns expressed in the letter), with the intent of identifying additional information that might would be useful in our analysis. There appear to be a number of points concern that remain, but the data helps address some of the gaps in our understanding of the site when reviewed against the Low Threat Closure Policy (LTCP) that the State requires us to use at all UST sites. One of the significant changes the LTCP requires is that closure is to the "existing use" rather than future intended uses, unless changes are essentially imminent. Towards that end, I wanted to determine if there are active plans to redevelop the site. "You" have previously told us that there were potential plans to redevelop the site, potentially even to residential, and I wanted to see at what stage those plans are, and if they can be documented.

One of the "spill outs" of the change to "existing use" is that ACDEH has been closing cases to "existing use" as the state requires, and then when the timing made sense, opening a new case to manage the review and analysis of residual contamination with respect to the new development (whatever that is, commercial to the proverbial day care center). This is what is now called the "Voluntary Remedial Action Program" or VRAP. The VRAP is funded by project proponents, rather than a state fund for USTs. The VRAP site analysis is to a very specific development, with specific references to a plan set. In our experience changes in a plan set can easily render the residual contamination potentially hazardous for that development, so the analysis is to a specific plan set. The affect is that cleanup costs become part of the redevelopment of a site to a new site or land use, whereas under the current use, the contamination may be appropriate to allow to remain, when viewed through the LTCP lens.

During the meeting Chevron implied that they would still be on the hook at the time of a site land use change, but this may be an area for discussion between you as property owners and Chevron. ACDEH can assist in portions of that communication. Right now the site does not meet the LTCP, but the data that Chevron presented moves it closer, with those few friction points mentioned above that might require some actions on Chevron's part. There still remains substantial contamination, but when viewed through the lens of the LTCP, it may be acceptable to allow some / all of it to remain, provided land use does not change from the existing use. For now this would include even the construction of any commercial / industrial buildings on the Chevron parcel (no changes; existing use – truck staging only). It would be very restrictive, but only until site use changes are in the works and a specific plan has been identified.

ACDEH wants to accommodate active development plans. Potential plans are more problematic due to the level of unknowns in early development planning. Please let me know what plans are moving, and the stage in development planning. There is a fair bit in this email, so please let me know if you have questions. We can hold a conference call or a meeting if you believe it warranted.

Thanks,

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PDF copies of case files can be downloaded at:

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