Detterman, Mark, Env. Health

From: Christopher Porto [cporto@smartgrowth.co]
Sent: Monday, September 07, 2015 11:43 AM
To: Timothy Bodkin
Cc: Detterman, Mark, Env. Health
Subject: Re: 1125 Mandela Parkway (RO3184); Meeting Followup

Thank you for the response Mark. We're devising a strategy to move forward.

Chris

On Tue, Sep 1, 2015 at 6:00 PM, Timothy Bodkin <tbodkin@aeiconsultants.com> wrote:
Thanks, Mark. My contact information is shown below. It was a pleasure to meet you, as well.

We will get back to you later this week should we have any additional questions or comments regarding the information provided in your email. Have a great evening.

Best regards,

--Tim--

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On Tue, Sep 1, 2015 at 5:49 PM, Detterman, Mark, Env. Health <Mark.Detterman@acgov.org> wrote:

Chris and Tim,

It was good to meet with you on Friday afternoon to discuss the site and the project.

As discussed in the meeting, and my somewhat limited knowledge of the site and site data, closure of the site to an unrestricted residential reuse, is achievable. The general review of site data in the meeting suggested that there are approximately two areas of substantial remaining contamination at the site that has prevented the site from achieving unrestricted residential closure. In the meeting AEI Consultants indicated that their initial review of site data indicated that the excavation of soil in those areas would be sufficient to achieve residential site closure. Based on my very limited review of site

data, I am in general agreement with this initial assessment; however, limited other areas or concerns may, or may not, be present that I am not yet aware of. Regardless, ACEH has recently been taking many sites in Oakland from a commercial or industrial closure to an unrestricted residential closure; it is achievable.

As also discussed in the meeting, achieving the site closure under a residential land use goal, under the best of assumptions is likely to take a minimum of between 9 and 12 months, provided all goes according to plan. In order to demonstrate this estimated time frame for all to understand, it may be appropriate for AEI Consultants to generate a Gantt Chart incorporating the time needed to generate reports for submittal to ACEH, the review time typically allowed ACEH for each round of submittals, each round of onsite actions (investigation, corrective actions, etc) and the two 30-day public comment periods required by regulation, and other necessary tasks. As discussed ACEH has committed to expediting review from the normal 60 days to a shorter period of review time to the extent it is possible. To get a real view of the length of time that can be required, a 60 day review period by ACEH should be used initially. The 9 to 12 month period discussed assumed a shorter period of time for review at ACEH that may not be achievable in all instances.

In regards to an unrestricted residential reuse of the parcel, and the presence of any residual contamination at the time of closure, please be aware that state regulation (Porter – Cologne) requires ACEH to use a deed restriction (or Land Use Covenant – LUC) to document the presence of residual contamination above corrective action goals (such as ESLs, site specific goals determined by a risk assessment, or another approach) that remains at that time, but is considered to be safe for the specific intended reuse. As such, closure must be to a specific set of plans, as changes to plan sets early in a development process are inevitable and changes outside of ACEH's knowledge, can make one residential-use scenario safe, and another residential-use scenario unsafe (usually this is vapor intrusion, which except for the two identified areas, may not be a large issue for this site; however, it may not be limited to this). Conversely if residual contamination is present below the defined goals, a LUC is not required. This may become important for future funding purposes, and thus it is important for all site data to be evaluated and considered with this in mind, especially in a corrective action plan.

In the meeting, we discussed the submittal of a focused Site Conceptual Model (SCM) and a data gap work plan as a first step; however, since corrective actions were discussed (specifically excavation) it may be appropriate to incorporate a Corrective Action Plan (CAP) into the document. The focused SCM and data gap work plan was requested in order for you to review existing site data and then communicate to ACEH any areas at the site where additional data would contribute to limiting corrective actions, or expand the extent of corrective actions, to preclude a LUC (if desired). If the SCM does not identify data gaps, then it may be appropriate to include a CAP with the submittal. I have attached our standard focused SCM attachment for your use.

One of the functions of a CAP, is to provide a single document that the public can review during a public comment period. As such please be aware that Corrective Action Plans must include the following at a minimum:

- Proposed cleanup goals and the basis for cleanup goals.

- Summary of site characterization data.

- Receptor information including likely future land use scenarios, adjacent land use and sensitive receptors, and potential groundwater receptors.

- Evaluation of a minimum of three active remedial alternatives including discussion of feasibility, cost effectiveness, estimated time to reach cleanup goals, and limitations for each remedial alternative.

- Implementation of the selected corrective action.

- System piping and plumbing figures (if any).

- Detailed description of proposed remediation including confirmation sampling and monitoring during implementation.

- Post-remediation monitoring.

- Schedule for CAP implementation of cleanup including adequate ACEH review periods.

Please let me know if you have questions, and your time frame for the submittal of a document. As discussed in the meeting, it was estimated that a document could be submitted within approximately one month. Shall I set a delivery date for October 2, 2015?

Thanks,

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

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