# CALIFORNIA ENVIRONMENTAL QUALITY ACT
# STATEMENT OF FINDINGS

The Department of Toxic Substances Control (DTSC) has issued Findings for this project pursuant to the California Environmental Quality Act (CEQA; California Public Resources Code, Division 13, Section 21081) and implementing Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3, Sections 15091 et seq.)

## A. PROJECT SUBJECT TO DTSC APPROVAL

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| PROJECT TITLE:<br>Midway Village Remedial Action Plan Amendment | | SITE CODING: |
| PROJECT ADDRESS:<br>45-47 Midway Drive | CITY:<br>Daly City | COUNTY:<br>San Mateo |
| PROJECT SPONSOR:<br>MidPen Housing | CONTACT:<br>Matthew Lewis | PHONE/ EMAIL: 510-817-2758<br>mlewis@midpen-housing.org |

Approval Action Under Consideration by DTSC:

☐ Removal Action Workplan ☐ Interim Removal ☐ Initial Permit Issuance ☐ Permit Re-Issuance
☐ Corrective Measure Study/Statement of Basis ☐ Permit Modification ☐ Closure Plan
☒ Remedial Action Plan ☐ Regulations
☐ Other (specify):

STATUTORY AUTHORITY:

☐ California H&SC, Chap. 6.5 ☒ California H&SC, Chap. 6.8 ☐ Other (specify):

PROJECT DESCRIPTION: Soil vapor on the Midway Village/Bayshore Park site (Site) contains polycyclic aromatic hydrocarbons (PAHs) that result in potentially unacceptable risks and hazards for future residents; therefore, a vapor mitigation system (VMS) is proposed as the remedy to prevent exposure of future on-Site residents to Site soil vapor. The project involves approval of a Remedial Action Plan (RAP) Amendment for the Site. This site is the location of the Midway Village public housing project and Bayshore Park owned by Housing Authority of the County of San Mateo (HACSM). DTSC is overseeing the redevelopment under a voluntary agreement (HAS-FY17/18-113).

BACKGROUND: In the past, the Site was a military housing facility constructed during World War II by the U.S. Government. During construction of the military housing facility, soil contaminated with manufactured gas plant (MGP) residues from the adjacent former MGP site was used as fill material on approximately 20 acres. This soil contained polycyclic aromatic hydrocarbons (PAHs). In 1955, the U.S. government transferred this property to the HACSM. PAH-impacted soil was excavated from the Site twice, first in 1994 and again in 2001. The excavations were backfilled with two to five feet of clean soil and re-landscaped or covered with asphalt or concrete. The Midway Village portion of the Site is subject to two deed restrictions that were recorded in 1998 and 2010. The deed restrictions limit the land use to multiple family residential use and require that the cap be maintained. The Bayshore Park portion of the Site is subject to a deed restriction that was recorded in 2002. The deed restriction on Bayshore Park prohibits residential and other sensitive uses and requires non-interference with the cap (that is, all uses, and development of the property shall preserve the integrity of the cap).

A RAP prepared in 1993 only evaluated remedial action alternatives for soil at Midway Village and did not evaluate remedial actions at Bayshore Park. In the 1993 RAP, groundwater and soil gas were not identified as media of concern that could pose a human health risk. A RAW prepared in 1998 only evaluated remedial action alternatives for soil at Bayshore Park. The 1998 RAW remedy included soil excavation and capping with clean fill. An Explanation of Significant Differences (ESD) prepared in 2001 required excavation of additional soil across the entire Bayshore Park along with capping, institutional controls, and monitoring. In 2018 and 2019, soil gas samples were collected from Midway Village and used in preparation of a 2020 Human Health Risk Assessment (HHRA) to estimate potential human health risks for future residents and construction workers. The HHRA identified areas with elevated chemicals of potential concern (COPC) concentrations in soil gas associated with the vapor intrusion pathway that resulted in potentially unacceptable risks and hazards for future residents.

The HACSM is redeveloping Midway Village and Bayshore Park in the Midway Village Revitalization project. The County and their non-profit real estate developer, MidPen Housing Corporation are in the planning phase of the redevelopment process. The Amendment to the Remedial Action Plan addresses potential soil vapor contamination in the redevelopment.

