

Khatri, Paresh, Env. Health

From: Ian Martin [ianmartinphotography@gmail.com]
Sent: Friday, October 14, 2011 10:20 AM
To: Guita Boostani
Cc: Khatri, Paresh, Env. Health; Drogos, Donna, Env. Health; Jessica Stelzer; Zachary Wald; vnorgaard@hotmail.com Norgaard
Subject: Re: 6501 Shattuck - works in process on contaminated lot

We're asking that Athan Magganas conduct his operation in a neighborly fashion and be considerate of the densely-populated surrounding community.

Ian Martin

Sent from my phone.

On Oct 14, 2011 9:44 AM, "Guita Boostani" <guita@boostani.com> wrote:

Dear Paresh

I really appreciate your explaining the process and sending the additional information, which I will review shortly.

I just wanted to clarify that my question was about public Notice - not "Participation". Notifying immediate neighbors is important when there are sporadic, disruptive and health-affecting impacts. Neighbors just want to be informed ahead of time to prepare, such as to:

- avoid hanging our clothes outside,
- move our cars so they don't get damaged or towed,
- sleep at a friend's house if the air quality affects our ability to breath or forces us to stay indoors,
- avoid play dates for our kids in the back yard, and
- cover our vegetables in the garden so we don't get contaminated dust on our food.

- - you know, *practical* matters:)

Is there anywhere in the process that allows for such neighbor notification?

Sincerely,

Guita Boostani

Boostani-Glaudemans Architects
6525 Shattuck Avenue
Oakland, California, 94609
Ph. [\(510\)520-1989](tel:(510)520-1989)

<http://boostani.com/>

On Oct 13, 2011, at 2:40 PM, Khatri, Paresh, Env. Health wrote:

Dear Guita,

There are many phases for a site from initial data that warrants opening a case for investigation, to Interim Remedial Action, Site Investigation, Feasibility Study/Corrective Action Plan, post Remediation Monitoring, and Case Closure Evaluation. At the neighboring site, the tanks have been removed, limited site investigation has been conducted, and Interim Remedial Action (excavation work) is currently being performed at the site. As such, there is not a requirement for Public Participation.

Public Participation is required in the instance a Corrective Action Plan is prepared or at the time of case closure (see regulation below).

Title 23. Waters

Division 3. State Water Resources Control Board and Regional Water Quality Control Boards

Chapter 16. Underground Tank Regulations

<image001.gif>[Article 11](#). Corrective Action Requirements

<image002.gif>**§ 2728. Public Participation.**

(a) For each confirmed unauthorized release that requires a Corrective Action Plan, the regulatory agency shall inform the public of the proposed activities contained in the Corrective Action Plan. This notice shall include at least one of the following:

- (1) publication in a regulatory agency meeting agenda;
- (2) public notice posted in a regulatory agency office;
- (3) public notice in a local newspaper;
- (4) block advertisements;
- (5) a public service announcement;
- (6) letters to individual households; or
- (7) personal contacts with the affected parties by regulatory agency staff.

(b) The regulatory agency shall ensure that information and decisions concerning the Corrective Action Plan are made available to the public for inspection upon request.

(c) Before concurring with a Corrective Action Plan, the regulatory agency may hold a public meeting when requested by any member of the public, if there is sufficient public interest on the proposed Corrective Action Plan.

(d) Upon completion of corrective action, the regulatory agency shall give public notice that complies with subsection (a) of this Section, if both of the following conditions apply:

- (1) Implementation of the Corrective Action Plan does not achieve the cleanup levels established in the Corrective Action Plan; and
- (2) The regulatory agency does not intend to require additional corrective action, except for monitoring in accordance with Section 2727.

(e) The regulatory agency shall comply with all applicable provisions of the California Environmental Quality Act, Public Resources Code, commencing with Section 21000.

Note: Authority cited: [Section 25299.77, Health and Safety Code](#). Reference: [Sections 25299.37](#) and [25299.78, Health and Safety Code](#) and [40 CFR Sections 280.65](#) through [280.67](#).

