

## CALIFORNIA ENVIRONMENTAL QUALITY ACT NEGATIVE DECLARATION

Department of Toxic Substances Control  
Brownfields and Environmental Restoration  
Program  
9211 Oakdale Avenue  
Chatsworth, CA 91311

Subject:  DRAFT  FINAL  MITIGATED

Project Title: Union Pacific Railroad Beverly Hills

State Clearinghouse No.:

Project Location: 9315 Civic Center Drive, Beverly Hills CA 90210

County: Los Angeles

Project Description:

The California Department of Toxic Substances Control (DTSC), pursuant to authority granted under Chapter 6.8 Section 25355.5 (a)(1)(C) of the Health and Safety Code (H&SC), is considering approval of a draft Removal Action Workplan (RAW) for the proposed project hereinafter the "Site" or "Project Area" or "Area of Potential Effect" (APE), as submitted by the Jacobs Engineering Group, Inc. (Jacobs) on behalf of the Union Pacific Railroad Company (UPRR). The purpose of the project is to minimize human exposure to elevated levels of arsenic in soil that exceeds the project-specific cleanup levels for potential commercial, multi-use, and multiple unit housing purposes at the Site.

The RAW evaluates removal action alternatives and identifies a preferred removal action based on comparative analysis of alternatives. The preferred removal action (Alternative #5) for the Site includes excavation and disposal of 4,400 cubic yards of arsenic-impacted soil up to 2 feet below ground surface (bgs) and disposal of contaminated soil at an appropriately permitted landfill and establishment of a 2-foot soil cover. Up to approximately 4,400 cubic yards of clean imported soil may be used to backfill the excavations. However, if approved development of the Site is conducted concurrently with remedial excavation activities, some areas may not be backfilled to accommodate development plans. Results from previous investigations (CH2M HILL, Inc., 2006) indicate that concentrations of arsenic in soil range from 16 to 996 mg/kg, with the highest concentrations observed in soil (primarily within fill material) from 0 to 5 feet bgs along the center of the Site, which is a former railroad right-of-way. The proposed project is anticipated to commence following approval of the RAW and would take approximately 6 weeks to complete.

Upon completion of the RAW, a Land Use Covenant (LUC) in the form of deed restrictions/Institutional Controls (IC's) will be implemented and filed with the property deed at the County Recorder's Office to prohibit future soil disturbances unless conducted and managed in accordance with a DTSC-approved Soil Management Plan, prohibit the use of the property as a single-family residences, hospital, school, daycare center and limit the Site use to commercial, multi-use, and multiple unit housing purposes.1.

Proposed Project Activities

As mentioned above, the proposed project will be a soil excavation. Following are details regarding the soil excavation proposed:

- Soil Excavation consisting of removing 6,600 tons (4,400 cubic yards) of arsenic-impacted soil from several areas within the Site:
- Excavation will be performed in accordance with the guidelines presented in California Occupational Safety and Health Administration, Title 8, California Code of Regulations (CCR) (i.e., 8 CCR), Division 1, Chapter 4, Subchapter 4, Article 6 – Excavations (Sections 1539 through 1541).
- Excavations for the removal action will be up to 2 feet bgs.
- Removal will be accomplished with a backhoe or excavator. Soil stockpiling will be conducted in accordance with the remediation waste staging requirements in HSC, Division 20, Chapter 6.5, Article 2, Section 25123.3[b][4][B]).
- The stockpiles will be composite sampled for arsenic and other analytes as required by the disposal facilities for profiling for disposal will be collected for every 500 cubic yards of stockpiled material. For the first 500 cubic yards of excavated soils, two samples will be taken for every 100 cubic yards, after 500 cubic yards has been sampled then one sample per every 500 cubic yards will be taken for waste disposal classification. The profiling analytical

data will be reviewed to determine the appropriate soil classification (non-hazardous, non-RCRA hazardous or RCRA hazardous) and to select the appropriate disposal facility. However, the soil is expected to be non-hazardous. DTSC will be notified and will approve the proposed determination and disposal facility.