PROJECT ACTIVITIES: The VMS will consist of the following elements:

- Continuous, spray-applied vapor barrier membrane immediately beneath the structural foundation slab to mitigate vapor migration into the building;
- Horizontal collection and venting system consisting of 3-inch diameter perforated polyvinyl chloride (PVC) pipe embedded in a 4-inch gravel layer installed below the vapor barrier to allow soil vapors that may otherwise collect beneath the slab to instead migrate and vent to the atmosphere outside the building;
- Perimeter grade beam vents to facilitate convective airflow up the vertical riser pipes of the collection and venting systems by allowing fresh air to enter the space beneath the foundation slab;
- A series of risers fitted with wind-assisted turbines to vent vapors to the atmosphere at roof level; and
- Electrical service at the roof level if the VMS needs to be converted from a passive to active system (VMS design drawings included in the Remedial Design and Implementation Plan (RDIP) will require that electrical service be provided at the roof level).

The proposed VMS will be permitted by the Bay Area Air Quality Management District (BAAQMD).

DTSC used information and analysis in the Sustainable Communities Environmental Assessment (SCEA) to support a final determination about the type of environmental document required to be prepared for the proposed Midway Village Remedial Action Plan Amendment as provided by Sections 15162, 15163, and 15164 of the CEQA Guidelines. Specifically, the SCEA analyzed potential impacts related to contaminated soils in Section 4.3 (Air Quality) and Section 4.9 (Hazards and Hazardous Materials).

An SCEA is a form of CEQA documentation established by Senate Bill (SB) 375 to provide streamlined environmental review for certain “transit priority projects.” Transit priority projects are residential or mixed-use residential projects that provide a minimum net density of 20 dwelling units per acre and are located within 0.50 mile of a major transit stop or high-quality transit corridor (Public Resources Code [PRC] Section 21155[b]). An SCEA is comparable to an Initial Study-Mitigated Negative Declaration because the Lead Agency must find that all potentially significant impacts of a proposed project have been identified, adequately analyzed, and mitigated to a level of insignificance. However, unlike a Negative Declaration, the SCEA need not consider the cumulative effects of the proposed project that have been adequately addressed and mitigated in prior Environmental Impact Report(s) (EIRs). Also, growth-inducing impacts are not required to be referenced, described, or addressed, and project-specific or cumulative impacts from cars and light-duty truck trips on global climate change or the regional transportation network need not be referenced, described, or discussed.

## B. LEAD AGENCY ENVIRONMENTAL DOCUMENT REVIEWED

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| Lead Agency: City of Daly City |
| Lead Agency’s Environmental Document: Midway Village Redevelopment Project, Sustainable Communities Environmental Assessment (SCEA) |
| Date Certified: June 12, 2020 |
| State Clearinghouse Number: 2020049013 |

## C. STATEMENT OF FINDINGS AND FACTS FOR ADEQUACY OF LEAD AGENCY ENVIRONMENTAL DOCUMENT

**Using its independent judgment, DTSC makes the following findings:**

☒ The Lead Agency Final Environmental Document includes a description of the Project now before DTSC for decision

☒ The Lead Agency Final Environmental Document adequately analyzed impacts associated with the Project before DTSC for decision.

☒ DTSC concurs with the findings made by the Lead Agency Final Environmental Document relating to the Project before DTSC for decision.

☒ Mitigation measures are included in the Lead Agency Final Environmental Document for the following resources that would potentially be affected by the DTSC project.

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| ☐ Aesthetics | Mitigation Measure: |
| ☐ Agricultural Resources | Mitigation Measure: |
| ☒ Air Quality | Mitigation Measure AIR-1: refer to the Midway Village Redevelopment Project Sustainable Communities Environmental Assessment (June 2020) (Attachment A) |
| ☐ Agricultural Resources | Mitigation Measure: |
| ☐ Biological Resources | Mitigation Measures: |
| ☐ Cultural Resources | Mitigation Measure: |
| ☐ Energy | Mitigation Measure: |
| ☐ Geology / Soils | Mitigation Measure: |
| ☐ Greenhouse Gas Emissions | Mitigation Measures: |
| ☒ Hazards / Hazardous Materials | Mitigation Measures HAZ-1 and HAZ-2: refer to the Midway Village Redevelopment Project Sustainable Communities Environmental Assessment (June 2020) (Attachment A): |
| ☐ Hydrology / Water Quality | Mitigation Measure: |
| ☐ Land Use / Planning | Mitigation Measure: |
| ☐ Mineral Resources | Mitigation Measure: |
| ☐ Noise | Mitigation Measure: |
| ☐ Population / Housing | Mitigation Measure: |
| ☐ Public Services | Mitigation Measure: |
| ☐ Recreation | Mitigation Measure: |
| ☒Transportation / Traffic | Mitigation Measure TRANS-1: refer to the Midway Village Redevelopment Project Sustainable Communities Environmental Assessment (June 2020) (Attachment A) |
| ☐ Tribal Cultural Resources | Mitigation Measures: |
| ☐ Utilities / Service Systems | Mitigation Measure: |
| ☐ Wildfire | Mitigation Measure: |

☒ Mitigation measures identified in the Lead Agency Final Environmental Document have been adopted by DTSC for this Project and will be implemented to avoid, reduce, or substantially lessen the project impacts. No additional mitigation measures are necessary, and no additional mitigation monitoring plan is required pursuant to CEQA.

For each significant environmental effect identified for the Project:

☒ Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effects as identified in the Lead Agency Final Environmental Document.

☒ Such changes or alterations are within the responsibility and jurisdiction of the City of Daly City not DTSC.

☒ Such changes have been adopted by this public agency or can and should be adopted by this public agency.

☐ Mitigation measures included in the Lead Agency Final Environmental Document are infeasible, and therefore, will not be incorporated into the DTSC Project for the following reasons: N/A

**BASED ON THE ABOVE FINDINGS, DTSC CONCLUDES:**

☒ The proposed Project will not result in significant and unavoidable effects to the environment.

☐ The proposed Project will result in significant and unavoidable effects to the following environmental resources:

☐ Air Quality
☐ Agricultural Resources
☐ Biological Resources
☐ Cultural Resources
☐ Energy
☐ Geology/ Soils
☐ Greenhouse Gas Emissions
☐ Hazards/Hazardous Materials
☐ Hydrology/ Water Quality
☐ Mineral Resources
☐ Noise
☐ Population/Housing
☐ Public Services
☐ Recreation
☐ Transportation/Traffic
☐ Tribal Cultural Resources
☐ Utilities/ Service Systems
☐ Wildfire

Impacts to these resources would remain significant even after applying mitigation measures described in the Lead Agency Final Environmental Document, or there is no feasible mitigation available.

In accordance with Cal. Code of Regs., title 14, section 15093, a Statement of Overriding Considerations was adopted by the Lead Agency for these resources. DTSC adopts a Statement of Overriding Considerations for these resources having determined that the DTSC Project benefits outweigh the significant environmental effects for the following reasons: The DTSC remedial actions reduce the exposure of contaminated soil, soil gas, and groundwater in order to render it safe for Site occupants. The DTSC remedial project also serves to protect human health and the environment, which are DTSC's responsibilities under the California Health and Safety Code.

☒ None of the conditions requiring a subsequent EIR or Negative Declaration pursuant to Cal. Code Regs., tit. 14 Section 15162 exist.

☒ In accordance with Cal. Code of Regs., title 14, section 15093, a Notice of Determination indicating the results of said Findings will be filed with the Governor's Office of Planning and Research / State Clearinghouse.

