



CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
NEWS RELEASE

Department of Toxic Substances Control

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1st Site Certified Under Brownfield Cleanup Act (AB 389)

BERKELEY – Department of Toxic Substances Control (DTSC) Director Maureen Gorsen today announced certification of the 3-acre La Vista LLC site in Hayward – the first site in the state cleaned up under the California Land Reuse and Revitalization Act of 2004; also known as the “Brownfields Cleanup Act.” Certification means all required cleanup activities have been implemented for residential reuse of the site.

The Brownfields Cleanup Act of 2004 became law on Jan. 1, 2005. The new law, established by Assembly Bill 389 (Montanez), provides liability protections to developers, innocent landowners and contiguous property owners in an effort to promote the cleanup and redevelopment of California’s estimated 100,000 brownfield sites. Brownfields are properties with real or perceived contamination that may be vacant or underused due to environmental cleanup costs and liability concerns.

“Issuing this certification is a key step in the redevelopment process for this Bay Area brownfield site,” Gorsen said. “Cleaning up the site to residential standards protects public health and allows the developer to proceed with plans to build 78 affordable housing units on the property. The certification is consistent with Governor Schwarzenegger’s environmental goals to identify, evaluate and redevelop blighted and underutilized sites, thereby allowing cities to accommodate locally desirable mixed use, compact development and urban infill growth,” Gorsen added.

The La Vista, LLC site is the first site certified under the Brownfields Cleanup Act. With this certification, La Vista, LLC intends to transfer the property to Eden Housing for redevelopment into affordable housing units for East Bay residents.

DTSC certification documents for the site can be viewed through the Department’s EnviroStor database at www.dtsc.ca.gov. DTSC has signed four other agreements under this Act to clean up sites in Oakland, Costa Mesa, Marina del Rey and Riverside. “We hope that this site serves as a model for other property owners and local governments throughout California who are looking at the Brownfields Cleanup Act as a new blueprint to address contaminated sites, but have concerns about liability,” said Gorsen.

The La Vista, LLC site, was used in the 1950s as a food processing facility, and is located at 22958 Saklan Road in Hayward. Kruger Foods, Inc. processed cucumbers into pickles at the site until 2004. La Vista, LLC purchased the property in 2005.

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DTSC News Release

1ST SITE CERTIFIED UNDER BROWNFIELD CLEANUP ACT (AB 389)

Tuesday, October 03, 2006

Page 2

In December 2005, DTSC entered into the agreement with La Vista, LLC to investigate and clean up contaminated soil at the former pickle manufacturing plant. Under this agreement, La Vista, LLC cleaned up past hazardous material releases to ensure the property is safe for residential use. In exchange, La Vista, LLC receives immunity from liability for certain cleanup costs.

In June and July 2006, La Vista, LLC removed approximately 320 cubic yards of soil contaminated with tetrachloroethene, 1,4-dioxane, and petroleum hydrocarbons and disposed at an approved landfill, under DTSC oversight.

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The Department of Toxic Substances Control is a department of the California Environmental Protection Agency. DTSC's mission is to restore, protect, and enhance the environment and ensure public health, environmental quality and economic vitality by regulating hazardous waste, conducting and overseeing cleanups, and developing and promoting pollution prevention.