- Upon selection of the appropriate disposal facility, soil will be loaded into trucks for transport to the disposal facility. Loading will be conducted with a front end loader. Dust control during loading will be implemented by limiting the drop height from the loader and with water spray. All trucks will be tarped and dry brushed prior to leaving the Site.
- Stockpile areas will be inspected for contamination and remediated as necessary within 30 days after the last stockpile is removed.
- Confirmation sampling and analysis for arsenic will be conducted to determine residual concentrations remaining at the Site and whether the removal goals have been met.
- At completion of excavation activities, the excavations will be backfilled with up to 4,4000 cubic yards or approximately 264 truckloads of imported clean soil (approximately 9 truckloads per day), and the backfilled soil will be compacted. If approved development of the Site is conducted concurrently with remedial excavation activities, some areas may not be backfilled to accommodate development plans.
- During the proposed excavation, no unauthorized persons will be allowed within the working exclusion and control zones on-site. The Site is currently surrounded by an existing permanent fence with gates that are locked after business hours. Additionally, barrier fences will be installed to restrict access to sensitive areas such as exclusion zones.
- Clean backfill material and surrounding remaining soil with concentrations below the removal action goals will establish a 2-foot soil cover to reduce exposure to arsenic-impacted soil remaining below 2 feet bgs.
- Soil cover inspection will be conducted in accordance with a maintenance and monitoring plan.
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## 2. Construction Schedule and Duration

Temporary impacts resulting from project construction activities, including noise, dust, and traffic, are expected to last up to six weeks. During the excavation work, confirmation sampling will be conducted to verify that all soils containing arsenic have been properly removed at the Site. Excavation will continue until arsenic in Site soils are found to be less than corresponding removal action goals. Excavation areas will be backfilled with clean soil and the site will be seeded.

### **PROJECT SCHEDULE:**

The Removal Action (excavation with off-site disposal and soil cover) will be completed within six weeks.

Figures:

Figure 1 – Site Location

Figure 2 – Site Map

## 1. Operations and Maintenance

Upon completion of construction activities, remediation systems operations and maintenance (O&M) would occur. Annual maintenance of soil cover, with monitoring and reporting are anticipated.

Finding of Significant Effect on Environment: After conducting an Initial Study of the potential environmental impacts of the proposed project, DTSC has determined that implementation of the proposed project COULD HAVE a significant effect on the environment. An Initial Study supporting this finding is attached.

### Mitigation Measures:

Cultural resources: All Union Pacific Railroad Beverly Hills prior operational history will be detailed on Recording Historical Resources DPR 523 forms prior to initiating ground disturbing activities on the project. Union Pacific Railroad will also have a Native American Cultural Monitor during soil excavation activities.

If evidence of archaeological resources (e.g., chipped or groundstone, historic debris, building foundations, or human bone) is identified during ground disturbing activities, all work within 60 feet of the discovery site will stop until a qualified archaeologist can conduct formal recordation and assess the significance of the find.

Site activities should comply with 7050.5 of the California Health and Safety Code: (b) In the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, there shall be no further excavation or

disturbance of the Site or any nearby area reasonably suspected to overlie adjacent remains until the coroner of the county in which the human remains are discovered has determined, in accordance with Chapter 10 (commencing with Section 27460) of Part 3 of Division 2 of Title 3 of the Government Code, that the remains are not subject to the provisions of Section 27491 of the Government Code or any other related provisions of law concerning investigation of the circumstances, manner and cause of any death, and the recommendations concerning the treatment and disposition of the human remains have been made to the person responsible for the excavation, or to his or her authorized representative, in the manner provided in Section 5097.98 of the Public Resources Code. The coroner shall make his or her determination within two working days from the time the person responsible for the excavation, or his or her authorized representative, notifies the coroner of the discovery or recognition of the human remains. (c) If the coroner determines that the remains are not subject to his or her authority and if the coroner recognizes the human remains to be those of a Native American, or has reason to believe that they are those of a Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission.

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Branch Chief Signature		Date
_____	_____	_____
Branch Chief Name	Branch Chief Title	Phone #