

Detterman, Mark, Env. Health

From: Detterman, Mark, Env. Health
Sent: Thursday, January 28, 2016 1:52 PM
To: 'PDKing0000@aol.com'; nraVan@aol.com
Subject: RE: FW: RO3182 VRAP Agreement - Steps to case closure

Paul,
Thanks for the summary and clarifications. I do not believe that you missed much, if anything.

Mr. Ravan,
ACDEH will commit to reviewing the work plan and reports on a quicker than normal basis; however, our standard is 60 days. I am usually quicker than that, and on a few selected sites I can push that much quicker, but our case load is exceptionally high right now and it is very difficult to do so. I can work overtime with your authorization, but at a higher hourly rate that will use the \$6,000 more quickly.

I am also in agreement with Paul's suggestion to determine if the date of the escrow close can be extended, and exactly what is required by your purchaser (case closure, indication that closure is appropriate, or other options you may be aware of). Most lenders for financial transactions for a commercial service station may be able to accept that contamination remains; it's part of the territory.

Once a case is funded, we can hold a meeting with you, your purchaser, their lender, and your consultant to determine the best and fastest path to closure for the site.

Please let me know how you would like to proceed.

Mark Detterman
Senior 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: PDKing0000@aol.com [mailto:PDKing0000@aol.com]
Sent: Wednesday, January 27, 2016 4:32 PM
To: Detterman, Mark, Env. Health; nraVan@aol.com
Subject: Re: FW: RO3182 VRAP Agreement - Steps to case closure

Hi Mark,

As we just discussed on the telephone, the following factors will need to be considered to obtain case closure for the Emeryville Chevron located at 1400 Powell Street in Emeryville.

- o The property owner needs to provide the Alameda County Department of Environmental Health with a deposit of \$6,000.00 and a signed Voluntary Remedial Action Program agreement. Any remaining balance of the deposit will be returned to the property owner at the time of case closure.

- o A work plan needs to be prepared and submitted to ACDEH for review. The work plan then needs to be reviewed and approved by the ACDEH.
- o The work plan then needs to be implemented (Vapor Pins to be installed and sampled, sample results interpreted, and a report prepared). Less than 0.5 inches of rain needs to occur prior to soil gas or air sampling.
- o The report needs to be reviewed and approved. Assuming that the sample results indicate that vapor intrusion is not a concern, assuming that multiple sampling events will not be required, and assuming that the ACDEH agrees with recommendations for case closure, the ACDEH may recommend that the case be closed.
- o If ACDEH agrees that the case should be closed, a public notice will need to be prepared and mailed to the community with a 30 day comment period. After the 30 day comment period it will be necessary for the ACDEH to respond to any public comments.
- o If there are no delays resulting from public comments, the ACDEH will need to prepare paperwork to close the case.

It is my understanding that the ACDEH caseworkers already have full case loads, and that one of the ACDEH caseworkers retired on 1/22/16, resulting in cases of the retired caseworker to be considered or managed by the remaining caseworkers. For this reason it will not be possible to review any work plans or reports submitted for the subject property on the day that they are submitted for review.

The property owner should seek clarification from the purchaser regarding if a No Further Action letter is required by the purchaser, or if a statement from the ACDEH of intent to close the case is adequate.

In light of the above requirements to achieve case closure, obtaining case closure by March 31, 2016 does not appear likely. The property owner should also determine if the escrow period can be extended.

Please let me know if I missed anything or if I got anything wrong.

Thank you!

Paul

Paul H. King
Professional Geologist

P&D Environmental, Inc.
55 Santa Clara Avenue, Suite 240
Oakland, CA 94610

(510) 658-6916 telephone
(510) 834-0152 facsimile
(510) 387-6834 cellular
Paul.King@pdenviro.com

In a message dated 1/27/2016 14:30:49 Pacific Standard Time, Mark.Detterman@acgov.org writes:

Mr. Ravan,

As we discussed this morning, the opening of a VRAP case appears to be the quickest method to enable ACEH and your consultant to communicate and to get the situation investigated. Should Chevron have provided you with indemnification in the past, you should be able to discuss with them the recovery of your costs.

Please let me know if you have questions.

Mark Detterman

Senior 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: Le, Teena, Env. Health

Sent: Wednesday, January 27, 2016 1:23 PM

To: nravan@aol.com

Cc: Detterman, Mark, Env. Health; Roe, Dilan, Env. Health

Subject: RO3182 VRAP Agreement

Good afternoon,

Thank you for submitting the application for the Voluntary Remedial Action Program. Attached is a site specific voluntary remedial action agreement for your signature. Please submit the signed agreement by email or regular mail to my attention. Once the agreement is signed by our director, we will return a copy to you. Additionally, please submit a check for the deposit to our finance department at 1131 Harbor Bay Pkwy, Alameda CA 94502. Please be sure to include the case number RO0003182 on the check.

Teena Le

Land Use, Local Oversight, & Voluntary Remedial Action Program

Alameda County Environmental Health

1131 Harbor Bay Parkway

Alameda, CA 94502

510.567.6772

QIC: 30440

teena.le@acgov.org

=