

CALIFORNIA ENVIRONMENTAL QUALITY ACT NOTICE OF EXEMPTION

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

From: Department of Toxic Substances Control
Brownfields Restoration and Monitoring Program
700 Heinz Avenue
Berkeley, California 94710

Project Title: Removal Action Workplan, Longfellow Corner

Project Location: 3801-3829 Martin Luther King Jr. Way, Oakland, California

County: Alameda

Project Applicant: Longfellow Corner, L.P. and the City of Oakland

Approval Action Under Consideration by DTSC: Removal Action Workplan

Statutory Authority: California Health and Safety Code, Chapter 6.8

Project Description: The project involves approval of a Removal Action Workplan (RAW) for the excavation and disposal of contaminated shallow soil along with the installation of a vapor intrusion mitigation system (VIMS). Institutional controls to ensure long-term protection from residual soil gas impacts will be implemented through a land use covenant (LUC) as part of the RAW.

Background: The site occupies approximately 0.49 acres consisting of four parcels located in an area of mixed commercial and residential land uses at the northwest corner of the intersection of West Macarthur Boulevard and Martin Luther King Jr. Way. The southern portion of the site currently contains two vacant two-story residential buildings, one of which had first-floor commercial use and a small separate garage shed. The northern portion of the site is currently unoccupied and unpaved.

Historical records indicate the site was developed with three houses by 1902. The site has had many uses which can be classified generally as office, retail, and residential. Records indicate that since 1911, the site has been occupied by a drug store, Pacific Telephone and Telegraph, barber shop, hair salon, stereo store, hat store, a motel and restaurant, and several residences which have since been demolished.

Numerous environmental investigations were performed between 2017 and 2020 to evaluate the nature and extent of any potential environmental impacts at the site. Two *Phase I/II Environmental Site Assessments* (ESAs) were conducted which included limited environmental sampling of shallow soils. An additional *Soil Characterization, Soil Stockpile Sampling, and Limited Soil Vapor Survey* was conducted in 2019. Finally, a *Supplemental Investigation* was conducted in 2020 to further delineate the nature and extent of contamination at the site and fill data gaps. These efforts identified the following contaminants above residential screening levels:

- Soil - phenol, chlordane, dieldrin, 4'-dichlorodiphenyltrichloroethane (DDT), lead, and vanadium.
- Soil Vapor – benzene, chloroform, tetrachloroethene (PCE), and trichloroethylene (TCE).
- Groundwater – chloroform and PCE.

The RAW was developed to address the contaminants in soil as well as the PCE, TCE, and their breakdown products in soil vapor, to prevent vapor intrusion into the new residences planned to be developed in the future.

Project Activities: The project activities consist of excavating and disposing of approximately 1,186 cubic yards of shallow soil (1.5 feet deep) and installing a VIMS. Excavation activities will be conducted prior to grading and redevelopment of the site. Imported soil for backfill is not expected for the project. Approximately 85 truck trips will be required for transporting the contaminated soil to an approved disposal facility. The overall cleanup activities are anticipated to require approximately 2 to 3 weeks to complete.

Prior to initiating construction activities, a dust control plan will be implemented to reduce potential exposure during excavation and loading operations. The dust control plan will contain measures to protect construction workers and the public, including dust control measures and work stoppage provisions that will be followed during construction activities. Engineering controls that will be implemented during excavation and demolition activities to minimize generation of dust and the potential off-site migration of chemicals in site soil and will include:

- Water all exposed surfaces of active construction areas at least twice daily. Increased watering frequency will be necessary whenever wind speeds exceed 15 miles per hour (mph). Reclaimed water will be used whenever feasible.

- Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard (i.e., the minimum required space between the top of the load and the top of the trailer).
- Remove all visible mud or dirt track-out onto adjacent public roads using wet power vacuum street sweepers at least once per day. The use of dry power sweeping will be prohibited.
- Limit vehicle speeds on unpaved roads to 15 mph.
- Suspend all demolition activities (if any) when average wind speeds exceed 20 mph.
- Wash off all trucks and equipment, including tires, prior to leaving the Site.
- Treat site accesses to a distance of 100 feet from the paved road with a 6-to-12-inch compacted layer of wood chips, mulch, or gravel.

