

## Drogos, Donna, Env. Health

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**From:** Drogos, Donna, Env. Health  
**Sent:** Monday, February 23, 2009 12:27 PM  
**To:** 'Lynn Berard'  
**Cc:** Firth, Daniel, Env. Health; Matt Steinle; Al Bonnett; De Reyes, Amy, BOS Dist 5; 'Wadhawan, Sheena'  
**Subject:** RE: 3761 Park Boulevard Way, Oakland  
**Attachments:** Park Village Apartments - 3761 Park Boulevard Way, Oakland

Hi Lynn,

I did respond to your last voice mail message of 02/06 and left you a voice mail message stating that I would have your case listed by the end of the month of February. I have not completed the listing of your case, however that time estimate remains accurate. Our turnaround time for report review (& case listing) is 60 days. At completion of case listing, the case is assigned to a caseworker and an initial directive letter is sent within 30 days. Thereafter reports are responded to within 60 days.

I did attempt to expedite listing of your case, at your request, however I found that all of the environmental reports were not submitted, hence my requests for additional information. I also preliminarily discussed the apparent data gaps existing at your site with your consultant, yourself, representatives of your firm, and the City of Oakland's attorney.

I also discussed with you, representatives of your firm, and the City of Oakland's attorney, in detail, the process of environmental investigation, remediation, regulatory review, etc., and that the nature of this work precludes it from being completed to closure along real estate transaction timeframes. I gave you contact information for the city of Oakland to follow-up for possible alternatives that would allow your property transaction to continue along environmental regulatory review timelines. As such, I am unable to commit to closing your environmental case by your timeframe below.

If you have completed the additional test drilling of your 02/11 e-mail (attached), please post that report to our ftp site so that the caseworker can review that data and issue a complete directive letter for this site. If you have completed additional review of environmental data for sites in the vicinity please also post the results of your review in report format at the same time.

At your request, I will again expedite your case and request that the caseworker issue a directive letter in 15 days rather than 30 days, so approximately March 16. Please keep in mind that regulatory agencies, ACEH included, have many environmental contamination cases (including high priority human health risk sites) and are unable to accommodate every case review expedite request.

Donna

Donna L. Drogos, PE  
LOP Program Manager  
Alameda County Environmental Health  
1131 Harbor Bay Parkway  
Alameda, CA 94502

510-567-6721  
[donna.drogos@acgov.org](mailto:donna.drogos@acgov.org)

Online case files are available at the website below  
<http://www.acgov.org/aceh/index.htm>

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**From:** Lynn Berard [mailto:lberard@eahhousing.org]  
**Sent:** Friday, February 20, 2009 5:59 PM  
**To:** Drogos, Donna, Env. Health  
**Cc:** Firth, Daniel, Env. Health; Matt Steinle; Al Bonnett  
**Subject:** 3761 Park Boulevard Way, Oakland  
**Importance:** High

Donna,

I have not heard from you regarding this property since your voice message to me on Feb. 6 indicating you had received the reports from our consultant, ACC Environmental. I had indicated to you in an email dated 2/12 that we had plans to do additional drilling and testing, but that we still wanted to have the information already provided to you be reviewed and responded to even without any additional work that we may do. We have been in discussion with the seller and he has stated that he will not permit us to do any further work at the property until we have received a response from your office.

Our concern is that we have been in contact with you and providing information since December 19 and as of yesterday, there is still no evidence that a case has been opened. The following describes the interactions with your department and materials that have been provided to you:

1. December 17, 2008 –  
You and I spoke about the initial test information we had received on the property and discussed the need to file a UAR and open a case.
2. December 19, 2008 – Documents submitted via website to ACEH
  - Underground Storage Tank Unauthorized Release (Leak)/Contamination Report signed by Mort Howard, current owner
  - Soil borings report (Phase II Environmental Site Assessment/Limited Soil Characterization). This information was provided at the same time to the Oakland Fire Department. They responded on December 30, saying that since the incident was over 30 years ago, they were not doing any further investigation.
3. January 13, 2009 – Additional documentation submitted via website
  - At the end of December we had proceeded with additional drilling to obtain more detailed information on the site. On January 13, ACC uploaded via website the Additional Phase II Environmental Site Assessment/UST Closure Report, which includes all information provided in the Phase II Environmental site Assessment (ESA) Report/Limited Soil Characterization. The Additional Phase II/UST Closure Report recommends that there be no further action on this site.
4. January 20, 2009 –
  - ACC reported that you had told our consultant that you would not open a case until mid-February. You stated that based upon your preliminary review you would probably not issue a closure letter as a result of the information already provided and that this case was not a high priority. You also requested a copy of the Phase I and a summary of the transaction and EAH's involvement.
5. January 23, 2009 –
  - I spoke with you to obtain information on what you wanted in the transaction summary and if there was any additional information needed. You confirmed that you had told ACC the information conveyed to us by our consultant.

6. January 27, 2009 – Additional documentation submitted via website
  - Pre-construction site survey showing location of the gas station and garage
  - As-built survey post construction showing current building
  - Phase I Environmental Site Assessment by ACC Environmental
  - Transaction Summary and Ownership Structure (provided by ACC via website and by me directly to you via email)
7. February 2, 2009 –
  - I called you to inquire about the status of the case. You stated that the case had not been opened and that you had not received the Phase I. You stated you knew this was a priority case, but could not discuss it until the case was opened, a caseworker assigned and the material reviewed.
8. February 6, 2009 – Items previously submitted on January 27 were re-submitted via website
  - Pre-construction site survey showing location of the gas station and garage
  - As-built survey post construction showing current building
  - Phase I Environmental Site Assessment by ACC Environmental
  - Transaction Summary and Ownership Structure
9. February 6, 2009 –
  - I sent you an email and left a voice message asking you to confirm that you had received the documents that were re-submitted. You left a return voice message that you had received the reports and the case would be listed by the end of the month.

As I explained to you when we first spoke in December and then again in January, and as we described in the transaction summary provided to you, this property was built in 1978 using HUD money and has been restricted to low-income seniors ever since. The owner has expressed his intention and initiated action to convert this property to market rate housing thereby removing a valuable resource for low income senior households. The City of Oakland and the Oakland Housing Authority have great interest in preserving this as affordable housing, to the extent that the Housing Authority has committed \$12 million for the acquisition of the property.

Although the purchase and sale contract has expired, the seller is willing to enter into an amended contract with a very short timeline to close. The key factor in moving forward on this closing is obtaining a resolution of the environmental question related to the contamination from the former gas station that was on this site over 50 years ago.

There has been a residential building on this property for 30 years. After acquisition, the property will be undergoing rehabilitation, but there will be no new buildings constructed on this property and no disturbance of the soil under the existing structure. The contamination consists of low levels of residual aged-gasoline in limited locations at limited soil levels. Heavy-range hydrocarbons (motor oil and diesel) were detected in one location at a very low level of concentration just marginally above the threshold limits.

Based upon the information contained in the Phase II report provided to you in January, both our outside environmental consultant and our own staff person who is a licensed geologist with extensive experience in this area, concur that this site should not be considered a threat to human health or the environment.

Due to the critical nature of this transaction in terms of preserving affordable housing and the time constraints to close, and the high visibility of the project within the City and the Housing Authority, it is crucial that your review be completed within the next week and that the property receive a case closure letter.

I would appreciate receiving confirmation from you that you have received all the materials listed and that your review will be concluded and a written response provided by February 27. Thank you.

Regards,

Lynn Berard

**Lynn Berard**  
*Senior Project Manager*  
EAH Housing

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Tracking:

## Drogos, Donna, Env. Health

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**From:** Drogos, Donna, Env. Health  
**Sent:** Friday, February 20, 2009 9:54 AM  
**To:** 'Cherie McCaulou'  
**Cc:** Wickham, Jerry, Env. Health; Dan.Firth@acgov.org  
**Subject:** RE: 3761 Park Blvd. Way, Oakland

I already know about this case, asked for other reports to be submitted (received in last week) & already in the process of listing the case. Will handle from here, Thanks.

Donna L. Drogos, PE  
LOP Program Manager  
Alameda County Environmental Health  
1131 Harbor Bay Parkway  
Alameda, CA 94502

510-567-6721  
[donna.drogos@acgov.org](mailto:donna.drogos@acgov.org)

Online case files are available at the website below <http://www.acgov.org/aceh/index.htm>

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-----Original Message-----

**From:** Cherie McCaulou [mailto:CMccaulou@waterboards.ca.gov]  
**Sent:** Thursday, February 19, 2009 5:33 PM  
**To:** Dan.Firth@acgov.org; Drogos, Donna, Env. Health  
**Cc:** Wickham, Jerry, Env. Health  
**Subject:** Fwd: 3761 Park Blvd. Way, Oakland

Donna and Dan - this is the latest case in your jurisdiction, but not yet in your system. The property owner (Mort Howard) phoned me last week to question his liability if he allows the potential property buyer to drill on his property in the Glenview District of Oakland Hills, that had a UST removed over 35 years ago. I also received a call from the buyer Lynn Berard of EAH Housing. Lynn apparently spoke with Donna back in December 2008, and sent her data in mid-Jan. This will be a new case in the AC-LOP. I phoned Jerry Wickham a few days ago to discuss the potential offsite impacts from a UST release site nearby that Jerry is overseeing. This is a low-risk case and a candidate for closure. If you have any questions, contact me. Thanks.

Sincerely,

Cherie McCaulou  
Engineering Geologist  
San Francisco Bay Regional Water Quality Control Board [cmccaulou@waterboards.ca.gov](mailto:cmccaulou@waterboards.ca.gov)  
510-622-2342

>>> Cherie McCaulou 2/19/2009 12:09 PM >>>

Lynn - I received the faxed data but the print quality is very poor and difficult to read. Additionally, there was no map showing the property and sampling locations. Attached is a report for your review of a property located at 4035 Park Blvd. that is upgradient of this property, and may be a source of offsite pollution. Prior to conducting any additional investigations, thoroughly review sites in the vicinity. As you indicated, the Alameda County Environmental Health (ACEH) will be the lead agency and will assign this case within 30 days. I will likely be involved once the property/case is ready for closure. Any further discussions regarding 3761 Park Blvd. should be directed to ACEH. If is possible that the case may be assigned to Jerry Wickham of ACEH, who is overseeing the cleanup of the site nearby at 4035. You may access additional information on site property at <http://geotracker.waterboards.ca.gov/>

Sincerely,

Cherie McCaulou  
Engineering Geologist  
San Francisco Bay Regional Water Quality Control Board [cmccaulou@waterboards.ca.gov](mailto:cmccaulou@waterboards.ca.gov)  
510-622-2342

Tracking:

## Drogos, Donna, Env. Health

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**From:** Lynn Berard [lberard@eahhousing.org]  
**Sent:** Wednesday, February 11, 2009 3:15 PM  
**To:** Drogos, Donna, Env. Health  
**Subject:** Park Village Apartments - 3761 Park Boulevard Way, Oakland

Donna,

In one of our early conversations you indicated that the department would want to have documentation that identifies the parameters of the contamination on the property. In an attempt to obtain more information beyond what has already been submitted to you, I wanted to let you know that we are doing some additional test drilling with another drilling company to try to get to groundwater in a couple of other locations on the property. The drilling will take place next week and we should have results and a report the following week that can be sent to you. If you have any questions, please let me know.

**Lynn Berard**  
*Senior Project Manager*  
EAH Housing

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## **Drogos, Donna, Env. Health**

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**From:** De Reyes, Amy, BOS Dist 5  
**Sent:** Friday, February 06, 2009 2:54 PM  
**To:** Drogos, Donna, Env. Health  
**Subject:** Park Village Senior Apartments

**Importance:** High

Donna,

I've recently been getting calls from the Oakland City Attorney's office as well as the National Housing Law Project and EAH regarding the Park Village senior apartments off of Park Blvd. in Oakland. Can you bring me up to speed on the County's involvement with this site?

Thank you,

*Amy De Reyes*

Health and Legislative Policy Analyst  
Alameda County Supervisor Keith Carson  
1221 Oak St., Suite 536  
Oakland, CA 94610  
(p) 510-272-6685  
(f) 510-271-5151

[amy.dereyes@acgov.org](mailto:amy.dereyes@acgov.org)

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*Please consider the environment before printing this email.*



## Drogos, Donna, Env. Health

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**From:** Lynn Berard [lberard@eahhousing.org]  
**Sent:** Tuesday, February 03, 2009 10:32 AM  
**To:** Drogos, Donna, Env. Health  
**Subject:** Park Village Phase I

**Importance:** High

Donna,

I asked Julia at ACC Environmental to again upload the Phase I report for the Park Village Apartments, 3761 Park Boulevard Way, Oakland, and send an email that the report is available. She should have also included PDF's of the pre- and post-construction surveys we have. She indicated that she did this yesterday.

If you have not received an email or the report, please let me know as soon as possible. Thanks.

**Lynn Berard**  
*Senior Project Manager*  
EAH Housing

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## **Drogos, Donna, Env. Health**

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**From:** Drogos, Donna, Env. Health  
**Sent:** Tuesday, January 27, 2009 12:46 PM  
**To:** 'Lynn Berard'  
**Subject:** RE: Park Village Apartments Information

Okay, thank you.

Donna L. Drogos, PE  
LOP Program Manager  
Alameda County Environmental Health  
1131 Harbor Bay Parkway  
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510-567-6721  
[donna.drogos@acgov.org](mailto:donna.drogos@acgov.org)

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**From:** Lynn Berard [<mailto:lberard@eahhousing.org>]  
**Sent:** Tuesday, January 27, 2009 11:30 AM  
**To:** Drogos, Donna, Env. Health  
**Subject:** FW: Park Village Apartments Information  
**Importance:** High

Donna,

When my boss, Matt, and I spoke with you last week, you asked for information on the parties involved in the transaction related to Park Village Apartments and a description of the structure of the transaction. I am attaching a letter with that information for your review. You should also be receiving electronically today the Phase I report from ACC. I believe those are the two documents you said you needed in order to open a case for this project. If you find you need additional information to proceed with opening the case, please contact me either by phone (415-295-8825) or return email as soon as possible. I am copying Peter Armstrong from our office on this message, another project manager at EAH also working on this project.

Thank you.

**Lynn Berard**  
*Senior Project Manager*  
EAH Housing

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## Drogos, Donna, Env. Health

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**From:** Wadhawan, Sheena [SWadhawan@oaklandcityattorney.org]  
**Sent:** Wednesday, January 21, 2009 11:24 AM  
**To:** Drogos, Donna, Env. Health  
**Subject:** Park Village Apartments - 3761 Park Boulevard Way, Oakland CA

Hi Donna

It was truly a pleasure speaking with you today.  
I am looking forward to working with you on this challenge.

Warmly,

Sheena

Sheena Wadhawan  
Neighborhood Law Corps Attorney  
Oakland City Attorney's Office  
[swadhawan@oaklandcityattorney.org](mailto:swadhawan@oaklandcityattorney.org)  
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