



Materials Management Group, Inc.

City of New Orleans

June 19, 2009

1300 Perdido Street, Room 9E06

New Orleans, LA 70112

ATTN: Ms. Cynthia S. Lear, Deputy Chief Administrative Officer .

RE: Environmental investigation at the Chevron Building Site

MMG project # 5131 CNO

Dear Ms. Lear,

At your request, Materials Management Group, Inc. (MMG) has conducted an environmental survey and investigation into the environmental conditions of the Chevron Building site. The Chevron Building site includes a 21-story office building (935 Gravier St.), a 2-story café building (919 Gravier St.) and an 8-story parking garage (218 O'Keefe Ave.). This investigation was designed to include:

- Reviews of past investigation reports of environmental concerns identified at the site;
- Research of the LDEQ database for any past and/or existing environmental concerns at the site;
- Interview with the building engineer, Mr. Dax Misner (504-343-3557), for his knowledge of any potential environmental concerns at the site;
- Site reconnaissance and survey of the entire site to identify any potential environmental concerns.

These investigative activities were carried out between June 17-18, 2009 by Dr. C. Paul Lo, additional MMG staff, and Mr. Alec Hart, Regulatory Compliance Manager of MWH. The following sections summarize the findings and include conclusions and recommendations.

1.0 Asbestos Issues

1.1 Past Investigations

The 21-story office building was constructed in 1981. The 2-story café building was built prior to 1981. In January 1991, Ecology and Environment, Inc., San Francisco, CA, conducted an asbestos investigation at the 8-story parking garage. No asbestos was identified. In May 1997, Loflin Environmental Services, Inc. of Houston, TX conducted an asbestos analysis of a floor tile sample collected from the site. The results were positive for asbestos in the floor tile as well as the associated mastic. Unfortunately, this report did not address the location the sample was collected from or the size of the floor tile making this information of limited usefulness. In June 2007, Conestoga-Rovers and Associates of Baton Rouge, LA conducted a Phase I Environmental Site Assessment which included a building materials inventory study. The investigation revealed that there were suspected asbestos-containing materials in ceiling tiles and floor tiles at the office building and there was fire proofing near the 1st floor stairway in the café building. However, there was no further investigation and no analysis was conducted on these suspect materials.

1.2 MMG Investigation

The walk-through of the office building revealed that other than newer resilient tile on the 1st through 4th and 10th floors, the office building floors were covered with carpet. The only room observed currently having with 12" x 12" floor tiles was in room 2001 on the 20th floor. There were no floor tiles in the café building or the 8-story garage. The office building had ceiling tile on each floor. These tiles were determined by MMG's Louisiana Department of Environmental Quality (LDEQ) certified asbestos inspector to be non-asbestos-containing ceiling tile. MMG also investigated the fire proofing materials on the 21st floor of the office building and in the café building. The fire proofing materials on the 21st floor were fiberglass and not asbestos-containing materials. The fire proofing materials in the café building were suspected as asbestos-containing materials based on finding in earlier studies. MMG's asbestos inspector collected a sample on June 18, 2009 which was submitted to EMSL Laboratory in Baton

Rouge, LA, for analysis. The result was negative for asbestos. Please refer to Attachment 1 for the analytical results.

1.3 Conclusions and Recommendations

There were no asbestos-containing materials (ACM) identified in this investigation. If suspect ACM are encountered during renovations, the material should be sampled to determine asbestos content or it should be assumed to be asbestos-containing and removed and disposed in accordance with LDEQ regulations. Both the floor tile and the ceiling tile are non-friable materials and can be handled as construction debris.

2.0 Lead-Based Paint Issues

2.1 Past Investigations

In May 1995, Chevron Research and Technology conducted a lead-based paint survey of the office building and the eight-story garage using an X-ray Fluorescence Spectrophotometer (XRF). The results revealed that only the yellow paint on the safety shower pipe and the main air tank on the 4th floor of the office building contained lead. No other lead-based paint surfaces were identified.

2.2 MMG Investigation

During the walk-through of the office building, Mr. Misner informed MMG that the yellow main air tank had been replaced. The yellow safety shower pipe still existed. The paint condition of the pipe was intact (not deteriorating).

2.3 Conclusions and Recommendations

There was no lead-based paint hazard identified at this time. MMG recommends that a contractor licensed for lead removal/abatement be used to provide control or abatement of the lead-based paint surface (shower pipe) if modification or renovation of this area is deemed necessary.

3.0 Mold Growth Issues

3.1 Past Investigations

Based on a Chevron internal memorandum dated October 14, 2004, mold growth was observed on the 9th floor ceiling tile and water damage occurred to the

offices on that floor. The water problems were caused by the condensation of water vapor on A/C ducts underneath the floor of the 10th floor Data Center. The memorandum suggested three options to eliminate the moisture problems. Chevron selected one of these options referred to as the “Overhead Air” option that converted the existing A/C units in the Data Center to updraft units. The changes have since resolved the problem. On June 17, 2009, Mr. Misner confirmed these changes to MMG personnel.

3.2 MMG Investigation

On June 18, 2009, MMG personnel inspected the entire building to identify any observable mold growth inside the building. Based on this room-to-room inspection of each floor, no mold growth was observed inside the building with the exception of the following:

- Room 1932 on the 19th floor – mold growth behind the wall paper next to the window (approximately a 2 inch circle);
- Janitorial closet on the 18th floor – mold growth on wall panels (approximately 3 ft by 6 ft);
- Janitorial closet on the 15th floor – mold growth on wall panels (approximately 1 ft by 2 ft);
- Janitorial closet on the 11th floor – mold growth on wall panels (approximately 1 ft by 1 ft).

3.3 Conclusions and Recommendations

The mold growth in room 1932 was very minor. This could have been caused by water intrusion from the window frame. The mold growth inside the janitorial closets was more severe. However, these janitorial closets did not connect to any of the air circulation systems and should have minimum impact to the general indoor air quality. MMG recommended that these mold growth surfaces should be thoroughly cleaned or replaced by a certified mold abatement contractor.

4.0 Indoor Air Quality Issues

4.1 Past Investigations

In 2006, Chevron contracted JK, Inc. of Houston, TX, to conduct quarterly environmental and microbial monitoring related to indoor air quality at the

Chevron Building located at 935 Gravier St. The purpose of these monitoring activities was to substantiate remediation activities conducted as a result of Hurricane Katrina. Air monitoring events were carried out in April, July, October, and December 2006. These four monitoring events of indoor air quality showed that temperature, relative humidity, carbon dioxide, and carbon monoxide concentrations were all within American Society of Heating, Refrigeration, and Air conditioning Engineers (ASHRAE) recommended guidelines for indoor spaces. The monitoring results also showed that the indoor air exhibited much lower fungal spore counts when compared to the outdoor air fungal spore counts.

4.2 MMG Investigation

During the June 17-18, 2009 survey of the building, MMG personnel did not experience any discomfort or unpleasant conditions associated with indoor air quality. The indoor humidity was comfortable. There was no chemical odor, moldy smell, or dusty atmosphere. All of the A/C vents and ducts were very clean. MMG personnel also noticed that there was minimal dust on any of the flat surfaces. This was a very good indication that the particulates were filtered out by the air handling units. MMG personnel also checked the air handling units on the 4th floor. All of the filters had accumulated dust on their surface but accumulation was not considered excessive. According to Mr. Misner, these filters were due for washing shortly. This washing practice will certainly further enhance the indoor air quality.

4.3 Conclusions and Recommendations

At present, the indoor air quality was in excellent condition. MMG recommends a baseline air monitoring event be conducted once the renovation of the building is complete. This air monitoring will provide a reference point for future air quality inside the building after occupancy.

5.0 **Underground Storage Tank Issues**

There are currently two 2,000-gallon diesel underground storage tanks (UST) on site. Diesel in these tanks is utilized to feed the day tanks for the emergency generators on the 4th floor. These tanks have been upgraded with spill and overflow prevention equipment and double-walled fiberglass piping. These tanks are currently registered with LDEQ. The registration will expire on June 30, 2010.

5.1 MMG Investigation

On June 17, 2009, MMG personnel inspected the UST area and found the tank area and the associated fill ports were in satisfactory condition. A review into LDEQ's Environmental Data Management System (EDMS) indicated there was one (1) compliance order issued to Chevron for these USTs (Enforcement Tracking No. UE-C-07-0624). This compliance order is related to errors in the current tank registration including:

- Failure to submit an amended registration form to reflect the tank upgrades (spill prevention equipment);
- Errors in the registration forms submitted to LDEQ.

Please refer to Attachment 2 for more details.

5.2 Conclusions and Recommendations

There is a compliance order issue with the site. Although the merit of this compliance order is not technical but administrative and related to paperwork deficiencies, MMG recommends that the City look into this matter further.

6.0 Waste Issues

6.1 Past Investigation

The 2007 Conestoga-Rovers and Associated building materials inventory study included references to the potential for materials such as mercury in thermostats and fluorescent bulbs, lead-acid batteries, PCB in fluorescent lamp ballasts and hydraulic and electrical equipment. These were only referenced generally as potential sources for regulated or hazardous wastes if not managed properly.

6.2 MMG Investigation

While the scope of this investigation did not include in-depth evaluation of these potential sources of regulated wastes, when managed properly, these materials are considered "Universal Wastes" and not hazardous wastes. All chemicals used for building maintenance were properly stored in appropriate chemical cabinets. There was no trash or debris found on the site.

6.3 Conclusions and Recommendations

The site reconnaissance did not reveal any hazardous or non-hazardous waste concerns. No mercury containing thermostats were noted and fluorescent bulbs

observed on site were of the newer “mercury free” type. MMG recommends the management of this type of regulated waste as a best practice through development of a written Universal Waste Management plan for the building.

This summarizes the findings to date. If you have any questions, please feel free to contact me at 504-368-0568.

Sincerely yours,

A handwritten signature in black ink, appearing to read "C. Paul Lo". The signature is fluid and cursive, with a large initial "C" and a distinct "Lo" at the end.

Dr. C. Paul Lo, Sc.D.

President

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ATTACHMENT 1 – Asbestos Analytical Results



EMSL Analytical, Inc.

11931 Industriplex, Suite 100, Baton Rouge, LA 70809

Phone: (225) 755-1920 Fax: (225) 755-1989 Email: batonrougelab@emsl.com

Attn: **Paul Lo**
MMG/Materials Management Group, Inc.
3520 General DeGaulle Drive
Suite 3010
New Orleans, LA 70114

Customer ID: MATM50
Customer PO:
Received: 06/18/09 12:45 PM
EMSL Order: 250903127

Fax: (504) 368-8403 Phone: (504) 368-0568
Project: **5131-CNO**


EMSL Proj:
Analysis Date: 6/18/2009

Asbestos Analysis of Bulk Materials via EPA 600/R-93/116 Method using Polarized Light Microscopy

Sample	Description	Appearance	Non-Asbestos		Asbestos
			% Fibrous	% Non-Fibrous	% Type
A-01 250903127-0001		White Fibrous Homogeneous	60% Glass	40% Non-fibrous (other)	None Detected

Analyst(s)

Brett Heitzmann (1)



Bridget Genovese, Laboratory Manager
or other approved signatory

Due to magnification limitations inherent in PLM, asbestos fibers in dimensions below the resolution capability of PLM may not be detected. The limit of detection as stated in the method is 1%. The above test report relates only to the items tested and may not be reproduced in any form without the express written approval of EMSL Analytical, Inc. EMSL's liability is limited to the cost of analysis. EMSL bears no responsibility for sample collection activities or analytical method limitations. Interpretation and use of test results are the responsibility of the client. Samples received in good condition unless otherwise noted. This report must not be used to claim product endorsement by NVLAP or any agency of the U.S. Government.
Samples analyzed by EMSL Analytical, Inc. Baton Rouge 11931 Industriplex, Suite 100, Baton Rouge LA NVLAP Lab Code 200375-0, LELAP 01950, TX 300238

ATTACHMENT 2 – LDEQ Compliance Order

BOBBY JINDAL
GOVERNOR



HAROLD LEGGETT, Ph.D.
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE
November 19, 2008

CERTIFIED MAIL (7007 2680 0003 2276 3559)
RETURN RECEIPT REQUESTED

CHEVRON U.S.A. INC.
c/o C T Corporation System
Agent for Service
400 Poydras Street
New Orleans, LA 70130

RE: COMPLIANCE ORDER
ENFORCEMENT TRACKING NO. UE-C-07-0624
AGENCY INTEREST NO. 70108

Dear Sir:

Pursuant to the Louisiana Environmental Quality Act (La. R.S. 30:2001, et seq.), the attached **COMPLIANCE ORDER** is hereby served on **CHEVRON U.S.A. INC. (RESPONDENT)** for the violation described therein.

Compliance is expected within the maximum time period established by each part of the **COMPLIANCE ORDER**. The violation cited in the **COMPLIANCE ORDER** could result in the issuance of a civil penalty or other appropriate legal actions.

Any questions concerning this action should be directed to Richard Gianelloni at (985) 624-4474.

Sincerely,

A handwritten signature in black ink, appearing to read "L. Iturralde", written over a circular stamp.

Lourdes Iturralde
Administrator
Enforcement Division

LI/rg
Alt ID No. 36-001905
Attachment

STATE OF LOUISIANA
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

IN THE MATTER OF

CHEVRON U.S.A. INC.
ORLEANS PARISH
ALT ID NO. 36-001905

PROCEEDINGS UNDER THE LOUISIANA
ENVIRONMENTAL QUALITY ACT,
La. R.S. 30:2001, ET SEQ.

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* ENFORCEMENT TRACKING NO.
*
* UE-C-07-0624
*
* AGENCY INTEREST NO.
*
* 70108
*
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COMPLIANCE ORDER

The following **COMPLIANCE ORDER** is issued to **CHEVRON U.S.A. INC.** (**RESPONDENT**) by the Louisiana Department of Environmental Quality (the Department), under the authority granted by the Louisiana Environmental Quality Act (the Act), La. R.S. 30:2001, et seq., and particularly by La. R.S. 30:2025(C) and 30:2050.2.

FINDINGS OF FACT

1.

The Respondent owns and/or operates two (2) underground storage tanks (USTs) Chevron U.S.A. Inc., located at 935 Gravier Street in New Orleans, Orleans Parish, Louisiana. A completed registration form was submitted for the USTs and the facility was assigned facility identification number 36-001905.

II.

On or about August 7, 2007, an inspection of the facility revealed the following violation: The Respondent failed to submit an amended registration form to notify the Department of changes in the descriptions of the UST systems resulting from upgrading, in violation of LAC 33:XI.301.C.3. Specifically, in 1998 the USTs were upgraded with spill and overfill prevention equipment and double-walled fiberglass piping but an amended registration form was not submitted. Also, the registration form on file indicates that each UST stores gasoline and has a capacity of 1,000 gallons when in fact each UST stores diesel and has a capacity of 2,000 gallons.

COMPLIANCE ORDER

Based on the foregoing, the Respondent is **hereby ordered**:

I.

To submit, within fifteen (15) days after receipt of this **COMPLIANCE ORDER**, to the Office of Environmental Assessment an amended registration form indicating current and accurate descriptions of the USTs to demonstrate compliance with LAC 33:XI.301.C.3.

II.

To immediately take, upon receipt of this **COMPLIANCE ORDER**, any and all steps necessary to meet and maintain compliance with the Underground Storage Tanks Regulations.

III.

To submit to the Enforcement Division, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, a written report that includes a detailed description of the circumstances surrounding the cited violation and actions taken or to be taken to achieve

compliance with the Order Portion of this **COMPLIANCE ORDER**. This report and all other reports or information required to be submitted to the Enforcement Division by this **COMPLIANCE ORDER** shall be submitted to:

Office of Environmental Compliance
Post Office Box 4312
Baton Rouge, Louisiana 70821-4312
Attention: Richard Gianelloni
Enforcement Tracking No. UE-C-07-0624
Agency Interest No. 70108

THE RESPONDENT SHALL FURTHER BE ON NOTICE THAT:

I.

The Respondent has a right to an adjudicatory hearing on a disputed issue of material fact or of law arising from this **COMPLIANCE ORDER**. This right may be exercised by filing a written request with the Secretary no later than thirty (30) days after receipt of this **COMPLIANCE ORDER**.

II.

The request for an adjudicatory hearing shall specify the provisions of the **COMPLIANCE ORDER** on which the hearing is requested and shall briefly describe the basis for the request. This request should reference the **Enforcement Tracking Number** and **Agency Interest Number**, which are located in the upper right-hand corner of the first page of this document and should be directed to the following:

Department of Environmental Quality
Office of the Secretary
Post Office Box 4302
Baton Rouge, Louisiana 70821-4302
Attn: Hearings Clerk, Legal Division
Re: Enforcement Tracking No. UE-C-07-0624
Agency Interest No. 70108

III.

Upon the Respondent's timely filing a request for a hearing, a hearing on the disputed issue of material fact or of law regarding this **COMPLIANCE ORDER** may be scheduled by the Secretary of the Department. The hearing shall be governed by the Act, the Administrative Procedure Act (La. R.S. 49:950, et seq.), and the Department's Rules of Procedure. The Department may amend or supplement this **COMPLIANCE ORDER** prior to the hearing, after providing sufficient notice and an opportunity for the preparation of a defense for the hearing.

IV.

This **COMPLIANCE ORDER** shall become a final enforcement action unless the request for hearing is timely filed. Failure to timely request a hearing constitutes a waiver of the Respondent's right to a hearing on a disputed issue of material fact or of law under Section 2050.4 of the Act for the violation(s) described herein.

V.

The Respondent's failure to request a hearing or to file an appeal or the Respondent's withdrawal of a request for hearing on this **COMPLIANCE ORDER** shall not preclude the Respondent from contesting the findings of facts in any subsequent penalty action addressing the same violation(s), although the Respondent is estopped from objecting to this **COMPLIANCE ORDER** becoming a permanent part of its compliance history.

VI.

Civil penalties of not more than twenty-seven thousand five hundred dollars (\$27,500) for each day of violation for the violation(s) described herein may be assessed. For violations which occurred on August 15, 2004, or after, civil penalties of not more that thirty-two thousand five hundred dollars (\$32,500) may be assessed for each day of violation. The Respondent's

failure or refusal to comply with this **COMPLIANCE ORDER** and the provisions herein will subject the Respondent to possible enforcement procedures under La. R.S. 30:2025, which could result in the assessment of a civil penalty in an amount of not more than fifty thousand dollars (\$50,000) for each day of continued violation or noncompliance.

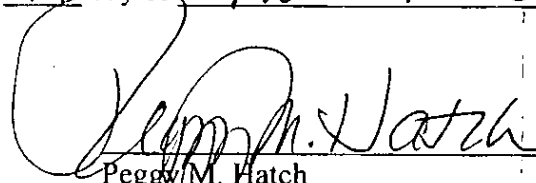
VII.

For each violation described herein, the Department reserves the right to seek civil penalties in any manner allowed by law; and nothing herein shall be construed to preclude the right to seek such penalties.

VIII.

This **COMPLIANCE ORDER** is effective upon receipt.

Baton Rouge, Louisiana, this 19th day of November, 2008.



Peggy M. Hatch
Assistant Secretary
Office of Environmental Compliance

Copies of a request for a hearing and/or related correspondence should be sent to:

Louisiana Department of Environmental Quality
Office of Environmental Compliance
Enforcement Division
P.O. Box 4312
Baton Rouge, LA 70821-4312
Attention: Tyler Ginn