During demolition and earthwork, misting or spraying will be performed to sufficiently reduce fugitive dust emissions but limited to prevent water runoff. Efforts will also be made to minimize the soil drop height from an excavator's bucket onto soil piles or into transport trucks. Dust control will be performed in accordance with applicable City of Oakland and Bay Area Air Quality Management District (BAAQMD) regulations related to construction and redevelopment activities.

The VIMS will be incorporated into the design of the proposed building and will consist of a sub-slab venting system with a chemically rated vapor-barrier liner. It will consist of a gravel layer with horizontal perforated piping to collect impacted soil gas from beneath the building slab and route it to the edge of the building, then route soil gas upwards through a vertical riser pipe that would run along the inner or outer building walls, for discharge above the roofline. The gravel needed to be imported to the site is considered part of the proposed residential project under the purview of the City of Oakland. The VIMS will be built so that it may be converted to an active system if vapor monitoring were to indicate more robust venting of soil vapor is warranted. The sub-slab vapor-barrier membrane will also be installed above the venting system to provide a physical barrier to air flow into the buildings. The ongoing effectiveness of the VIMS to prevent vapor intrusion at levels of concern at the buildings will be evaluated in accordance with a VIMS operations and maintenance (O&M) Plan. Lastly, a land use covenant will be implemented to ensure long-term protection from residual soil gas impacts by prohibiting residential use of the property unless engineering controls (i.e., VIMS) are in place.

The City of Oakland Planning Department determined that the proposed residential project was exempt from CEQA under Section 15332 (In-fill Development) and their determination was filed with Alameda County on November 6, 2019.

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

Name of Person or Agency Carrying Out Project: Longfellow Corner, LP

Exempt Status: Categorical Exemption: [CCR Title 14, Sec. 15330]

Minor Actions Take to Prevent, Minimize, Stabilize, Mitigate, or Eliminate the Release or Threat of Release of a Hazardous Waste or Hazardous Substance.

Reasons Why Project is Exempt:

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 will be consistent with applicable State and local environmental permitting requirements including a BAAQMD various locations permit to operate along with drilling and well permits from the Alameda County Water District.
4. The project does not involve the onsite use of a hazardous waste incinerator or thermal treatment unit.
5. The project does not involve the relocation of residences or businesses.
6. The project does not involve the potential release into the air of volatile organic compounds as defined in Health and Safety Code Section 25123. (Authority to Construct/Permit to Operate for soil excavation activities will be obtained from the Bay Area Air Quality Management District (BAAQMD), as required, and including any requirements for compliance with Regulation 6 (fugitive dust)).
7. The exceptions pursuant to California Code Regulations, Title 14 § 15300.2 have been addressed as follows:
 - a. **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.
 - b. **Significant Effect.** The project does not involve any unusual circumstances so that there is no possibility that the project will have a significant effect on the environment.
 - c. **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.
 - d. **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. (<http://calepa.ca.gov/sitecleanup/corteselist/default.htm>)

- e. Historical Resources. The project will not cause the substantial adverse change in the significance of an historical resource at the Site because there are none at the Site.

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

Department of Toxic Substances Control
 Site Mitigation and Restoration Program
 700 Heinz Avenue, Suite 200
 Berkeley, CA 94710

DTSC EnviroStor website: https://www.envirostor.dtsc.ca.gov/public/profile_report?global_id=60003017

Contact Person	Contact Title	Phone Number
Juanita Bacey	Project Manager	(916) 251-8141

Approver's Signature:

Date:



July 7, 2022

Approver's Name
 Juliet C. Pettijohn

Approver's Title
 Branch Chief

Approver's Phone Number
 (510) 540-3843

TO BE COMPLETED BY OPR ONLY

Date Received for Filing and Posting at OPR: