

Wickham, Jerry, Env. Health

From: Wickham, Jerry, Env. Health
Sent: Wednesday, June 23, 2010 4:26 PM
To: 'r_gray40@sbcglobal.net'
Cc: Bob Roat; Robert B. Gray; cpon@oaklandnet.com; lgriffin@oaklandnet.com; Drogos, Donna, Env. Health
Subject: RE: 4035 Park Blvd Superfund site
Attachments: DIR_L_2010-04-22.pdf; WP_ADEND_R_2010-05-26.pdf

Dear Mr. Gray,

We have reviewed the additional comments on the proposed excavation at 4035 Park Boulevard contained in your email dated April 14, 2010. For several of the items discussed in the March 31, 2010 response to your November 9, 2009 comments, ACEH has requested some revisions to the proposed work. Attached is a directive letter that was sent to the responsible party requesting modifications to several of the items addressed in your comments and a Work Plan Addendum that was submitted by the Responsible Party.

The April 14, 2010 comments also included several topics which are outside the regulatory oversight of fuel leak cases provided by the Alameda County Environmental Health (ACEH) Local Oversight Program. As indicated below, those comments were forwarded to the City of Oakland to be addressed by the City of Oakland as applicable.

Please contact me if you have further comments or questions regarding the proposed remedial action at 4035 Park Boulevard.

Regards,

Jerry Wickham

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From: Robert B. Gray [mailto:r_gray40@sbcglobal.net]
Sent: Wednesday, April 14, 2010 11:54 PM
To: Wickham, Jerry, Env. Health; cpon@oaklandnet.com; low@oaklandnet.com; floiser@oaklandnet.com; mhunt@oaklandnet.com; idelafuente@oaklandnet.com; jrusso@oaklandcityattorney.org; wmorris@actransit.org
Cc: 'Viola Gonzales'; 'Betty Gray'; 'Bob Gray'; 'Carol Heard'; 'Christian Downer'; 'Delana Toler'; 'Marie Munson'; 'Michael Kilian'; 'Michelle Ellison'; 'Tim Roberts'
Subject: 4035 Park Blvd Superfund site

LAW OFFICE OF ROBERT B. GRAY

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April 13, 2010

Mr. Jerry Wickham
Senior Hazardous Materials Manager
Environmental Health Services, Environmental Protection
Alameda County Health Care Services Agency 1131 Harbor Bay Parkway, Suite 250
Alameda, CA 94502

re: Fuel Leak Case No RO0000429, Desert Petroleum Site DP793,
4035 Park Boulevard, Oakland, CA 94602 –
Glenview Neighborhood Association Concerns Regarding Proposed Remediation

Dear Mr. Wickham:

The Board of Directors of Glenview Neighborhood Association has reviewed the *Notice of Soil Removal Action* (September 17, 2009) and the *Revision of the February 6, 2006 Work Plan for site DP793 located at 4035 Park Blvd, Oakland, CA* (August 28, 2009) and the response to our November 9, 2009 letter and we still have some questions and concerns. The location of the Site adjacent to a bus stop, a casual carpool pickup, a church, and close to a preschool is still a concern. We appreciate the response to our questions of November 9, 2009 but we have some comments and remaining concerns.

Our comments on the reply to the November 9, 2009 letter:

Item 1, Item 2. The Responsible Parties (RPs) indicate a planned schedule of August/September 2010. They also indicated a planned duration of 4 weeks. I assume this means they plan to complete before October 15, so that there start date will not be later than September 15 (earlier if they need some flex in the schedule. We assume this means we should see notification from them by no later than August 15, 2010. Are these correct assumptions?

ACEH Response (Jerry Wickham, LOP): We believe that your assumptions are correct. After all significant issues have been addressed or resolved, we anticipate that ACEH will send out a public fact sheet to residents and land owners within the surrounding area. The responsible party will also be required to send out notification to nearby residents 30 days prior to the start of the excavation.

Item 3: Air Monitoring - We are not clear on why 30 ppm is used as a perimeter action level. The action level for benzene is usually 0.5ppmv. If benzene is present above 0.5 ppm but below 30 ppm, it will not be noticed using the proposed observations. We respectfully suggest that a more stringent criteria for sampling with Draeger tubes is needed. One possibility might be to analyze with Draeger tubes at the site perimeter periodically during excavation in the depth range known to contain benzene, or to analyze with the Draeger tube when PID readings at the downwind edge of the perimeter exceed 0.5 ppmv.

Also, the OSHA levels cited are for workers, not for residents, children or the elderly. What standard is protective, particularly for the children is a question we assume that ACEH will answer as that is their job.

Also, what action will be taken if they get concentrations with the Draeger tubes above 0.5 ppm? It appears that they plan to document the excessive readings, but what will be done?

ACEH Response (Jerry Wickham, LOP): We have requested modifications to the proposed air monitoring. Please see the attached directive letter.

Item 4. Day Care Center - They state that the center is predominantly upwind, and implies there will therefore be no exposure. They also state that there will be wind direction indicators placed and monitored. What will happen if the wind is blowing west or southwest? Will they suspend work? Increase monitoring? If so, at what wind speed and in what directions? Can they seal off excess emissions to the southwest? Also while wind direction is most frequently from the Southwest, a 180° wind shift is not that uncommon in this area (just ask any sailor). What will they do in event of a wind shift or unusual pattern? Also the Church across the street is quite high compared to the ground level of the subject site and this also affects the local wind direction so the wind on site not only must be monitored but some alternative set forth for winds outside the predominant winds. Local wind monitoring needs to be done and plans set out what to do in the event of adverse winds. The response says winds will be monitored, but without contingency plans seems quite inadequate.

