

Detterman, Mark, Env. Health

From: Detterman, Mark, Env. Health
Sent: Monday, August 08, 2016 11:04 AM
To: 'Amber Evans'
Cc: Nancy Humphrey; Sara Billing; Charles Bryant; Michael Guina; Roe, Dilan, Env. Health
Subject: RE: Notification of change in land use at 1550 Park Avenue Emeryville

Hi Amber,

Thanks for your email. I should let you know that ACDEH has recently entered into a Voluntary Remedial Action Agreement (VRAP) with the project proponent for the proposed land use change and have opened a case (RO0003215), but I've not had a chance to open the case in Geotracker yet (had hoped to do by Friday last week).

In regards to the redirection to the county website, the website can be less than straight forward. You will need to click out of the restaurant inspection blue box, and select the "LOP Document Search" blue box. Once done a time or two, it will pull up automatically. You can then select the search field you prefer. I usually use the full RO number as address can be off by a digit or two and may not find the case.

In regards to Government Code Section 65850.2.2, we may need to revisit the specific code section. The citation has been standard for some time.

In gist, what ACDEH requests is notification of an application of a land use change in order to re-evaluate remaining site contamination for the proposed land use. The risk exposure to contamination may change substantially with conversation from commercial / industrial (assumed 8 – 10 hrs a day exposure for say 20 years for an adult with an adult's well developed immune system) to residential (assumed 24 / 7 exposure for say 70 years; ranging from an infant's still developing immune system, to an elder's potentially compromised immune system).

We have been working with the city of Oakland for redevelopment projects and we have developed a process where the city will notify us, and then not approve final permits for the redevelopment until ACDEH finds the residual contamination appropriate for the proposed land use change. ACDEH usually does this in a letter to the city for their files. Typically this may include remediation prior to redevelopment (depending on when closure is required due to lending or CEQA timing issues), larger corrective actions required for the future planned use, or a Site Management Plan (SMP) to manage the removal of limited contamination as a part of development. Closures are ultimately tied to specific plan set should a specific plan fall through or a plan set change which can induce changes in the acceptability of residual contamination. Plan sets, and any plan set changes, become a part of the case file.

I've copied Dilan Roe our Supervisor in case she wants to add additional detail.
Hope this helps.

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PDF copies of case files can be downloaded at:

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

From: Amber Evans [<mailto:aevans@emeryville.org>]
Sent: Friday, August 05, 2016 3:43 PM
To: Detterman, Mark, Env. Health
Cc: Nancy Humphrey; Sara Billing; Charles Bryant; Michael Guina
Subject: Notification of change in land use at 1550 Park Avenue Emeryville

Hi Mark –

My colleagues in Planning have an application for a change in land use (to residential) at 1550 Park avenue which as below states Alameda County Department of Environmental Health (ACDEH) must be notified as required by Government Code Section 65850.2.2 and ACEH will re-evaluate the site relative to the proposed redevelopment. Can you let us know what either we the City or the private land owner (a non-responsible party purchaser) is required to provide in notification under Government Code Section 65850.2.2? And what if any additional steps must be carried out after we provide the proposed change in use? We are redirected from <http://ehgis.acgov.org/dehpublic/dehpublic.jsp> to a restaurant regulatory map on which this site cannot be found (at least not easily) please provide update site if available for the site file.

Begin report copy

Not all historic documents for the fuel leak case may be available on GeoTracker. A complete case file for this site is located on the Alameda County Environmental Health website at: <http://ehgis.acgov.org/dehpublic/dehpublic.jsp>.

The site has historically been used in a commercial / industrial land use capacity, is currently used in a commercial capacity in association with the refrigeration and restaurant supply business currently located at the address. The site vicinity land use is commercial / industrial. One approximately 1,000-gallon underground storage tank (UST) that stored diesel, heating oil, or bunker oil was excavated and removed from the beneath the sidewalk at the site on February 8, 2010. Upon consultation with the adjacent property owner, the City of Emeryville removed the UST on behalf of the property owner. This action was taken to facilitate the completion of street improvements along Park Avenue. No holes were reported in the UST, although a hole was noted where a rivet was missing; it was not determine if the rivet was displaced due to the tank removal or predated the removal. Pit water had an oily sheen and was foamy, was pumped out, but did not recharge. Two confirmation soil samples were collected from beneath the excavation at depths of 6 to 7 feet below grade surface, and one was collected from the soil stockpile. TPH as diesel (5.8 and 15 mg/kg) was detected beneath the excavation, while a concentration of TPH as diesel (830 mg/kg) was detected in the four-point stockpile sample; both indicate than an unauthorized release had occurred.

Between March 2013 and December 2014, a series of subsurface investigations were conducted at the site and vicinity to define the extent of petroleum hydrocarbons in the vicinity of the release. Thirteen soil bores and one groundwater monitoring well were installed as a result of these investigations.

This fuel leak case has been evaluated for closure consistent with the State Water Resource Control Board Low-Threat Underground Storage Tank Closure Policy (LTCP). The closure of this case is specific and limited to the referenced underground storage tank (UST). Due to residual contamination, closure is under a commercial land use scenario with site management requirements. A Site Management Plan (SMP) has been generated to address potential contaminants of concern should excavation or construction activities occur in an area of residual contamination.

Under the current land use, most of the site is paved with minor landscaped areas near the site boundaries resulting in a low potential for direct contact exposure under the current land use. Therefore, case closure is granted for the current commercial land use.

If a change in land use to any residential, commercial other than as a commercial fueling station, or conservative land use, or if any redevelopment occurs, Alameda County Department of Environmental Health (ACDEH) must be notified as required by Government Code Section 65850.2.2 ACEH will re-evaluate the site relative to the proposed redevelopment.

Excavation or construction activities in areas of residual contamination require planning and implementation of appropriate health and safety procedures by the responsible party prior to and during excavation and construction activities.

This site is to be entered into the City of Emeryville Permit Tracking System due to the residual contamination on site.

End report Copy

Thanks – Amber

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