

Via electronic mail

Sept. 9, 2018

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City of Alameda, Community Development Department, Planning Division, Permit Center,
2263 Santa Clara Ave., Room 190, Alameda, CA 94501

From: Carolyn C. Fong, TTEE

RE: Application PLN18-0341; 2301 Santa Clara Ave. (PN 01-0202-027-00)

Per Mr. Tai's request I am submitting information for planners to prepare a report.

Background Information

In 1991, the gas station stopped operation due to the death of the owner, Bill Chun.

In 1992, three single wall gasoline tanks were extracted from the site and testing showed that the soil had been contaminated by petroleum. The site was designated as a Leaking Underground Storage Tank (LUST) and qualified for the State Water Resources Control Board (SWRCB), Underground Storage Tank Cleanup Fund (USTCF). Site investigation and groundwater monitoring commenced with various environmental consulting companies over the years. Eventually, a costly Soil Vapor Extraction (SVE) remedial system was built for the site and paid for by Lily Chun. The equipment was stored in a Houston, Texas warehouse waiting to be shipped to California. It was destroyed by Hurricane Rita.

In 2006 the environmental consultant on behalf of Lily Chun requested city permission to remove the kiosk structure above the contaminated soil. The City of Alameda denied the request and notified Lily Chun that there were penalties for moving, changing, damaging historic buildings. Groundwater monitoring continued for several years. Lily Chun passed away in 2011.

In 2012 Ninyo & Moore Geotechnical and Environmental Sciences Consultants was hired by Carolyn Fong, TTEE for the Lily Angela Chun 1991 Living Trust to continue the remediation project. Site investigation and monitoring data reports were submitted to Alameda County Department of Environmental Health (ACDEH). ACDEH directed submission of a Corrective Action Plan (CAP). Soil excavation was considered by the project geologist to be an effective strategy but to appeal the 2006 city denial for historic structure removal would take time as

there was an urgency to implement a remedial system per ACDEH directives. Therefore a bio-remediation recirculation system was selected as the alternative strategy to best work within the existing constrictions of the site. The CAP and Operations and Maintenance Plan for the remedial system was approved by ACDEH in 2013.

A Budget Change Request (BCR) to cover the costs of projected work for the CAP was submitted to USTCF and approved for the FY2014/2015. Construction for electric service, remedial system installation commenced in November 2014. The system operated for three years. It was shut down on Dec. 18, 2017 per a cease and desist directive by ACDEH as not effectively remediating the site to meet the Low Threat Closure Policy (LTCP).

At a meeting on April 3, 2018, the ACDEH case managers pointed to the mass of petroleum contaminated soil remaining on the property which continued to release contaminants into the ground water. They recommended excavation of the soil and clean soil refill in order to reach LTCP. Obstacles to environmental remediation were discussed. Specifically, the main impediment to move the remediation project forward is the historic designated small kiosk and canopy situated over the contaminated soil and the HAB penalty for removing or changing historic structures. The project geologist stated that the small lot size with the large canopy also inhibits the use of excavating machinery and other large equipment.

This is the reason that Mr. Andrew Thomas, representing the City of Alameda, was invited by ACDEH to the June 26, 2018 meeting with the case manager, project geologist, property Trustee (Carolyn Fong) to discuss site obstacles and ask if the city would grant a permit to allow dismantling the kiosk and canopy.

Mr. Thomas indicated to the Trustee which City's application form to submit and explained the process for city and HAB review. He also stated reassembly of the kiosk and canopy was to be included in the application.

The application submitted by Carolyn Fong, TTEE was accepted on July 30, 2018 and assigned PLN18-0341. PLN18-0341 requests approval to dismantle, store on-site, reassemble the metal kiosk and canopy structures. To find a contractor that had knowledge and skill to dismantle and reassemble historic metal structures was not simple. Clarence Peterson of CPConstruction (2410 Starlight Lane Suite 166, Antioch, CA 94509) has experience with dismantling and is able to provide a Scope of Work (SOW) with architectural drawings. Mr. Peterson has contacted and will work closely with the city planners to obtain the information for an acceptable SOW.

If HAB grants approval no later than November 2018 of the Planning Permit Application, Certificate of Approval PLN18-0341, then the following actions can possibly take place to move the remediation project forward. Since I do not know the work demands of each agency or company, I can only provide you an estimate based on experience and contractors estimates.

Estimated Time Line of Tasks and Work

2018:

October or November

CPConstruction will contact the Permit Center for the appropriate forms. After obtaining permits, CPConstruction will commence dismantling work. Mr. Peterson estimates four to six weeks to complete dismantling and storing components.

November-December:

The environmental consultant will prepare on behalf of the Trust a revised Corrective Action Plan (CAP) for continued remediation with an alternate strategy. It will include soil excavation after the completion of the metal kiosk and canopy removal. The plan will be submitted by Dec. 30, 2018 to ACDEH. This date will be met only if city permits are granted to CPConstruction to start work on the kiosk/canopy.

2019

January-February: ACDEH has 60 days (per State code/guidelines) to review and respond to the revised CAP.

March- April: If ACDEH approves the revised CAP, then the environmental consultant will prepare a Work Plan to submit to ACDEH for approval of the excavation. The project geologist will provide to the client, an estimated cost of soil excavation, clean soil refill, hazardous waste disposal and prepare an updated Project Execution Plan (PEP) to submit to the USTCF.

Per SWRCB Cleanup Fund guideline there must be a budget in place before starting any directed work which has not been previously approved in the Fiscal Year budget. A BCR and updated PEP for FY2019/2020 will be submitted to USTCF related to the costs of soil excavation and other alternative strategies in the revised CAP.

April-June: USTCF may take two to three months to review a BCR and respond.

May-June: If FY2019/2020 budget is approved by USTCF, the environmental consultant will obtain on behalf of the property owner permits from the City, coordinate and schedule the sub-contractor to commence with the removal of the concrete base, soil excavation and disposal work to start in FY2019/2020. The project geologist must notify ACDEH for approval before any construction work commences. The construction work may take a month or more.

After soil is excavated, ACDEH will expect reports for groundwater monitoring, soil data, vapor intrusion data to monitor how the property is meeting LTCP. There also will have to be a remediation strategy to address the contaminants that have migrated to the adjacent property (Towata flower shop). Each of these steps require a work plan and report of results/data which ACDEH needs to review and make a response before commencing any new work.

Conclusions

The time task line as presented is an estimate based on responsiveness of agencies and if there are no obstacles or complications during the site project. Over a million dollars has already been spent on this site's remediation by the State Water Resource Control Board, Underground Storage Tank Cleanup Fund in compliance with work directed by Alameda County Department of Environmental Health. The Scope of Work related to the historic structures is an added expense. It would only be prudent to reassemble the kiosk and canopy when ACDEH or the SWRCB deems the site to have reached Low Threat Closure Policy (LTCP) and all monitoring wells have been appropriately abandoned. For the City of Alameda and the property owner, economic development of the site can only be potentially realized if 2301 Santa Clara Avenue receives a SWRCB or ACDEH letter of No Further Action.