

Detterman, Mark, Env. Health

From: breakthroughsushi@gmail.com on behalf of Kaz Matsune
<kaz@breakthroughsushi.com>
Sent: Wednesday, March 29, 2017 3:16 PM
To: Detterman, Mark, Env. Health
Subject: Re: 1550 Park Avenue, Emeryville Environmental Site Assessment

Hello Mark.

Thank you for a quick and detailed response.

I will discuss our options with my partners and contact you, should we decided to move forward with setting up meeting with you.

Thank you!

**Warmly,
Kaz Matsune
Owner, Speaker, Sushi Program Designer
breakthrough sushi.**

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On Wed, Mar 29, 2017 at 3:10 PM, Detterman, Mark, Env. Health <Mark.Detterman@acgov.org> wrote:

Hi Kaz,

In regards to your first question, 1550 is not free of contamination; however, under the current land use (commercial / industrial) it appears acceptable to leave it in place, and the property can be closed with land use restrictions limiting its use (for the time being) to that designated use. With a land use change to residential, it requires re-analysis to determine if remaining (residual) contamination is acceptable to leave in place. This is based on the risk of chemical exposure to, on one hand an adult who is present for 8 or 10 hours a day, with a fully developed immune system, and the risk of chemical exposure to say an infant who is present 24/7 for a number of years, and without the benefit of a fully developed immune system. This is what Amanda at 1550 Park LLC was starting to explore with Alameda County Environmental Health (ACDEH). There were a number of areas we had requested an additional investigation to determine what the residual contamination concentrations were, since it is not well understood or documented.

This investigation got side tracked, or delayed, due to the adjacent site with the Tetrachloroethene (PCE) contamination (to north) due to a lawsuit by those Responsible Parties (RPs) against the DTSC at that site

attempting to point their fingers at this parcel as being the source of the contamination. Because ACDEH had been subpoenaed we thought it warranted to not participate in the investigations and Amanda sought to find other agencies who could. Since then the lawsuit appears to have resolved and ACDEH elected to provide oversight into the question of remaining contamination at 1550 Park since others were not. The presence of the PCE next door may impact the intended use of this parcel due to its migration in groundwater to the south beneath this parcel. This is unresolved, and is one of the questions we had for investigation of the parcel. PCE is a carcinogen that requires cleanup to fairly stringent standards (low concentrations). Amanda's proposed development included an podium style building in the NW corner along the northern property line, and this is a good idea as it provides separation between a contaminant and a residential receptor (but still needs the collection of analytical data to verify it will work).

Remaining petroleum contamination along Park Street is fairly high, but may not represent a significant risk to human or environmental health, but the concentration spread onto the site is not fully understood (its mostly beneath the sidewalk and street). If the source was the former UST as expected, it should decrease in concentrations beneath the parcel, but this has not been resolved yet. Some excavation of residual source (petroleum) may be reasonable depending on the location and extent of the contamination, with the change in land use, but again has not been resolved by investigation. There is also an older UST removal from within the parcel, and the case was closed some time ago, but again the remaining concentrations are not understood, but needs to be relative to the change in land use. Petroleum is generally much less hazardous than PCE, and it degrades by natural processes, so the concentrations may be fairly low, but we just don't know yet. I also recall my question in regards to the fill material beneath the raised building platform. Normally it's soil, but we don't know the nature or environmental quality of it currently.

We should plan to meet as these are most of the remaining questions I recall that we have that need resolution before the County (ACDEH) can approve a change in land use and remove the current land use restriction. You will need to enter into an agreement (VRAP or Voluntary remedial Action Program) in order to fund our time for the reviews and discussions. We ask for \$1,000 upfront for a meeting and review time, and then \$6,000 based on an hourly of \$174 thereafter. If funds remain from the \$1,000 it gets moved into the actual case, it's not a lump sum. The \$6,000 may be enough, or may not, and we'd ask for more if needed, and also return any excess once finally done.

Let me know if you have questions, or would like to set up a meeting. Because regulatory agencies are notoriously understaffed, it generally takes time to schedule a meeting as well as our reviews. It would be good to get an understanding of your timeline as well, so we can try to meet it, and for you to understand our abilities and constraints.

Mark Detterman

Senior Hazardous Materials Specialist, PG, CEG

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PDF Copies of case files can be downloaded at:

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

From: breakthroughsushi@gmail.com [mailto:breakthroughsushi@gmail.com] **On Behalf Of** Kaz Matsune
Sent: Wednesday, March 29, 2017 1:45 PM
To: Detterman, Mark, Env. Health <Mark.Detterman@acgov.org>
Subject: Fwd: 1550 Park Avenue, Emeryville Environmental Site Assessment

**Warmly,
Kaz Matsune
Owner, Speaker, Sushi Program Designer
breakthrough sushi.**

Hello Mark.

Monica Leite has informed me that you are the person to contact.

I am a prospect buyer for 1550 Park Avenue, Emeryville.

I have some questions about the documents I obtained through:
<http://gis.acgov.org/DEH/InspectionResults/?SITE=LOP>

Question 1:

On page 6&7 of document, "PHASE1_R_2015-06-09_2 copy"(attached), I have highlighted in yellow. On Page 6 it talks about contamination issue:

Total petroleum hydrocarbons as gasoline (TPHg), diesel (TPHd), and motor oil (TPHmo) were found in excess of environmental screening levels (ESLs) established by the San Francisco Bay Regional Water Quality Control Board (RWQCB). Based upon subsequent environmental assessments, remaining in-place soil contamination exceeds ESLs for residential development.

However, on Page 7, it says:

no evidence of recognized environmental conditions

What does these mean? is 1550 Park Avenue free from environmental contamination?

Question 2:

The issue seems to be the land adjacent to the site, as noted in the email by Karen Toth:

Please be aware that this is adjacent to a site with contaminated groundwater and soil vapor and indoor air issues. Please take the into account when evaluating this site for unrestricted use.

Does this mean, even if there is no soil contamination at 1550 Park Avenue, if the adjacent site has any contamination issue, it will prevent any residential development project on site, as proposed by Amanda at 1550 Park LLC?

Thank you!

**Warmly,
Kaz Matsune
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