

NOTICE OF EXEMPTION

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
Berkeley, California 94710

| | | |
|--|--|---|
| Project Title: Removal Action Workplan for the Oakland 6 Site | | |
| Project Address: 9869 MacArthur Boulevard | City: Oakland | County: Alameda |
| 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: The project involves approval of the Removal Action Workplan (RAW) for the excavation of approximately 900 cubic yards of metal-impacted soil from select locations on the Site, and disposal of this material at an off-site permitted facility. Soil confirmation sampling will occur after excavation of the metal-impacted soil to verify that residential cleanup levels have been achieved. The excavated areas will be backfilled with approximately the same amount of imported clean material. The proposed project would generate approximately 130 truck trips (65 truck trips to transport material off-site and 65 to import clean fill materials).

Background: The Oakland 6 Site is approximately 0.92 acres and consists of the parcel located at 9869 MacArthur Boulevard in Oakland, Alameda County, California. The Site is bordered by MacArthur Boulevard to the northeast with residential development beyond, by residential and commercial development adjacent to the southeast, by residential development adjacent to the southwest, and a vacant residential property adjacent to the northwest. The Site is currently an inactive nursery. The nursery includes an office structure that is used to store various gardening supplies, materials, equipment, two empty greenhouses, and a covered nursery with various potted plants and trees stored on bare soil and concrete on the remaining areas of the Property. The Site has a history of agricultural use (nursery) since circa 1940.

Environmental investigation and characterization of the Site was conducted from 2018 to 2020. Arsenic and lead in shallow soil was identified as the contaminants of concern. No other metal concentrations in soil exceeded U.S. Environmental Protection Agency Regional Screening Levels or the San Francisco Bay Regional Water Quality Control Board Environmental Screening Levels (ESLs). Minor detections of organochlorine pesticides were identified in one shallow soil sample at concentrations below relevant screening levels and below the California hazardous waste levels.

The Site cleanup is being conducted to prevent human exposure to shallow soils contaminated with arsenic and lead. DTSC has set the removal goals for the Site at unrestricted residential use screening levels. Shallow soils will be excavated until residual concentrations of arsenic are below a 95% Upper Confidence Limit of 19 milligrams per kilogram (mg/kg) with a do not exceed level of 22 mg/kg, based on naturally-occurring background levels, and residual concentrations of lead are below 80 mg/kg.

The RAW is being implemented with DTSC oversight under a Standard Voluntary Agreement, Docket Number HAS-FY19/20-098.

Project Activities: Project activities consist of the following:

- Shallow excavation and disposal of approximately 900 cubic yards of impacted soil with arsenic and lead concentrations exceeding the removal goals. Based on soil sampling that has been performed on the Site, it is anticipated that soil no greater than three feet below ground surface will be excavated.
- Backfilling of the excavated area with approximately 900 cubic yards of clean fill from an off-site source.

Engineering controls that will be implemented during construction to avoid or minimize potential off-site impacts include placing excavated soil in covered, locked bins or covering any soil stockpiles with plastic sheeting, modifying work practices to minimize dust generation, and using water to suppress dust. Excavated soils that are placed in stockpiles will

be removed within 30 days of excavation. In addition, air monitoring will be conducted during removal actions. Soils that are classified as hazardous waste will be transported to a permitted Class I hazardous waste landfill. Non-hazardous soils will be transported to a permitted Class II landfill. The estimated volume of impacted soils to be disposed will require approximately 65 truckloads along with an additional approximately 65 truckloads to transport clean fill to the Site. The City of Oakland Noise Ordinance would also limit construction activities to between 7:00 a.m. and 9:00 p.m. on weekdays and between 8:30 a.m. and 6:00 p.m. on Saturdays.

An analysis of project activities upon existing environmental conditions indicates that implementation of environmental safeguards and monitoring procedures that are enforceable and made a condition of project approval will ensure that impacts to the environment will be less than significant.

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

Name of Person or Agency Carrying Out Project: City Ventures Homebuilding, LLC

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, Mitigate or Eliminate the Release or Threat of Release of a Hazardous Waste or Hazardous Substances.

Reasons Why Project is Exempt:

1. The project is a minor cleanup action to be taken to prevent, minimize, stabilize, mitigate, or eliminate the release or threat of release of a hazardous waste and substance.
2. The project is a removal action costing \$1 million or less.
3. The project will not be located on a site which is included on any list compiled pursuant to Cal. Gov. Code § 65962.5 (<http://calepa.ca.gov/sitecleanup/corteselist/>)
4. The project will not have a significant effect on the environment due to unusual circumstances.
5. The project will not result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway.
6. The project will not cause a substantial adverse change in the significance of a historical resource.
7. The project will not require onsite use of a hazardous waste incinerator or thermal treatment unit.
8. The project will not require the relocation of residences or businesses.
9. The project will not involve the potential release into the air of volatile organic compounds as defined in Health and Safety Code section 25123.6.
10. The cumulative impact of successive projects of the same type on the same place, over time, if there are any, will not be significant.
11. The project will be consistent with applicable State and local environmental permitting requirements.

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

Department of Toxic Substances Control
 Site Mitigation and Restoration Program
 700 Heinz Avenue
 Berkeley, California 94710

https://www.envirostor.dtsc.ca.gov/screens/menu?global_id=60002953

| | | |
|---|---|----------------------------------|
| <u>Sagar Bhatt</u> Project Manager | <u>Environmental Scientist</u> Title | <u>510-540-3844</u> Phone No. |
| <u><i>Juliet C. Pettijohn</i></u> Branch Chief's Signature | | <u>05/19/2021</u> Date |
| <u>Julie Pettijohn</u> Branch Chief | <u>Environmental Program Manager I</u> Title | <u>510-540-3833</u> Phone No. |

TO BE COMPLETED BY OPR ONLY

Date Received for Filing and Posting at OPR: