



Rockridge Community Planning Council
Established 1985
Rockridge.org

June 22, 2023

Noel Liner, California Professional Geologist #8770
Alameda County Department of Environmental Health
Local Oversight Program
1131 Harbor Bay Parkway
Alameda, CA 94502

RE: 6039 College Avenue, Oakland CA 94618 College Avenue
Shell T10000005056
Alameda County Department of Environmental Health (ACDEH) Case #RO0003123

Dear Mr. Liner,

The Rockridge Community Planning Council (RCPC) writes to express our opposition to the proposed closure of the case at 6039 College Avenue (and/or related to the adjacent site of 6029 College Avenue).

RCPC is an established neighborhood organization which has been advocating for Rockridge residents on issues of development, transportation, and quality of life to the City of Oakland and Alameda County for nearly forty years. Our 13-member board of directors are elected by the citizens of Rockridge who live within its boundaries.

The site in question is zoned for mixed-use residential under the CN-1 zone. Multi-family residential above the first floor is a permitted use in the zone. The site can help ensure the vitality of Rockridge and Oakland and must not remain vacant.

The site previously supported a gas station with a leaking underground storage tank. The site does not meet the criteria for closure under the policy because the County previously determined that environmental conditions have not been fully delineated. Despite this determination, the County now proposes to close the case because the site is vacant and does not present a current threat to human health – despite the well documented Leaking Underground Storage Tank (LUST) case.

This is contrary to the Low-Threat Closure Policy, which requires the County to evaluate the site based on *reasonably expected* future conditions. It is reasonably expected that the site will support mixed-use residential because the site is zoned for mixed-use residential, and is on Oakland's [Housing Sites Inventory](#). This means, as a matter of law, residential development on the site is foreseeable.

A decision to close this site lets an oil company pollute our neighborhood without repercussions. If the site is closed by ACDEH and contamination is found during due diligence, the developer will be left with uncertainty when Shell does not help with remediation and our neighbors suffer the consequence of a blighted lot in the middle of our transit-adjacent community. Simply put - If the county is supportive of vibrant neighborhoods and thinks the site ought to be redeveloped, then the site should be remediated to a condition that it can be redeveloped.

The County's proposed decision to close the site as if it will remain vacant is also bad policy and breathtakingly inconsistent with the rhetoric of County Leadership. Oakland, Alameda County, and the greater Bay Area are in the midst of a severe housing crisis. The County must do its part to solve, not perpetuate, the crisis by ensuring that contaminated sites are remediated and are thus suitable for redevelopment. This site sits within the very core of our community and is ¼ mile from the Rockridge BART station, making it a uniquely symbolic site for the County's housing crisis. The RCPC will continue to monitor this matter and looks forward to working with ACDEH to address this critical site for the future of our community.

Sincerely,

Casey Farmer
Chair, Rockridge Community Planning Council

CC:
State Senator Nancy Skinner
Assemblymember Buffy Wicks
Oakland City Councilmember Dan Kalb
Oaklandside, Natalie Orenstein
East Bay Times, Editorial Board
SF Chronicle, JK Dineen

Site Background (As provided by ACDEH)

From: Liner, Noel, Env. Health

Sent: Thursday, May 11, 2023 6:18:38 PM

Subject: 6039 College Avenue, Oakland CA 94618 College Avenue Shell T10000005056, Alameda County Department of Environmental Health (ACDEH) Case #RO0003123

Dear Responsible Parties and stakeholders,

In an email dated May 8, 2023 (below) Alameda County Department of Environmental Health (ACDEH) informed you that ACDEH administratively closed the leaking underground storage tank case RO0003123 for the property located at 6039 College Avenue, Oakland CA (the "Site"). This email is to inform you that upon further review, ACDEH has instead listed the Site as eligible for closure, to allow a public comment period of sixty days, as closure of the former Leaking Underground Storage Tank (LUST) case RO0000469 was under conditions of an operating fueling facility in 2011 and the current LUST case RO0003123 was opened following removal of the former gasoline service station and the associated fueling infrastructure in 2013. ACDEH will transmit to you a letter stating that the Site is eligible for closure, and we will initiate the public notification of potential site closure at that time, following which we will accept public comments for a period of sixty days. At the end of the sixty day public comment period, ACDEH will respond to comments (if any). If no public comments are received or if comments may be adequately responded to by ACDEH, then we will issue a case closure letter. Please note that the Site's conformance to the State Water Resources Control Board's Low Threat Case Closure Policy (LTCP) is evaluated relative to the current Site use (vacant) and upon entitlement or approval of redevelopment plans, you may contact ACDEH to re-evaluate the case's conformance with the LTCP criteria based upon the imminent change in land use. Please feel free to direct any questions or comments regarding the case to my attention.

Regards,

Noel Liner, California Professional Geologist #8770
Alameda County Department of Environmental Health
Local Oversight Program
1131 Harbor Bay Parkway
Alameda, CA 94502
510.567.6876 (Office)
noel.liner@acgov.org

From: Liner, Noel, Env. Health

Sent: Monday, May 8, 2023 1:47 PM

Subject: 6039 College Avenue, Oakland CA 94618 College Avenue Shell T10000005056, Alameda County Department of Environmental Health (ACDEH) Case #RO0003123

Dear Responsible Party(ies),

This email is to inform you that Alameda County Department of Environmental Health (ACDEH) has administratively closed the Leaking Underground Storage Tank (LUST) Case "College Avenue Shell" GeoTracker Global ID T10000005056, Alameda County Department of Environmental Health (ACDEH) Case #RO0003123, located at 6039 College Avenue, Oakland CA 94618 (the "Site"). The Site is currently vacant following removal of the former Shell #13-5685 gasoline service station at the Site in 2013 and subsequent closure under the State Water Resources Control Board's Low Threat Closure Policy (LTCP) of the associated LUST Case (GeoTracker Global ID T0600101272, ACDEH Case #RO0000469).

In a directive letter dated June 30, 2022 for the Site, ACDEH transmitted our evaluation of the Site's conformance with the LTCP to you based on proposed redevelopment plans in the Site Redevelopment Report dated August 6, 2018 by Soma Environmental Engineering and requested a meeting to identify characterization or cleanup activities required to expedite the Site towards a status of regulatory closure relative to the redevelopment plans, assuming imminent Site redevelopment. ACDEH subsequently met with you and your respective legal counsels on August 10, 2022. Based on the meeting, ACDEH understands the Site redevelopment plans originally presented in the 2018 submittal are no longer being considered as the proposed redevelopment. Conceptual plans were presented to ACDEH at the August 10 meeting, which had not been approved at the time of the meeting by the City of Oakland Planning Department. Subsequent to the August 10 meeting, in email correspondence dated August 11, 2022, Zachary Walton, legal counsel for the property owner, requested that ACDEH require remedial activities to satisfy unmet LTCP criteria and indicated that a detailed development plan is unnecessary to establish the condition that Site redevelopment is imminent.

As stated in our August 10 meeting, assessment of Site conditions with the LTCP are based on existing or imminent changes in Site use. Redevelopment plans presented to ACDEH thus far have been conceptual in nature, as redevelopment plans approved by the City of Oakland planning department have not been presented to ACDEH. Additionally, under the current land use as a vacant lot, unmet LTCP criteria are limited to direct contact and outdoor air exposure (resulting from one sample located at two feet in depth collected and analyzed in 1998). In ACDEH's opinion, the presence of one historic sample in the case record exceeding LTCP direct contact criteria is not adequate justification for keeping this LUST case open. Therefore, at this

junction, as Site conditions have not changed since closure was granted for the associated LUST case RO0000469, ACDEH has administratively closed this LUST case. ACDEH requests that you contact us upon approval of Site redevelopment plans by the City of Oakland building department at which time ACDEH will reopen the Case for evaluation of Site conditions relative to the approved redevelopment plans.

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Additional Background

The Site formerly housed a Shell service station, and later a Petromart. The former service stations were comprised of differing UST configurations as the station operations date back to at least 1940. As of 1940, the former service stations consisted of a station building, one 550-gallon and three 1,000 gallon gasoline USTs and one 110-gallon steel -walled waste oil UST. In 1957, the aforementioned first-generation USTs were replaced with three 5,000-gallon steel-walled gasoline USTs and one 1,000-gallon steel-walled waste oil UST. In 1978 these second-generation USTs were removed, including one 8,000 gallon UST of unknown origin and were replaced with three 10,000-gallon fiberglass USTs for storage of gasoline.

Following notification of an unauthorized release at the Site in September 1989, ACDEH opened former LUST case RO0000469. Remedial actions were implemented at the Site from 1999 through 2005 consisting of removal of 26,506 gallons of groundwater containing elevated levels of petroleum hydrocarbons as separate and dissolved phase hydrocarbons using vacuum trucks; a pilot test of dual-phase vacuum extraction was also conducted. In October 2010, the Site was sold to Southern Counties Oil Company and was then occupied by Petromart. The former LUST case RO0000469 was closed in 2011, during which time, the Site remained in use as a Service station.