## D. CERTIFICATION

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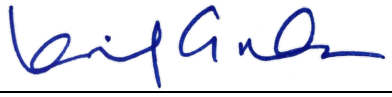
|  | | June 28, 2021 |
| Project Manager's Signature | | Date |
| Kim Walsh | Senior Environmental Scientist, Sup | 916-251-8321 |
| Project Manager's Name | Title | Phone # |
| Julie Pettijohn<br>Julie Pettijohn (Jun 28, 2021 11:57 PDT) | | Jun 28, 2021 |
| Branch Chief's Signature | | Date |
| Julie Pettijohn | Branch Chief | 510-540-3843 |
| Branch Chief's Name | Title | Phone # |

# Attachment A

**AIR-1: Net Increase in Construction-Related Emissions.**
Plan Bay Area EIR MM 2.2-2: When screening levels are exceeded (refer to Table 2.2-8 of PBA EIR), implementing agencies and/or project sponsors shall implement measures, where applicable, feasible, and necessary based on project- and site-specific considerations, that include, but are not limited to the following:

Construction Best Practices for Exhaust

- The applicant/general contractor for the project shall submit a list of all off-road equipment greater than 25 horsepower (hp) that would be operated for more than 20 hours over the entire duration of project construction, including equipment from subcontractors, to BAAQMD for review and certification. The list shall include all information necessary to ensure the equipment meets the following requirement:
- 1) Be zero emissions OR 2) have engines that meet or exceed either EPA or ARB Tier 2 off-road emission standards; and 3) have engines that are retrofitted with an ARB Level 3 Verified Diesel Emissions Control Strategy (VDECS), if one is available for the equipment being used. Equipment with engines that meet Tier 4 Interim or Tier 4 Final emission standards automatically meet this requirement; therefore, a VDECS would not be required.
- Idling time of diesel-powered construction equipment and trucks shall be limited to no more than two minutes. Clear signage of this idling restriction shall be provided for construction workers at all access points.
- All construction equipment shall be maintained and properly tuned in accordance with the manufacturers' specifications.
- Portable diesel generators shall be prohibited. Grid power electricity should be used to provide power at construction sites; or propane and natural gas generators may be used when grid power electricity is not feasible.

Construction Best Practices for Dust

- All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day. For projects over five acres in size, soil moisture should be maintained at a minimum of 12 percent. Moisture content can be verified by lab samples or a moisture probe.
- All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. Dry power sweeping should only be performed in conjunction with thorough watering of the subject roads.
- All vehicle speeds on unpaved roads and surfaces shall be limited to 15 mph.
- All roadway, driveway, and sidewalk paving shall be completed as soon as possible. Building pads shall be paved as soon as possible after grading.
- All construction sites shall provide a posted sign visible to the public with the telephone number and person to contact at the Lead Agency regarding dust complaints. The recommended response time for corrective action shall be within 48 hours. BAAQMD's Complaint Line (1-800-334-6367) shall also be included on posted signs to ensure compliance with applicable regulations.
- All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 mph.
- Wind breaks (e.g., trees, fences) shall be installed on the windward side(s) of actively disturbed areas of construction. Wind breaks should have at maximum 50 percent air porosity.
- Vegetative ground cover (e.g., fast-germinating native grass seed) shall be planted in disturbed areas as soon as possible and watered appropriately until vegetation is established.
- The simultaneous occurrence of excavation, grading, and ground-disturbing construction activities on the same area at any one time shall be limited. Activities shall be phased to reduce the amount of disturbed surfaces at any one time.
- All trucks and equipment, including their tires, shall be washed off before leaving the site.
- Site accesses to a distance of 100 feet from the paved road shall be treated with a 6- to 12-inch compacted layer of wood chips, mulch, or gravel.
- Sandbags or other erosion control measures shall be installed to prevent silt runoff to public roadways from sites with a slope greater than one percent.

These BMPs are consistent with recommendations in BAAQMD's CEQA guidelines and Planning Healthy Places [BAAQMD 2017]. Applicable mitigation measures shall be required at the time grading permits are issued.

**TRANS-1: Construction Traffic**
Plan Bay Area EIR MM 2.1-7: Implementing agencies shall require implementation of best practice strategies regarding construction activities on the transportation system and apply recommended applicable mitigation measures as defined by state and federal agencies. Examples of mitigation measures include, but are not limited to, the following:

- prepare a transportation construction plan for all phases of construction;
- establish construction phasing/staging schedule and sequence that minimizes impacts of a work zone on traffic by using operationally-sensitive phasing and staging throughout the life of the project;
- identify arrival/departure times for trucks and construction workers to avoid peak periods of adjacent street traffic and minimize traffic affects;
- identify optimal delivery and haul routes to and from the site to minimize impacts to traffic, transit, pedestrians, and bicyclists;
- identify appropriate detour routes for bicycles and pedestrians in areas affected by construction;
- coordinate with local transit agencies and provide for relocation of bus stops and ensure adequate wayfinding and signage to notify transit users;
- preserve emergency vehicle access;
- implement public awareness strategies to educate and reach out to the public, businesses, and the community concerning the project and work zone (e.g., brochures and mailers, press releases/media alerts);
- provide a point of contact for residents, employees, property owners, and visitors to obtain construction information, and provide comments and questions;
- provide current and/or real-time information to road users regarding the project work zone (e.g., changeable message sign to notify road users of lane and road closures and work activities, temporary conventional signs to guide motorists through the work zone); and
- encourage construction workers to use transit, carpool, and other sustainable transportation modes when commuting to and from the site.

**HAZ-1: Modification, Amendment, or Rescindment of Deed Restriction and Consultation with an Applicable Regulatory Agency and Development of a Worker Environmental Protection Program (WEAP).**
As a condition of approval of the proposed project, the Applicant shall consult with DTSC regarding the Existing LUCs on the site. A modification, amendment, or rescindment to one or more of the Existing LUCs will be required for the site since the 2002 LUC does not allow for residential development on the Bayshore Park portion of the site. The Applicant will enter into an agreement with the applicable regulatory agency on the appropriate actions to take regarding the potentially contaminated soils on the project site. As a condition of the agreement, an environmental response document will be required for the proposed project, which will include but is not limited to:

- Testing of soils and groundwater prior to the start of construction to identify contaminated soils and/or groundwater in the area;
- Removal and disposal of any contaminated soils or groundwater;
- Removal of any hazardous building materials in existing structures prior to demolition (e.g., asbestos, tile, lead-based paint, mercury switches and light fixtures, light fixtures with PCB transformers and ballast transformers);
- Capping of any soil that will not be covered by structural improvements (i.e., landscaped areas or exposed soils in the park area);
- Implementation of an SMP for the site;
- Approval and implementation of a Worker Environmental Protection Program; and
- Procedures to be followed in the event of discovery of unknown environmental conditions which may exist at the Site, such as subsurface structures, underground tanks and piping.

Consultation with the applicable regulatory agency and implementation of the environmental response document will include the general steps that will be taken to remediate the project site and reduce potential impacts to human health and the environment from the potentially contaminated soil and groundwater in the area.

Additionally, development and participation in a Worker Environmental Protection Program shall be required to ensure that all construction workers onsite are appropriately trained on the conditions of the site soils and the potentially hazards conditions of these soils. The Applicant and the contractor are responsible for ensuring that all onsite personnel attend the

WEAP presentation, receive a summary handout, and sign a training attendance acknowledgement form to indicate that the contents of the program are understood and to provide proof of attendance. Each participant of the WEAP presentation shall be responsible for maintaining their copy of the WEAP reference materials and making sure other onsite personnel are complying with the recommended precautions. The contractor shall keep the sign in sheet onsite and submit copies of the WEAP sign-in sheet to the Applicant's project manager who shall keep it on file at their offices.

A building permit cannot be issued, and thus, the proposed project cannot begin construction, until the 2002 LUC is either modified, amended, or rescinded.

**HAZ-2: Hazardous Materials List Pursuant to California Government Code, Section 65962.5.**
Plan Bay Area EIR MM 2.13-4: Implementing agencies and/or project sponsors shall implement measures, where feasible and necessary based on project- and site-specific considerations that include, but are not limited to:

- If the project is located on or near a hazardous materials and/or waste site pursuant to Government Code Section 65962.5, or has the potential for residual hazardous materials and/or waste as a result of location and/or prior uses, the project sponsor shall prepare a Phase I ESA in accordance with the American Society for Testing and Materials' E-1527-05 standard. For work requiring any demolition or renovation, the Phase I ESA shall make recommendations for any hazardous building materials survey work that shall be done. All recommendations included in a Phase I ESA prepared for a site shall be implemented. If a Phase I ESA indicates the presence or likely presence of contamination, the implementing agency shall require a Phase II ESA, and recommendations of the Phase II ESA shall be fully implemented.