

## CALIFORNIA ENVIRONMENTAL QUALITY ACT NOTICE OF DETERMINATION

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  
Site Mitigation and Restoration Program  
700 Heinz Avenue, Unit 200  
Berkeley, CA 94710

**Subject:** FILING OF NOTICE OF DETERMINATION IN COMPLIANCE WITH SECTION 21108 OF THE PUBLIC RESOURCES CODE

**Project Title:** Preliminary Endangerment Assessment Addendum, Smilo Chemical Company

**State Clearinghouse Number:** 2012102047

**Project Location:** 500 Kirkham Street, Oakland, California 94607

**County:** Alameda

**Project Applicant:** 500 Kirkham, LLC

**Project Description:** The project activities involve the implementation of a Preliminary Endangerment Assessment (PEA) Addendum for the Smilo Chemical Company project. The PEA Addendum recommends replacing the existing four groundwater monitoring wells within one year of construction completion, installation of vapor intrusion barriers beneath all future buildings, and recording a land use covenant. The PEA Addendum was prepared to address vapor intrusion issues and mitigation measures associated with a revised development plan.

**Background:** The project site (Site) consists of approximately 2.5 acres located at 500 Kirkham Street in the City of Oakland. The Site was occupied by residences and commercial/industrial development from before the 1930s through the mid-1950s. These operations included a variety of commercial/industrial warehouse and manufacturing operations including clothing, canned goods, and paper products. From the mid-1950s through the early 1990s, the entire Site, except for the southwestern quarter, was covered by the elevated Interstate 880 freeway. During this time, the southwestern portion of the Site was occupied by automotive and truck repair businesses and a chemical repacking operation. Following the 1989 Loma Prieta Earthquake, the freeway was removed from the Site in the early 1990s and the Site reverted to commercial and industrial uses. In 1995, one 1,100-gallon gasoline underground storage tank (UST) was excavated and removed from the western portion of the Site.

Environmental investigations were conducted at the Site between 1995 and 2016. Review of the aggregate data indicates volatile organic compounds (VOCs), total petroleum hydrocarbon as gasoline and diesel ranges (TPHs), and metals were detected in groundwater and soil gas. VOCs and TPHs were detected in soil gas, and TPHs and metals were detected in soil. The investigations summaries were detailed in a 2017 PEA report.

A previous PEA was prepared for the Site in 2017 and considered potential vapor intrusion exposure scenarios; however, the most recent soil gas data cited in the report did not exhibit target analytes more than respective screening levels that were in effect at the time of PEA publication. The April 2017 PEA also identified an LUC as a protective administrative control against VOCs, TPHs and metals in groundwater.

Subsequently, the development plan for the Site has been revised, and since the time of the 2017 PEA approval, the vapor intrusion screening level framework was revised. As a result, DTSC requested the preparation of an Addendum document to the 2017 PEA to address these issues.

The Site is currently vacant. An existing elevated Bay Area Rapid Transit (BART) track crosses the southwestern portion of the Site. The Site is located in a mixed commercial/industrial and residential area of Oakland. The Site is surrounded by commercial uses to the east, multifamily and commercial uses to the north, parking lot to the west, and commercial and transportation infrastructure (i.e., BART line, I-880) to the south.

**Project Activities:** The purpose of the PEA Addendum is to address the changes in the proposed development plan and regulatory framework that have emerged since the previous PEA approval, and how these revisions may now result in potential health risks to future land users. In addition to a revised development footprint, the proposed design has changed to include ground floor residential units with interior courtyards. A park has also been added to the design in the southwestern portion of the Site. Given the new site configuration, a new evaluation of potential soil vapor intrusion has been requested by DTSC. In the approved April 2017 PEA, soil gas concentrations were below all applicable residential screening levels. However, DTSC has since revised their screening levels and attenuation factor guidelines. Additionally, select constituents that were previously detected during sampling events did not have respective screening levels under the previous screening level framework. The 2019 screening levels in effect at the present time include screening levels for some of these constituents.

VOCs were identified in soil gas that present a risk to future residents at the Site as vapor intrusion. The PEA Addendum recommends the use of a vapor barrier to mitigate this risk. Details pertaining to the design and operation of the system, including testing and inspection, will be provided in subsequent documents. Additionally, a Land Use Covenant (LUC) will be prepared and recorded for the Site. In addition, existing monitoring wells will be destroyed prior to grading activities. Replacement monitoring wells will be installed within one year of construction completion. A well abandonment and replacement work plan will be submitted to DTSC for review and approval prior to the work being completed.

DTSC utilized information and analysis in the *500 Kirkham Street Project CEQA Analysis and Addendum to West Oakland Specific Plan EIR* (EIR Addendum), to support a final determination about the type of environmental document required to be prepared for the *Preliminary Endangerment Assessment Addendum, Smilo Chemical Company*, as provided by Sections 15162, 15163, and 15164 of the CEQA Guidelines. As Responsible Agency under the California Environmental Quality Act (CEQA), DTSC approved the above-described project on December 7, 2022 and has made the following determinations:

1. The project will not have a significant effect on the environment.
2. An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures were not made a condition of project approval.
4. A Statement of Overriding Considerations was not adopted for this project.
5. Findings were made pursuant to the provisions of CEQA.

The administrative record for this project is available to the public by appointment at the following location:

Department of Toxic Substances Control  
700 Heinz Avenue, Unit 200  
Berkeley, CA 94710  
(510) 540-2122 (call for an appointment)

Additional project information is available on EnviroStor:  
[www.envirostor.dtsc.ca.gov/public/profile\\_report?global\\_id=01510022](http://www.envirostor.dtsc.ca.gov/public/profile_report?global_id=01510022)

Contact Person Elizabeth Chung	Contact Title Project Manager	Phone Number (510) 540-3842
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Approver's Signature:

Date: **Dec 7, 2022**



Approver's Name  
Juliet C. Pettijohn, MS, CIH

Approver's Title  
Branch Chief

Approver's Phone Number  
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TO BE COMPLETED BY OPR ONLY

Date Received for Filing and Posting at OPR: