

NOTICE OF EXEMPTION

2019110280

To: Office of Planning and Research
State Clearinghouse
P.O. Box 3044, 1400 Tenth Street, Room 212
Sacramento, CA 95812-3044

From: Department of Toxic Substances Control
Brownfields and environmental Protection Program
700 Heinz Ave.
Berkeley, CA 94710

Project Title: Remedial Action Work Plan for Legacy Apartments (Formerly Filbert Townhomes)		
Project Address: 1329 Fred Jackson Way - (Includes 4 of the 11 parcels intended for development)	City: Richmond	County: Contra Costa
Approval Action Under Consideration by DTSC:		
<input checked="" type="checkbox"/> Removal Action Workplan	<input type="checkbox"/> Initial Permit Issuance	<input type="checkbox"/> Permit Re-Issuance
<input type="checkbox"/> Corrective Measure Study/Statement of Basis	<input type="checkbox"/> Permit Modification	<input type="checkbox"/> Closure Plan
<input type="checkbox"/> Remedial Action Plan	<input type="checkbox"/> Regulations	<input type="checkbox"/> Interim Removal
<input type="checkbox"/> Other (specify):		
Statutory Authority:		
<input type="checkbox"/> California H&SC, Chap. 6.5 <input checked="" type="checkbox"/> California H&SC, Chap. 6.8 <input type="checkbox"/> Other (specify):		

Project Description: This project includes the removal and off-site disposal of approximately 320 cubic yards of lead contaminated soil to allow for unrestricted use of the property. As documented in the Removal Action Work Plan (RAW) for the Legacy Apartments (Site), the property is intended for the development of multiple unit affordable housing by property owner, Community Housing Development Corporation of North Richmond (CHDCNR). Project costs are expected to be under \$1 million.

Background: The Site is located at the northwest corner of the intersection of Duboce Street and Fred Jackson Way, within the property designated as 1329 Fred Jackson Way, Richmond, California. The Site has a surface area of 12,500 square feet and is divided into four lots with the following assessor parcel numbers: 561-162-031, 561-162-032, 561-162-033 and 561-162-034. There is no physical separation between the lots. This undeveloped Site is surrounded by a chain-link fence with an access gate on the north side adjacent to Duboce Street. A small area in the northwest corner of the Site contains a pile of trash. Across Duboce Street to the north of the Site are single family residences. Single family residences are also adjacent to the west and to the south. Across Fred Jackson Way to the east of the Site is a vacant lot that was a former Leaking Underground Storage Tank (LUST) Site. The Site formerly had monitoring wells associated with the LUST facility, but concentrations of contaminants were not detected in groundwater from the wells.

In 1939, the Site was occupied by one large residence. However, by 1953 the Site had been divided into four lots with separate residences on each. One of the residences was apparently turned into a small market during the 1970s and was used as such until its demolition in 2001. By 2002 all four of residences had been removed and the lots were vacant land.

A Phase I Environmental Site Assessment (ESA) was conducted for the Property by Impact Environmental Services (IES) in February 2011. The report revealed that the Property consisted of four assessor's parcels, that when combined have a total land area of 12,500 square feet. The report states that the primary historical use of the Property was for residential purposes. IES recommended collecting soil and groundwater samples due to the nearby location of a dry cleaners. In addition, because the Property had been used for automotive storage, IES recommended sampling near surface soil for total recoverable petroleum hydrocarbons (TRPH) total petroleum hydrocarbons as gasoline (TPHg), and total lead.

Fisher Geotechnical, presented a report of Summary of Environmental Sampling and Analytical Test Data on June 13, 2011. Fisher subcontracted the services of Ground Zone Environmental Services, to collect soil and groundwater samples as recommended by IES in their Phase I ESA. Shallow soil samples were collected using a shovel. Soil was placed in stainless steel containers prior to analysis. Shallow soil samples were analyzed for volatile organic compounds (VOCs), TRPH, TPHg, and lead. Minor concentrations of TRPH were reported in two of the eight samples. Lead was reported in all eight samples ranging in concentration from 28 mg/Kg to 430 mg/Kg. Soil samples and one groundwater sample were collected from a boring that was drilled to groundwater at the Property by Fisher. Soil and groundwater samples collected from the deeper boring were analyzed for VOCs, but none were detected above the method reporting limit.

Soil sampling was conducted on December 1, 2014. This analysis helped further define the area of lead impacted soil at the Site and revealed the lead concentrations in soil that are above about 100 mg/Kg.

Additional soil vapor sampling was conducted on November 22, 2015. During this assessment, it was found that results of the soil vapor samples were below acceptable regulatory limits.

Additional soil sampling was conducted on March 13, 2018. This report better defined soil contamination found in previous environmental investigations.

Project Activities: The Removal Action Objectives (RAOs) for this remedial action include the following:

- Long-term protection of human health through the reduction or elimination of Contaminants of Concern (COC) (i.e., lead) or elimination of potential exposure pathways;
- Cleaning up the Site to facilitate construction of a residential development without the need for institutional controls or long-term operations and maintenance requirements; and
- Eliminate, through their removal, the potential for on-Site sources of the COC in soil.

The most elevated concentrations of lead in soil appear to be limited to soil in the upper 0"-12" (perhaps extending to 18" below ground surface). The removal action will concentrate primarily on mitigation of the shallower soils in the footprints, as elevated concentrations of lead at the Site were primarily found in soil from about the surface to 12 inches below the ground surface. Mitigating the lead impacted soil to a concentration of 80 mg/Kg or less, will reduce the Human Health Risk for a child under a residential scenario to an acceptable level. Of the 22 samples collected at the Site from a depth interval of 18-24 inches, only two were reported to have a concentration greater than the California Human Health Screening Levels (CHHSLs) for lead (80 mg/Kg). The lead in soil in the 18"-24" interval below ground surface at the Site appears to be limited, as such limited excavation and removal to the 24" inch depth interval will be conducted.

Project activities will include the following:

- Excavation and removal of approximately 320 cubic yards of lead-impacted soil. Maximum depth of excavation is estimated to be 18 inches below ground surface (with two known limited areas that will extend to 24 inches below ground surface)
- Transporting the lead-impacted soil to an intermodal facility in San Francisco, for eventual disposal at a permitted facility in East Carbon Utah
- Confirmation soil sampling
- The excavation will be backfilled with certified clean fill soil. The soil will be placed in thin lifts of no more than six inches. The lifts will be moisture-conditioned and will be compacted using non-vibratory compaction methods. Backfilling the excavation will continue until the compacted material is substantially at the same elevation as surrounding soil. 32 to 40 trucks are planned for this activity.

The excavated soil will be characterized for disposal at an appropriately licensed disposal facility. The excavated soil will be hauled or transported away from the site by equipment (trucks) and personnel that are properly licensed to handle and transport on California roadways. The material will be transported to a properly licensed intermediate handling facility prior to its shipment to a properly licensed disposal facility. All facilities and personnel in the transportation and disposal chain will have the required certifications and/or licenses to ensure lawful disposal of the soil materials from the site. Procedures for handling, transporting and disposal of the soil will comply with applicable state and federal laws and regulations.

Engineering controls will be implemented to control dust emissions. The excavated area will be thoroughly wetted several times per day, to ensure that dust from the Site does not impact the surrounding community. The excavation contractor will lay down a layer of crushed rock or provide portable racks of steel bars at the entrance to the Site to allow excavation equipment to enter and exit the Site without carrying soil onto the street. Visual soil on the excavator will be scraped prior entering the street. The contractor shall have a water truck or water tank on the job Site at all times while performing earthwork operations in work areas containing lead. Adverse conditions that cause dust levels to exceed $50\mu\text{g}/\text{m}^3$ may require changes to the engineering controls, or a shutdown of the project until safer conditions occur. During soil disturbance and removal activities at the project site, perimeter air monitoring for lead will be conducted, from both upwind and downwind locations.

A professional traffic control company will be utilized to inhibit street and foot-traffic interference with onsite activities. Personnel will direct persons away from work activities and will direct traffic to enable trucks to enter and exit the work area.

An encroachment permit will be obtained from the City of Richmond to facilitate enough space on city streets for trucks to receive contaminated soil. The sidewalk and parking lane adjacent to the Property along Duboce Street will need to be closed to traffic and parked vehicles during at least two days of excavation activities. Appropriate measures will be taken

to protect all potentially affected storm water drains, and associated pathways. Straw wattles, hay bales, silt fencing, and storm grate filter fabric will be employed as necessary.

The remediation of lead-impacted soil to the target soil cleanup goal is expected to result in a onetime remedy at the Site that is compatible with unrestricted use.

Name of Public Agency Approving Project: Department of Toxic Substances Control

Name of Person or Agency Carrying Out Project: Community Housing Development Corporation

Exempt Status: (check one)

- Ministerial [PRC, Sec. 21080(b)(1); CCR, Sec. 15268]
 Declared Emergency [PRC, Sec. 21080(b)(3); CCR, Sec.15269(a)]
 Emergency Project [PRC, Sec. 21080(b)(4); CCR, Sec.15269(b)(c)]
 Categorical Exemption: [CCR Title 14, Sec. 15330]
 Statutory Exemptions: [State Code Section Number]
 Common Sense Exemption [CCR, Sec. 15061(b)(3)]

Exemption Title: Minor Actions Taken to Prevent, Minimize, Stabilize, Mitigate, or Eliminate the Release or Threat of Release of Hazardous Waste or Hazardous Substance.

Reasons Why Project is Exempt:

The proposed remedial action requires minimal activities and potential immediate impacts are limited to Vandenberg Air Force Base (VAFB). The proposed remedial action will not create any significant environmental impact because:

1. The project is a minor action designed to prevent, minimize, stabilize, mitigate or eliminate the release or threat of release of hazardous waste or hazardous substances.
2. The project will not exceed \$1 million in cost.
3. The project does not involve the onsite use of a hazardous waste incinerator or thermal treatment unit or the relocation of residences or businesses, and does not involve the potential release into the air of VOCs as defined in Health and Safety Code Section 25123.
4. The exceptions pursuant to Cal. Code Regs., tit. 14, § 15300.2 have been addressed as follows:
 - Cumulative Impact. The project will not result in cumulative impacts because it is designed to be a short-term, final remedy that would not lead to a succession of projects of the same type in the same place over time.
 - Significant Effect. The environmental safeguards and monitoring procedures that are enforceable and made a condition of project approval will prevent unusual circumstances from occurring so that there is no possibility that the project will have a significant effect on the environment.
 - Scenic Highways. The project will not damage scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, because it is not located within a highway officially designated as a state scenic highway.
 - Hazardous Waste Sites. The project is not located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.
 - Historical Resources. The project will not cause a substantial adverse change in the significance of a historical resource because there are none at the site.

Evidence to support the above reasons is documented in the project file record, available for inspection at:

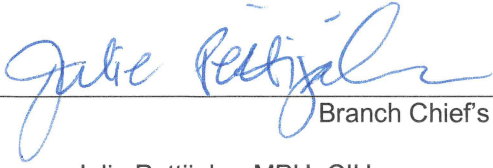
Department of Toxic Substances Control
 File Room
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https://www.envirostor.dtsc.ca.gov/public/profile_report.asp?global_id=60002142

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Branch Chief's Signature

11/14/19

Date

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Governor's Office of Planning & Research

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