Retail service station operations were discontinued pending mixed commercial/residential development, and in January 2013, the USTs were removed from the Site and retail service station operations were discontinued pending redevelopment of the Site to mixed commercial/residential land use. During the UST removal, corrosion, odor, and soil discoloration were observed in the area of holes observed in one of the USTs. Soil samples collected from the UST excavation reported up to 1,700 milligrams per kilogram (mg/kg) of total petroleum hydrocarbons as gasoline (TPH-g), 15 mg/kg of ethylbenzene, and 17 mg/kg of naphthalene. Based on the soil sample results, ACDEH opened the current fuel leak case RO0003123. Since the opening of Fuel Leak case RO0003123 ACDEH has transmitted the following written directives and correspondence (summarized below):

- April 9, 2014: ACDEH rejected an environmental investigation work plan proposing cone penetrometer testing to 50 feet below ground surface (bgs) and requested a revised work plan proposing: (a) advancement of borings to 35 feet bgs to delineate vertical contamination extent beneath the former USTs and dispenser islands; (b) collection of shallow soil data to assess presence of a bioattenuation zone and to evaluate direct contract criteria under the LTCP; and, (c) collection of soil vapor samples from the area of the former dispenser islands. A revised work plan was submitted which ACDEH conditionally approved in a directive letter dated June 30, 2014. The subsequent investigation reported total petroleum hydrocarbons as gasoline (TPH-g) in groundwater up to 11,000 micrograms per liter ($\mu\text{g}/\text{l}$) and benzene up to 80 $\mu\text{g}/\text{l}$. Shallow soil vapor samples were collected at five feet below the current ground surface at the former UST pit and dispenser islands, which reported maximum concentrations of TPH-g up to 45,000 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$) and benzene as non-detectable above 16 $\mu\text{g}/\text{m}^3$.
- July 14, 2015: ACDEH requested submittal of construction plans and a construction schedule for the proposed site redevelopment to include an evaluation of human health risk for the Site. Conceptual plans for redevelopment were provided by SOMA dated September 28, 2015. In response to the directive, the "Underground Parking Garage Construction Plan and Current Soil Chemical Plume for 6039 College Avenue, Oakland, CA," dated September 28, 2015 prepared on behalf of Russell J. Bruzzone, Inc. and Montrose Investments by SOMA Environmental Engineering, Inc (The "Plan") was submitted to ACDEH. The Plan indicated that property owners were planning to construct a mixed residential and commercial building with an underground parking garage extending to a depth of approximately 10 to 12 feet bgs. The Plan concluded that (a) construction workers will likely be exposed to contamination during

construction of the parking garage and (b) residual contamination will likely pose a risk to commercial workers in the parking garage. Estimates of potential risk to the construction workers, site workers, or residents was not presented.

- November 17, 2015: ACDEH requested submittal of a corrective action plan (CAP) to evaluate human health risk for the proposed development and present actions for management of residual contamination prior to or during site redevelopment. A Workplan for Removal of Petroleum Impacted Soil dated January 18, 2016 prepared by Apex was presented to ACDEH proposing segregation of soil that would be identified as impacted by use of photoionization detector (PID) readings during redevelopment and subsequent profiling and removal of the impacted soil.
- October 19, 2016: To support understanding of the proposed redevelopment and soil segregation relative to the environmental Site conditions, ACDEH requested submittal of figures presenting proposed site redevelopment plans and supporting cross-sections and tables presenting the proposed building and facilities, landscaping, tenant spaces and underground structures (subsurface garage and elevator shafts, etc.) with locations of exploratory borings, monitoring wells, soil vapor probes, previous excavations, former USTs, and plume contours (soil, groundwater, soil gas, and free product etc.).
- June 12, 2018: ACDEH provided email correspondence stating an acceptable response to the October 2016 Directive Letter had not been received, and notified the responsible party that a response to the October 2016 Directive Letter is required. A development plan and Phase I Environmental Site Assessment were subsequently submitted in August, 2018.
- June 27, 2019: ACDEH acknowledged receipt of the soil segregation work plan. ACDEH requested submittal of a corrective action plan no later than September 27, 2019 and stated that a soil management plan for construction during conversion of the former service station to residential use is a required element of the corrective action plan. A memorandum was provided on June 18, 2019 by Apex Envirotech Inc. indicating that development plans have not changed and therefore the scope of work for segregation of soil beneath ten feet in depth as proposed in the January 18, 2016 work plan was still supported.
- June 26, 2020, ACDEH requested an update regarding submittal of the required CAP no later than July, 31 2020. As of the date of this directive letter, no further information has been provided to ACDEH, including the requested CAP