

## **Detterman, Mark, Env. Health**

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**From:** Cullen, Pat@Waterboards <Pat.Cullen@waterboards.ca.gov>  
**Sent:** Wednesday, August 01, 2018 6:58 AM  
**To:** Young, James@Waterboards; Detterman, Mark, Env. Health; teamspirit74@yahoo.com; MacLeod, Carryl G  
**Cc:** Molla, Natasha (NatashaMolla); Hey, Eva; Schirripa, Sergio; Jeff.Auchterlonie@stantec.com; jrosso@rossoenv.com; Roe, Dilan, Env. Health  
**Subject:** RE: Chevron 92029 (T0600173887; RO2438; Claim 19167); 890 West MacArthur, Oakland

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Mark

I second what James states below. The 5-Year Review is required by statute. The State Water Board review is an independent 3<sup>rd</sup> party review that is required. It is used to ensure that the State's Funds that are being reimbursed are being spent for reasonable and necessary tasks. It in no way precludes a regulatory agency from directing work even if there is a disagreement between the agencies. We provide an unsigned copy of our review for review and comment by the agency just for this very point. You folks have worked the case for years in many cases and we work the case for a couple days before having to move to the next case. Summer time always presents challenging times due to vacation schedules. However, it does not preclude staff from talking and attempting to work through the differences in interpretation. I highly suggest that you and James communicate on this case. Only then do the supervisors need to become involved.

The State Water Board management has instructed us to only anticipate future land use when plans and specifications have been submitted to the Building Department. They felt this to be reasonable.

If it is necessary to elevate to the Senior level, my vacation schedule is: out of country from Aug 18 through Oct 1.

Pat

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**From:** Young, James@Waterboards  
**Sent:** Tuesday, July 31, 2018 3:46 PM  
**To:** Detterman, Mark, Env. Health <Mark.Detterman@acgov.org>; teamspirit74@yahoo.com; MacLeod, Carryl G <CMacleod@chevron.com>; Cullen, Pat@Waterboards <Pat.Cullen@waterboards.ca.gov>  
**Cc:** Molla, Natasha (NatashaMolla) <NatashaMolla@chevron.com>; Hey, Eva <Eva.Hey@stantec.com>; Schirripa, Sergio <Sergio.Schirripa@stantec.com>; Jeff.Auchterlonie@stantec.com; jrosso@rossoenv.com; Roe, Dilan, Env. Health <Dilan.Roe@acgov.org>  
**Subject:** RE: Chevron 92029 (T0600173887; RO2438; Claim 19167); 890 West MacArthur, Oakland

A "5-year review" is one of few statutorily mandated technical reviews to be conducted by the Cleanup Fund technical unit. Currently it only serves to provide a general summary of the case status and whether it meets the Low-Threat Closure Policy criteria. It does not play a role in any activity that is not related to the UST release corrective action, nor is it possible for the summary to cover all future land use scenarios.

This statutory requirement directs the Fund technical staff to prepare such "5-year review" for all claims 5 years and older, and do so annually, therefore the review has a very quick turnaround, and is not meant to drag on.

A staff level first draft summary was provided to ACDEH for internal comments on June 21, 2018. The draft summary suggested the case met all Policy criteria, and ACDEH may respond with any comments including disagreements. In any event, a case meeting Policy criteria does not preclude additional land use limitation or mitigation requirement imposed by local agencies due to site-specific conditions. Since such decisions are inherently local, they are not dictated by the State Fund staff.

Hope it helps.

James Young  
USTCF  
916-.41-7373

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**From:** Detterman, Mark, Env. Health [<mailto:Mark.Detterman@acgov.org>]  
**Sent:** Tuesday, July 31, 2018 2:25 PM  
**To:** [teamspirit74@yahoo.com](mailto:teamspirit74@yahoo.com); MacLeod, Carryl G <[CMacleod@chevron.com](mailto:CMacleod@chevron.com)>; Cullen, Pat@Waterboards <[Pat.Cullen@waterboards.ca.gov](mailto:Pat.Cullen@waterboards.ca.gov)>; Young, James@Waterboards <[James.Young@waterboards.ca.gov](mailto:James.Young@waterboards.ca.gov)>  
**Cc:** Molla, Natasha (NatashaMolla) <[NatashaMolla@chevron.com](mailto:NatashaMolla@chevron.com)>; Hey, Eva <[Eva.Hey@stantec.com](mailto:Eva.Hey@stantec.com)>; Schirripa, Sergio <[Sergio.Schirripa@stantec.com](mailto:Sergio.Schirripa@stantec.com)>; [Jeff.Auchterlonie@stantec.com](mailto:Jeff.Auchterlonie@stantec.com); [jrosso@rossoenv.com](mailto:jrosso@rossoenv.com); Roe, Dilan, Env. Health <[Dilan.Roe@acgov.org](mailto:Dilan.Roe@acgov.org)>  
**Subject:** Chevron 92029 (T0600173887; RO2438; Claim 19167); 890 West MacArthur, Oakland

All,  
The Alameda County Department of Environmental Health (ACDEH) has received a draft Review Summary Report (RSR) from the State Water Resources Control Board (SWB) for potential case closure. ACDEH is not in agreement with the draft RSR due to the vapor intrusion element which has been discussed extensively relative to site data, and ACDEH will need to discuss the site and data with the SWB to resolve our current differences of opinion. As you are aware, ACDEH, Responsible Parties, and redevelopment proponents have been consistently working and meeting together to move this site towards closure under a new land use scenario, that of residential multi-family units rather than as a service station or vacant land. Because ACDEH works under a contract to the SWB, until this difference of opinion is resolved, ACDEH will not be able to provide comments on the Vapor Mitigation System Basis of Design Report (VMS BOD) that is currently in our court for review comment. Due to Dilan's and my different vacation schedules this will delay any response until mid-September at best. This will obviously delay the current project schedule. Should you have question, please let us know.

*Mark Detterman  
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*PDF Copies of case files can be downloaded at:  
<http://www.acgov.org/aceh/lop/ust.htm>*