

From: [Cassa, MaryRose@Waterboards](mailto:Cassa.MaryRose@Waterboards)
To: [Roe, Dilan, Env. Health](mailto:Roe.Dilan.Env.Health)
Cc: [Toth, Karen@DTSC](mailto:Toth.Karen@DTSC); [Naito, Janet@DTSC](mailto:Naito.Janet@DTSC); [Hill, Stephen@Waterboards](mailto:Hill.Stephen@Waterboards); [Drogos, Donna, Env. Health](mailto:Drogos.Donna.Env.Health)
Subject: RE: Site Cleanup Program (SCP) Case #RO0003095, Negherbon/Broadway Grand Redevelopment, 2301 - 2345 Broadway, 421 - 455 24th Street, 444 23rd Street, and 2320 - 2354 Valley Street, Oakland, CA
Date: Thursday, October 11, 2012 11:54:39 AM

Dilan,

Thank you for clarifying the history of this case. I stepped in because (1) Randy Lee, our MOA coordinator works for me; (2) Stephen Hill, the Water Board's primary MOA decision-maker was on vacation; (3) the site is in my jurisdiction and could be assigned to my staff if the Water Board takes the case; (4) I've had a good record of coordinating with ACEH on various cleanup matters.

The final decision on the fate of this site is up to Stephen and Barbara Cook/Karen Toth. I'm sure they'll weigh all of the relevant information and possibly convene further discussion with ACEH.

Regards,
Mary Rose

From: Roe, Dilan, Env. Health [mailto:Dilan.Roe@acgov.org]
Sent: Thursday, October 11, 2012 11:05 AM
To: Cassa, MaryRose@Waterboards
Cc: Toth, Karen@DTSC; Naito, Janet@DTSC; Hill, Stephen@Waterboards; Drogos, Donna, Env. Health
Subject: RE: Site Cleanup Program (SCP) Case #RO0003095, Negherbon/Broadway Grand Redevelopment, 2301 - 2345 Broadway, 421 - 455 24th Street, 444 23rd Street, and 2320 - 2354 Valley Street, Oakland, CA

Hi Mary Rose:

I am the Alameda County Environmental Health (ACEH) case worker on the Negherbon/Broadway Grand Redevelopment site. I am confused about the process in which Signature Redevelopment Group, Inc. (Signature) has requested oversight of the project by the DTSC and am hoping you can provide some clarification.

ACEH has been committed to working with the stakeholders on this project to achieve cleanup and development of the site. In August 2012, we met with Signature's representative, Mr. Earl James with Erler & Kalinowski, Inc. (EKI) to discuss our comments about the data presented in the Phase I and Phase II Environmental Assessment Reports prepared by EKI on behalf of Signature and submitted to ACEH in April 2012. Our comments included our concerns about the lack of presentation of data collected by Treadwell & Rollo on behalf of Signature in 2003 and 2006 on parcels located within the Negherbon/Broadway Grand Redevelopment project boundaries, the lack of inclusion all parcels located within the redevelopment boundaries where soil and groundwater contamination has been identified, and the lack of site data and the inadequacy of evaluation to support EKI's conclusions and recommendations for managing site contamination.

Subsequent to the meeting, ACEH requested additional information on the redevelopment project, including conceptual plans, planned land uses, proposed schedule, and clarification on parcel

numbers and property addresses where soil and groundwater contamination has been identified or where data indicates contamination is likely to be present. On September 24, 2012, EKI submitted the requested information to ACEH. Subsequent to receipt of this information, and while working on finalizing our comments, we received a phone message from Mr. Earl James stating that Signature had decided to have the DTSC provide oversight of the project.

As the agency overseeing this case, ACEH continued to finalize our comments on the documents submitted to us for review, including our decision to include all the parcels located within the boundaries of the redevelopment project, and request for additional work as had been discussed and agreed upon with Mr. Earl James in our August meeting. We are concerned about the motivation behind the requested change of oversight and believe further discussion among the agencies is merited. I have attached two files with the above mentioned Directive Letter and parcel designation information for your review and to facilitate further discussion.

Regards,

Dilan Roe, P.E.

Hazardous Materials Specialist
Alameda County Environmental Health
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PDF copies of case files can be reviewed/downloaded at:

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

From: Cassa, MaryRose@Waterboards [mailto:MaryRose.Cassa@waterboards.ca.gov]
Sent: Wednesday, October 10, 2012 11:27 AM
To: Drogos, Donna, Env. Health
Cc: Roe, Dilan, Env. Health; Toth, Karen@DTSC; Naito, Janet@DTSC; Hill, Stephen@Waterboards
Subject: RE: Site Cleanup Program (SCP) Case #RO0003095, Negherbon/Broadway Grand Redevelopment, 2301 - 2345 Broadway, 421 - 455 24th Street, 444 23rd Street, and 2320 - 2354 Valley Street, Oakland, CA

Donna,

We agree that there has been a process glitch with this case. DTSC understands that the step of checking in with ACEH was missed.

If CLRRRA is a driving factor here, DTSC has good experience with it. Therefore, we're OK with DTSC taking this case.

Mary Rose

From: Drogos, Donna, Env. Health [mailto:donna.drogos@acgov.org]

Sent: Wednesday, October 10, 2012 11:15 AM
To: Cassa, MaryRose@Waterboards; Toth, Karen@DTSC
Cc: Roe, Dilan, Env. Health
Subject: FW: Site Cleanup Program (SCP) Case #RO0003095, Negherbon/Broadway Grand Redevelopment, 2301 - 2345 Broadway, 421 - 455 24th Street, 444 23rd Street, and 2320 - 2354 Valley Street, Oakland, CA

Hi Karen & Mary Rose,

The above referenced site is an open active case that ACEH is actively working and has very recently met with the RP/consultant to determine project scope and next actions, and prepared a directive letter for the site. It appears however, the consultant recently submitted an MOA application to your agencies, informing ACEH by voice mail of the application filing. The consultant indicates DTSC and RWQCB are currently discussing the disposition of the project between the two agencies (and appear to have stopped further work at this time) however, it is my understanding that DTSC/RWQCB MOA process is applicable for new sites not currently regulated by any agency. What has happened with this RP's application?

Thank You, Donna

Donna L. Drogos, P.E. | Division Chief
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From: Roe, Dilan, Env. Health
Sent: Wednesday, October 10, 2012 10:02 AM
To: Drogos, Donna, Env. Health
Subject: FW: Site Cleanup Program (SCP) Case #RO0003095, Negherbon/Broadway Grand Redevelopment, 2301 - 2345 Broadway, 421 - 455 24th Street, 444 23rd Street, and 2320 - 2354 Valley Street, Oakland, CA

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From: james, earl [<mailto:ejames@EKICONCONSULT.COM>]
Sent: Wednesday, October 10, 2012 9:51 AM
To: Roe, Dilan, Env. Health
Cc: pvanness@signaturedevelopment.com; Jamie Choy; sblock@coxcastle.com
Subject: RE: Site Cleanup Program (SCP) Case #RO0003095, Negherbon/Broadway Grand Redevelopment, 2301 - 2345 Broadway, 421 - 455 24th Street, 444 23rd Street, and 2320 - 2354 Valley Street, Oakland, CA

Dilan -

As I said in my voice mail I left you a week and a half past, Signature has applied to have the oversight for this project moved to the DTSC so that it may be completed under the CLARA process. It is our understanding that the DTSC and RWQCB are currently discussing the disposition of the project between the two agencies. Once the new oversight agency had been identified, we will share this letter with them so that they may deal with issues you have identified in the way that they deem appropriate.

Earl

Earl James
Vice President
Erler & Kalinowski, Inc.
415-385-2326

From: Roe, Dilan, Env. Health [Dilan.Roe@acgov.org]
Sent: Wednesday, October 10, 2012 9:42 AM
To: james, earl
Subject: Site Cleanup Program (SCP) Case #RO0003095, Negherbon/Broadway Grand Redevelopment, 2301 - 2345 Broadway, 421 - 455 24th Street, 444 23rd Street, and 2320 - 2354 Valley Street, Oakland, CA

Earl:

The attached file contains a Directive Letter from Alameda County Environmental Health Local Oversight Program regarding the Negherbon/Broadway Grand Redevelopment project In Oakland, SCP Case #RO309. A hard copy of the letter has been sent via U.S. Mail to the Mr. Patrick VanNess with Signature Development Group, as we do not have his email addresses on file. Please forward me email addresses and contact information for the Responsible Parties including:

Patrick VanNess, Signature Development Group
Michael Ghielmetti, LePanto Properties, LLC
Gary Negerbon, Negherbon Lincoln Mercury

Regards,

Dilan Roe, P.E.

Hazardous Materials Specialist
Alameda County Environmental Health

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