Detterman, Mark, Env. Health

From: Detterman, Mark, Env. Health
Sent: Tuesday, February 02, 2016 2:58 PM
To: 'Divya Bhargava'; Shawn Munger; 'Scott Youdall'; Kristen Gates
Cc: Roe, Dilan, Env. Health
Subject: 2630 Broadway, Oakland (Sisters of Providence Hospital, RO3191) Meeting Followup
Attachments: Example Figures and Tables From RO199.pdf; CAP_PP_2015-09-15.pdf; RO3120 _CAP_PP_L_2016-01-FINAL DRAFT.PDF

All,

As mentioned in the meeting I wanted to followup on the items Dilan and I requested in order minimize confusion. ACEH expects to have shortly a standard letter requesting site specific variations to the attached figures and tables from project proponents and their consultants to efficiently communicate the scope of a redevelopment, including depth of excavations, and remaining proposed residual contamination after excavation. There may be none, but these tables and figures very quickly and efficiently indicate this. These are requested to include:

- Plan view of historic borings, recent / current bores, and any proposed bores and historic infrastructure related to contamination, or areas of groundwater contamination of concern, etc.
- Plan view of proposed redevelopment related to historic, current, and proposed bore locations. This may require several figures at complex data sites; fewer is better, but at the risk of too complex a figure that decreases the communication effort.
- Multiple cross sections across a site that depict proposed excavation base elevation, foundation depth elevation, proposed cut / fill lines, old soil bore locations along that cross section, and depth-correct residual analytical proposed to remain below the foundation. Below the future proposed foundation elevation, lithology can be depicted if it plays an important role; however, one intent is to depict the location of residual contamination relative to the proposed building foundation and the proposed lowest building level (or higher if appropriate), proposed uses (commercial / residential / day care / senior care / etc.). Groundwater depth and analytical should also be depicted as well. Lithology or data above the proposed excavation depth can be removed if it decreases the clutter of the figure; it' won't be of consequence to the future development once removed, but the analytical data will remain in the tables (see below).
- An appropriate number of detailed cross section through areas of interest, such as former sources (former parts storage, former dry cleaner, potential offsite areas of contamination that would affect reuse after redevelopment [hospital fill beneath sidewalk], unexplored areas of potential contamination, or other areas identified as potential areas of concern needing clearer illumination). The intent is to quickly illustrate residual contamination, or perhaps the lack of data, and once investigated, why it is protective of future occupants or future uses. These cross sections must include any offsite improvements where contamination is documented or likely (hospital fill under sidewalk, etc), or café chairs and permeable pavers over residual contamination, infrastructure improvements such as utilities through residual contamination (such as a storm drain drop box, etc. at a former offsite UST location), or other items that can / will affect site users, construction workers, or the public.
- A table by parcel with historic infrastructure, proposed uses (comm. / res), historic / current borings, proposed bores, rational for future bores in the area, etc.
- Electronic Phase 1 for all involved parcels.
- Full electronic plan set; most recent.
- For future plan set changes ACEH will require a cover letter from the environmental professional geologist or engineer a statement that "The following plan sets, (list of sets, including applicable dates) submitted to the City of Oakland, have been reviewed and are consistent with the Assessment results, recommendations, and with the proposed mixed use redevelopment." The

intent is to eliminate building or planning department changes that can alter the commercial / residential exposure to any site residual contamination.

- A table with all historic and current analytical data, with removed soil (historic and future) indicated by shading or strike out (but still legible). If you want to distinguish between historic removed and proposed, you might use different shadings. Many of the example tables (pg 8 and beyond of the attached scan) tabulate data by "soil to be removed / soil proposed to remain"; alternatively the data can remain in standard presentation style form (bore / sample / depth).
- All ND tabulated analytical listed by individual chemical detection limit (<x), and highlighting / bolding of detects, or of concentrations over ESLs (or other goals), <u>including non-detects over ESLs</u>. Can partly be combined with a professional signed statement that your consultant has reviewed all analytical data and has found it is below ESLs or other goals for the site.
- An extra column on soil tables for "Sample Depth Relative to Proposed Foundation Depth".
- Parcel Data Table – List of all parcels to be redeveloped, parcel number, historic use, sampling points, RECs or BRECs, or other appropriate data.
- Project schedule – where is project in entitlement project planning, CEQA, building and planning department approvals, when construction is hoped to realistically begin, a realistic time frame for regulatory review (30 days as discussed; we'll try for better if we can, but standard is 60 days), when and what project proponents will need something in writing from ACEH for financing, and recognition that if mitigation measures are involved closure cannot be provided until a final confirmation sampling report is submitted and reviewed (60 days). The submittal of a Gantt chart may be appropriate so that we can all set realistic time frames, and incorporate changes as events happen.
- An understanding that the Porter-Cologne Water Quality Act requires that any regulatory agency in California use a deed restriction / land use covenant (LUC) if contamination above goals (ESLs or other) is proposed to remain at a site. LUCs take time to word, sign, and record at the County. Potential planning to remove any such contamination prior to site development, or <u>provided that the extent is well characterized</u>, potentially with the use of a Site Management Plan (SMP) to manage the removal of the contamination at the time of redevelopment, may be appropriate. As discussed, please be aware that a large removal is essentially a Corrective Action, and a 30 day public notification may be required per state requirements (affecting the Gantt chart inputs). Minor cleanup of inappropriate contamination is not a CA.
- Appropriate use of ESLs relative to the future proposed foundation depth (groundwater or a soil vapor sample at a site may have been 10 feet bgs, may now be 2 ft below the proposed foundation, and would not meet the 10 foot separation distance groundwater ESLs assume or 5 ft separation that VI ESLs assume / require).
- If mitigation measures are required (hospital fill under sidewalk to prevent gardener exposure) then the site might need a RAP and / or a HHRA to evaluate risk with and without mitigation measures (assuming no removal of residual contamination below the future foundation). If needed, the RAP must be approved by ACEH and then incorporated into the building plans, which requires coordination with ACEH, building department, and the consultant throughout the final plan approval to ensure changes made during building department or planning review do not conflict with ACEH approved plans. This is a perennial issue ACEH has. All plan changes will also require a professional signed statement from your consultant that the changes do not affect the proposed mitigation measures.
- Generation of a Fact Sheet for public comment associated with (essentially) site Corrective Actions (attached example; please return as Word doc in one column format; I'll tweak and place on letterhead and get aerial image).
- Generation of a robust SMP to deal with proposed "Corrective Actions"; known (volumes, destinations, etc.) or unexpected contamination that might be found during redevelopment, construction dust management / monitoring for onsite and additionally dust exposure for any offsite residential receptors, stormwater, step-out contingency, confirmation samples below vertically undefined contamination, or are there potential USTs? - perhaps a contingency for contact info with ACEH CUPA group, etc.

Relative to the SMP –

- Dust control, stormwater BMPs, and HASP – As discussed in the meeting these need to be beefed up and are intended to set the minimum standard for site personnel; essentially a corrective action approach.
- Confirmation sampling – As discussed confirmation sampling below deep elevated detections are requested to document removal of contamination at depth
- Section 5 indicates removal of impacted soil by discoloration and olfactory evidence; lead / metals contamination will not fit this methodology and thus needs to be alternatively detailed.

I think that is it. You should review the attached tables and figures for additional ways to effectively communicate with ACEH, project proponents, and eventually the public, potentially at a CAP notification and at closure. This effort is to build the case that residual contamination is appropriate to leave (if any), is protective of future occupants or uses, and the general public.

Once you have a chance to digest this let me know and if needed we can identify a submittal date in order to keep the project moving to the best of our abilities.
Let me know if you have questions; hopefully this helps.

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PDF copies of case files can be downloaded at:

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