
Alameda County

NOV 10 2009

Environmental Health

LAW OFFICE OF ROBERT B. GRAY

1970 Broadway, Suite 1200

Oakland, California 94612

(510) 444-5895

Fax: (510) 530-6926

November 6, 2009

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 we have some questions and concerns. The location of the Site is adjacent to a bus stop, a casual carpool pickup, a church, and is several houses up from a preschool. Park Boulevard is a busy thoroughfare, with school children walking to nearby Glenview Elementary and Edna Brewer Middle School, and adults walking to the Glenview shopping district.

We are in favor of the remediation proceeding expeditiously, and our intent with this letter 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.

Here are a few of the issues for which we request clarification.

1. Scheduled Start Date: A start date was included in the fact sheet, but that date has passed. It is our understanding that work was to proceed in mid-October, but to date, the only sign of construction has been USA marking on the sidewalk. From the ACEH website, it appears that the City had voiced concerns over mass excavation during the rainy season, but there is no written record of whether the project has been delayed. What is the current schedule for the work?

2. Project Schedule: Neither the fact sheet nor the Work Plan appear to contain a schedule. How long will the various tasks included in the excavation work take?

3. Air monitoring during excavation: benzene is a known carcinogen – how will the responsible parties (RPs) monitor to show that they are not impacting neighbors, bus riders or casual carpoolers. Also, what contingency plan will they have in place to address odor or dust complaints, and to address out of spec monitoring results? PID monitoring, which they propose, addresses total volatile organic compounds (VOCs). How will they demonstrate that the concentrations of benzene are safe at the property line?

4. Impact on neighboring community uses: There is a daycare center on Park 3 to 4 houses below on Brighton – does the RP's air monitoring plan take this into account? Will the bus stop and casual carpool locations be affected by the work? How will they protect health and safety of users of those locations?

5. Stockpiles: How high and large will the stockpiles be? The RPs appear to be planning to create two or three stockpiles: one with 800 cubic yards of soil and two others with a combined total of approximately 900 cubic yards of soil. Where are they planning to put that much soil? How will stockpile covers be maintained? Is there a maximum stockpile height and slope that is allowed?

6. Soil Aeration: According to the fact sheet, the RPs appear to be considering the possibility of soil aeration at the site. We are opposed to the use of aeration at this site due to the proximity of homes, bus stops, casual carpools, a day care center and a church. Do they have a BAAQMD permit for aeration? If soil is not suitable for reuse, it should be loaded and hauled to an appropriate disposal site and is a traffic control plan for the hauling vehicles yet made?.

7. Traffic Control: If the RPs are planning to off haul soil, how do they plan to access the site with trucks, what will be the traffic control requirements, where will waiting trucks be parked, and how long will they be allowed to idle? Will flagging and flagmen be required when they are loading and transporting soil? What route will the trucks travel? Will they load from Hampel or Park? If from Hampel, how will they get the trucks into position (Brighton and Edgewood are small streets, not suitable for end dumps, Park Blvd is a major thoroughfare). Where will the trucks go after they leave the site (580 doesn't allow trucks until Grand Ave). If they are going to turn around and go up to 13, where will they do that? How will the contractor keep soil off the roads when they are hauling away? In other words, is there a traffic control plan and a dust control plan, and, if so, who will be responsible for seeing that they are implemented?

8. Excavation Depth: The original work plan included shoring of the excavation. The August 28, 2009 Revision appears to eliminate the shoring and rely on sloping to provide excavation safety. The Revision also indicates that the RPs plan to excavate to a depth of 32 feet below ground surface within 10 feet of the property line. This appears to be in excess of the normal considered angle of repose for soil. Is there an OSHA or CALOSHA requirement that a registered civil engineer review and approve the shoring or slope design for an excavation deeper than 20 feet below ground surface. Has this happened?

9. Effect on Slope Stability: It appears they are planning on installing a lot of gravel at the bottom of the excavation. Will this cause water to accumulate behind the slope at the northwest corner of the site? Will this affect slope stability – isn't there a pretty steep slope behind the gas station lot toward Brighton?

10. 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?

We look forward to your response.


Sincerely, Robert B. Gray
President, Glenview Neighborhood Association

cc:

Craig Pon, Watershed and Storm Water Program, CEDA, City of Oakland, (510) 238-6544,
cpon@oaklandnet.com

Tim Low, Inspection Services, CEDA, City of Oakland, (510) 238-6315,
tlow@oaklandnet.com

Fred Loeser, Right-of-Way Management, CEDA, City of Oakland, (510) 238-6348,
floiser@oaklandnet.com

Ignacio DeLaFeunte, Oakland City Council Member District 5

idelafuente@oaklandnet.com

John Russo, Oakland City Attorney

jrusso@oaklandcityattorney.org