

Detterman, Mark, Env. Health

From: Roe, Dilan, Env. Health
Sent: Friday, October 03, 2014 1:17 PM
To: Patrick Zimski
Cc: PDKing0000@aol.com; Detterman, Mark, Env. Health
Subject: RE: PGE Substation (RO2633 & RO2899)

Patrick:

Public Participation is an integral part of the site mitigation process and is the responsibility of every agency that has a role in providing regulatory oversight. Alameda County Environmental Health's (ACEH) Public Participation process is consistent with those used by other regulatory agencies both a state and federal level.

ACEH has worked cooperatively with you on finding an efficient path forward to closing your case, and we ask the same from you.

At any time during the cleanup process you can submit a request for transfer of the case to the San Francisco Regional Water Quality Control Board or the Department of Toxic Substances Control Board.

Dilan Roe, P.E.

Program Manager - Land Use & Local Oversight Program

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PDF copies of case files can be reviewed/downloaded at:

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

From: Patrick Zimski [<mailto:patrick@patrickzimski.com>]

Sent: Monday, September 29, 2014 8:40 AM

To: Detterman, Mark, Env. Health

Cc: Roe, Dilan, Env. Health; Paul King

Subject: PGE Substation (RO2633 & RO2899)

Mark:

Thank you for the very productive meeting on Wednesday regarding the steps needed to move the case to a non-commercial case closure. As we discussed, we have previously met with Barney Chan and Donna Drogos and also with Dilan Roe to define the steps needed to move this case to a non-commercial case closure. These meetings have occurred so that we can clearly satisfy the requirements to obtain the non-commercial case closure in light of our being unable to obtain our city building permit without the non-commercial case closure.

Also as we discussed during the meeting, we now have an expensive construction loan, and each day of delay in obtaining the case closure once all necessary case closure conditions have been met will result in substantial costs to us. Hence my concern upon hearing for the first time at our Wednesday meeting about the possibility of requiring a public comment period to obtain case closure.

In this regard, I told you that I wanted to follow up with respect to any legal requirements for the public notification process associated with case closure. I spoke with Paul King and it is his understanding that the public notification process is a procedure that was introduced by the RWQCB a few years ago in response to public requests for notification, and that it is not required by statute or regulation.

Also, as I mentioned this project has been in the public eye since Piedmont Station purchased the property in 2008. The community notification, comment, and approval process for the townhome project has already included the following:

- A focused Environmental Impact Report (EIR) that carefully evaluates every aspect of the site and project, including 7 pages devoted to the environmental history and status of the site (information taken from the same reports on file with the County).
- Five (5) public hearings, three of which included comments on the EIR
- The same reports that we are relying on in getting to closure up to the June 2007 ERRG report have been on file with the City of Piedmont since the approval process began.
- This summer I personally sent notices to the surrounding neighbors, one about sidewalk closure precedent to paint removal and demolition, and another about the commencement of demolition.

In short, community notification regarding the non-commercial development of the property has already occurred on multiple occasions, for a prolonged period of time, and in a very substantive way. And I can tell you as the person in charge of the entitlement process for the project that not one neighbor comment or concern has related to the environmental condition of the property or site closure.

I look forward to hearing from you regarding any regulations that might require a public comment period prior to our obtaining case closure. I also want to state again our appreciation for your being able to meet with us and your willingness to assist in moving this process forward as expeditiously as possible in light of the many cases that you are working on.

Regards,

Patrick Zimski
For Piedmont Station, LLC

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