

To: Wayland Li
City of Fremont Planning Division
39550 Liberty Street
Fremont, CA 94538

From: Andrew Metzger
Circlepoint
42 South First Street, Suite D
San Jose, CA 95112

Subject: I-880 Innovation Bridge and Trail Project Response to Comments Memorandum

Date: September 23, 2022

Dear Mr. Li,

The intent of this memorandum is to provide responses to comments received on the I-880 Innovation Bridge and Trail Project Initial Study/ Mitigated Negative Declaration (IS/MND), which was circulated for public review from August 11, 2022, to September 12, 2022. One comment letter was received. All responses are provided below by commenter and an assigned commenter number. As required pursuant to California Environmental Quality Act (CEQA) Statute and Guidelines, Section 15204, responses to comments that question the adequacy of the environmental analysis in the IS/MND are required. Based on the comment received, the City added new Conditions of Approval incorporating the Department of Toxic Substances Control's suggestions, but no changes to the IS/MND were required.

As demonstrated by the following discussion, public comments on the draft IS/MND did not identify new environmental impacts or a substantial increase in the severity of an identified impact.



Jared Blumenfeld
Secretary for
Environmental Protection



Department of Toxic Substances Control

Meredith Williams, Ph.D., Director
8800 Cal Center Drive
Sacramento, California 95826-3200



Gavin Newsom
Governor

SENT VIA ELECTRONIC MAIL

September 12, 2022

Mr. Wayland Li
City of Fremont
39550 Liberty Street
Fremont, CA 94538
wli@fremont.gov

MITIGATED NEGATIVE DECLARATION FOR THE INTERSTATE 880 INNOVATION BRIDGE AND TRAIL PROJECT, DATED AUGUST 2022 (STATE CLEARINGHOUSE NUMBER: 2022080253)

Dear Mr. Li:

The Department of Toxic Substances Control (DTSC) received a Mitigated Negative Declaration (MND) for the Interstate 880 Innovation Bridge and Trail Project (Project). The Lead Agency is receiving this notice from DTSC because the Project includes one or more of the following: groundbreaking activities, work in close proximity to a roadway, presence of site buildings that may require demolition or modifications, importation of backfill soil, and/or work on or in close proximity to an agricultural or former agricultural site.

DTSC recommends that the following issues be evaluated in the Hazards and Hazardous Materials section of the MND:

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1. The MND states that a Phase I Environmental Site Assessment (ESA) was performed, and it identified 17 hazardous materials release sites within a one-mile radius of the study limits and five of the sites are considered to present a potential threat of affecting environmental conditions within the study limits. The MND also indicates that a soil management plan shall be developed to provide guidelines for the appropriate handling and management of soil with known contaminants or recognized environmental condition concentrations above the applicable screening levels recommended by DTSC's Office of Human and Ecological Risk. Finally, the MND states that remediation work to remove

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known contaminants or recognized environmental conditions at the property shall be implemented to the satisfaction of the Alameda County Water District (ACWD), City of Fremont Fire Department, DTSC, or other appropriate agency having jurisdiction. A State of California environmental regulatory agency such as DTSC or Regional Water Quality Control Board (RWQCB), or a qualified local agency that meets the requirements of [Assembly Bill 304 \(AB304\)](#) should provide regulatory concurrence that the site is safe for construction and the proposed use. DTSC is unaware of such oversight during Phase I ESA activities. A qualified agency should be contacted to provide oversight for forthcoming activities that include the Phase II Preliminary Site Investigation and remediation work to remove known contaminants.

2. The MND states that the Project location is not identified on DTSC's Envirostor database. However, DTSC's [Tesla Motors, Inc.](#) cleanup site is located adjacent to the east side of the proposed Project alignment. Forthcoming activities for the Tesla Motors, Inc. site include groundwater sampling for additional site characterization in the vicinity of Kato Road along which the proposed project alignment appears to run. The Project should be coordinated with the appropriate DTSC Project Manager to ensure protection of Project workers and future recreational users.
3. If buildings or other structures are to be demolished on any project sites included in the proposed project, surveys should be conducted for the presence of lead-based paints or products, mercury, asbestos containing materials, and polychlorinated biphenyl caulk. Removal, demolition, and disposal of any of the above-mentioned chemicals should be conducted in compliance with California environmental regulations and policies. In addition, sampling near current and/or former buildings should be conducted in accordance with [DTSC's 2006 Interim Guidance Evaluation of School Sites with Potential Contamination from Lead Based Paint, Termiticides, and Electrical Transformers](#).
4. If any projects initiated as part of the proposed project require the importation of soil to backfill any excavated areas, proper sampling should be conducted to ensure that the imported soil is free of contamination. DTSC recommends the imported materials be characterized according to [DTSC's 2001 Information Advisory Clean Imported Fill Material](#).
5. If any sites included as part of the proposed project have been used for agricultural, weed abatement or related activities, proper investigation for organochlorinated pesticides should be discussed in the MND. DTSC recommends the current and former agricultural lands be evaluated in

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accordance with DTSC's 2008 [Interim Guidance for Sampling Agricultural Properties \(Third Revision\)](#).

DTSC appreciates the opportunity to comment on the MND. Should you choose DTSC to provide oversight for any environmental investigations, please visit DTSC's [Site Mitigation and Restoration Program](#) page to apply for lead agency oversight. Additional information regarding voluntary agreements with DTSC can be found at [DTSC's Brownfield website](#).

If you have any questions, please contact me at (916) 255-3710 or via email at Gavin.McCreary@dtsc.ca.gov.

Sincerely,



Gavin McCreary
Project Manager
Site Evaluation and Remediation Unit
Site Mitigation and Restoration Program
Department of Toxic Substances Control

cc: (via email)

Governor's Office of Planning and Research
State Clearinghouse
State.Clearinghouse@opr.ca.gov

Mr. Dave Kereazis
Office of Planning & Environmental Analysis
Department of Toxic Substances Control
Dave.Kereazis@dtsc.ca.gov

Response to Comment Letter 1, Gavin McCreary, Department of Toxic Substances Control

Response to Comment 1: The City of Fremont (the City) has reviewed the recommendations provided by the Department of Toxic Substances Control and has decided that while they are not required to reduce impacts to a less-than-significant level, all of the recommendations are sensible Best Management Practices (BMPs), and have therefore been included as Conditions of Approval. Because these new Conditions of Approval are not required by CEQA and are not necessary to mitigate an avoidable significant effect, recirculation of the Mitigated Negative Declaration is not required (CEQA Guidelines Section 15073.5 (c)(3)). The introductory language of the MND has been revised to include the new Conditions of Approval.

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