ACEH Response (Jerry Wickham, LOP): We agree that a contingency plan is necessary. Please see the attached directive letter.

Casual Carpool - Closed for 4 weeks- To minimize disruption for casual carpoolers - can the location be moved temporarily somewhere nearby (this is a question for City). At the least, the carpoolers need to be notified so they can make other arrangements. GNA could help with this by a post to Glenfriends, our community listserv. The information-letting folks know the schedule, maybe even posting and handing out flyers if we are provided with public notice information by the owner or ACEH. (maybe the owner could get us copies of the public notice so that we can help disseminate it) could also be undertaken.

Response to be provided by City of Oakland

Health and Safety of users. ... - They need a method of keeping the street and sidewalks clean. How will they avoid tracking soil into street and up Park Blvd? How will they clean it up when it gets there? Will they have a street sweeper available?

Response to be provided by City of Oakland

AC Bus Stop 18 We agree that it is prudent to close this during excavation, loading and unloading. Does it really need to be closed during the time when the site is idle, waiting for test results and waste profiling? Are the contractor/owner aware that Alameda County, City of Oakland, and AC Transit are separate organizations - they will need to notify AC Transit in addition to the County (or will ACEH or the City take care of that?). We are sending AC Transit a copy of this letter so they can be prepared for the notice from the contractor. What is AC Transit's lead time for modifying stops? Also, there are at least two busses which use the bus stop: the 18 and the V (possibly some school bus routes as well). The bus riders should be notified if the stop is to be closed temporarily (which seems prudent), so that they can make other arrangements.

Response to be provided by City of Oakland

Maybe the V, which has limited stops, as well as the school busses, could be allowed to stop temporarily in front of the elder housing instead of at Hampel. Who will ask AC Transit and also the City traffic, for approval of the bus stop change?

Response to be provided by City of Oakland

Item 5: Stockpiles: We want to make sure that the on site folks actually cover inactive stockpiles each night and when the site is not active.

ACEH Response (Jerry Wickham, LOP): Comment noted and will be forwarded to the responsible party. No response required.

Item 6: Soil Aeration: Is the third soil stockpile actually part of the same footprint as the contaminated soil stockpile? Otherwise, where does it go? It is not shown in Figure 2. Does ACEH approve aeration? Or is that based the BAAQMD Regulation 8 Rule 40? Will the contractor be notifying BAAQMD five days prior to start of excavation and aeration? Is aeration really viable for this property in the middle of a residential area, across the street from a church and near a child care facility. Odor is noted as a problem in their response. What criteria will ACEH use to decide whether to allow aeration?

ACEH Response (Jerry Wickham, LOP): As discussed in our attached directive letter, aeration is not to be used at the site.

Item 7: Traffic Control -

Waiting Truck location - As far as we know, there are no "rest stops" on any freeways in Oakland. Generally the truckers will arrive all together and idle near the site until needed (they are not supposed to idle more than 10 minutes to reduce diesel particulate issues). Maybe we, (GNA & ACEH & the RPs) need to request traffic enforcement assistance from the City during off haul days so that we do not have a lot of idling trucks hanging out.

Traffic control people need to be on site to direct traffic when the trucks move as it is likely they will be blocking both lanes of Park Blvd traffic to do the turn onto the site. If so, is that an acceptable practice during rush hour? (Maybe so, if it isn't more than a few days of disruption, but complaints during the morning commute are sure to arise- perhaps timing the arrival time for the early morning trucks would be a good idea). Maybe truck traffic could be restricted to after 9:00am. Before 7:30 am could also be viable but noise limitation for the early morning would also be in effect. The planning to go through the site (in from Park and out on Hampel) is a tight fit for big trucks. Down from hwy13 and back to hwy13 is fine but the turn around will be difficult and block Park and Hampel.

Response to be provided by City of Oakland

Otherwise, the traffic control looks ok, as long as they have a plan to clean up soil tracked onto the street.

Also, the City of Oakland (and the contractor) may want to photograph the sidewalks and road in the vicinity just prior to the start of work. The loaded end dumps can weigh up to 90,000 pounds, and may damage the sidewalks. We want to make sure this is documented so that it gets repaired. At the same time, the contractor shouldn't get blamed for existing problems with the sidewalks or roads.

Item 8: Excavation Depth and Slope Stability -as long as they have a Professional Engineer taking responsibility for the excavation we assume it is okay. We don't have the necessary skills to question the slope stability for the site soil quality for the deep dig but that must be monitored.

ACEH Response (Jerry Wickham, LOP): Comment noted. No response required.

Project Supervision/Oversight: Will the City or ACEH be overseeing this project? How are ACEH and the City coordinating their efforts on this project? What permits will be issued? How will community concerns be addressed in a timely manner during the work?

ACEH Response (Jerry Wickham, LOP): ACEH is responsible for regulatory oversight of the fuel leak case. We provide direction and technical comments on site characterization and cleanup of soil, soil vapor, and groundwater. The City of Oakland is the permitting agency for activities such as excavation, grading, and obstruction. Therefore, the agency responsibilities for these types of projects are generally clear and most agency actions take place independently. For issues that may require coordination, there will be communications between ACEH staff and the City of Oakland staff.

We are still in favor of the remediation proceeding expeditiously, and our intent is not to slow down or obstruct the process, but simply to gain clarity on several issues and to make sure that neighborhood health and safety concerns have been addressed in the planning stage and will be addressed during implementation of the work.

Sincerely, Robert B. Gray
President, Glenview Neighborhood Association

cc:

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