Sincerely,

Paresh C. Khatri
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1131 Harbor Bay Parkway
Alameda, CA 94502-6577

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

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From: Guita Boostani [\[mailto:guita@boostani.com\]](mailto:guita@boostani.com)

Sent: Thursday, October 13, 2011 2:10 PM

To: Khatri, Paresh, Env. Health

Cc: 'Jessica Stelzer'; ianmartinphotography@gmail.com; vnorgaard@hotmail.com; Drogos, Donna, Env. Health

Subject: Re: 6501 Shattuck - works in process on contaminated lot

Dear Mr. Khatri,

As an adjacent neighbor, I am very concerned that contaminated soil can be disturbed and removed with no prior notification to the neighbors. The work affects our health, and our children's health, and our friends with asthma. How is it that we are not informed about the exact date, nature and duration of the work? Is this a standard process for remediation of a contaminated property? Please advise.

Sincerely,
Guita Boostani

P.S.

I believe that Vibeke Norgaard has already written you to say that she is not a representative of any neighborhood groups here. Like the rest of us, she is a concerned neighbor and we would all appreciate knowing if there is a process in place whereby the County, City and/or Owner are supposed to inform neighbors when such disruptive and potentially hazardous work is about to happen. Thank you.

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On Oct 13, 2011, at 1:44 PM, Khatri, Paresh, Env. Health wrote:

Dear Ms. Stelzer,

Thank you for your e-mail correspondence. Alameda County Environmental Health (ACEH) is aware of the current excavation activities initiated at the site. It is Alameda County's understanding that the Responsible Party is currently removing contaminated soil from the sub-surface, as described in their approved work plan, as the tanks have been previously removed. Once the contaminated soil has been removed, the excavation is to be backfilled and the site restored. It is ACEH's understanding that Vibeke Norgaard, who appears to represent the 6501-ShattuckWatch Neighborhood Group, was also courtesy-copied on our correspondences to the Responsible Party approving the cleanup and investigation work (see attachments). Additionally, all correspondences and reports for the site are available for review at: <http://www.acgov.org/aceh/lop/ust.htm>.

ACEH acknowledges your concerns regarding the current cleanup activities at the site. Although the excavation activities may be disruptive and an inconvenience at this time, this remedial alternative should quickly remove the contaminated soil and beneficially restore the site. Your understanding in this matter is greatly appreciated.

Please note that Alameda County only reviews and approves the cleanup and investigation of the site and does not issue any permits as the City of Oakland is the permitting Agency.

Sincerely,

Paresh C. Khatri
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From: Jessica Stelzer [<mailto:linguafranka@gmail.com>]
Sent: Thursday, October 13, 2011 9:19 AM
To: Khatri, Paresh, Env. Health
Cc: linguafranka@gmail.com; Guita Boostani; ianmartinphotography@gmail.com
Subject: 6501 Shattuck - works in process on contaminated lot

Dear Mr Khatri,

They are currently digging out old tanks from the former gas station at 6501 Shattuck Ave in Oakland. The excavation began a year ago and was not refilled; there is currently a massive pit with standing water at the bottom. I and 14 other people live RIGHT NEXT DOOR at 6525 Shattuck, and we are very concerned about the quality of our air and

ground water. We have a garden that is literally 20 ft from this foul, stinking, insect-haven of a pit pit in which we grow food for our table.

The works have been repeatedly shut down due to lack of permitting, failure to follow legal and environmental process. Their insensitivity to the neighborhood and contempt for the legal process has been repeatedly demonstrated. You know all about this property, as I have been informed by my neighborhood association. I add my voice to respectfully ask you and your office to do anything in your power to insure that the correct legal process is being followed, including thorough environmental review and all necessary monitoring and tests on this (and if necessary adjacent) property, and prevent further works until this has been done.

Heavy machines are digging RIGHT NOW, and there is a sulfur smell emanating from the pit.

I add my voice to ask that legal action and fines be brought against the owner if they are not complying with all official directives and laws protecting the health and welfare of the community.

Please help this neighborhood prevent contamination of ground water, soil & air. This cess pit has been festering for over a year, and now major works have begun anew without any of our previous concerns having been addressed.

Respectfully,
Jessica Stelzer
6525 Shattuck Ave Oakland

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lingua franka

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