



Memorandum

TO: RULES AND OPEN
GOVERNMENT COMMITTEE

SUBJECT: EXPEDITED WORK ON
ALUM ROCK POLLUTED
SITES

FROM: Councilmember Peter Ortiz

DATE: 6/28/2023

Approved:

RECOMMENDATION

1. Direct the City Manager to conduct stakeholder outreach surrounding the site located on 2075 Alum Rock Ave, a bulk fuel storage business that has significant petroleum and solvent contamination in the soil vapor and groundwater. Community outreach should include, but should not be limited to:
 - a. An overview of potential solutions;
 - b. A collaborative timeline among involved City departments to resolve the contamination issue at this site; and
 - c. Establish an intergovernmental ad hoc committee in partnership with city and county staff that will be co-chaired by Councilmember Peter Ortiz and Supervisor Cindy Chavez that will meet bi-weekly, provide updates from involved government agencies, action items and a timeline for completion.
2. Direct the City Attorney to issue a Confidential Memo on potential legal remedies to ensure that The Regional Water Quality Control Board, which is the regulatory authority that oversees the cleanup of the contamination, works quickly and effectively to protect the community of East San Jose public health and environmental injustices.

BACKGROUND

The community of East San José has unfortunately experienced a distressing history of racial and environmental injustices. Specifically, the presence of lead pollution and contamination has severely impacted the wellbeing of residents, leading to a multitude of health issues. These ongoing challenges have greatly affected the community's quality of life, necessitating prompt and decisive action to address and rectify these ongoing problems.

Currently, residents face numerous environmental battles, such as the closing of Reid Hillview, restoring Lake Cunningham to its former state, addressing blighted areas, improving the urban canopy, and reducing pollution levels in an effort to ensure the community can live a normal and healthy life.

We do understand that the agency with the most direct oversight of water contamination is not the city but the Regional Water Quality Control Board. That being said, the Alum Rock Community deserves solutions at an expeditious rate; these issues have been impacting residents for far too long. While the city does not have direct oversight, we have the opportunity, through actions recommended in this memo, to be proactive and propositional on how to move forward with solutions to remedy this impact which is a matter of public health.

Staff also has an opportunity to build trust with the Alum Rock community by ensuring better communication and engagement around all aspects of the development process. Misunderstanding around the urban village process, stalled and failed development projects, blighted properties, and a lack of clarity around work undertaken on private property are highlighting the challenges that the City organization has had in engaging effectively with East San Jose.

For questions, please contact Brisa Moreno, Deputy Chief of Staff, at 408-535-4946.