

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, CA 95812-3044

From: Department of Toxic Substances Control
5796 Corporate Avenue
Cypress, CA 90630

Project Title: The Unity Council's Posada de Colores Explanation of Significant Differences and Remedial Action Plan Addendum

Project Location: 2221 Fruitvale Avenue, Oakland, CA 94601

County: Alameda

Project Applicant: Posada de Colores LP

Approval Action Under Consideration by Department of Toxic Substances Control (DTSC): Explanation of Significant Differences and Remedial Action Plan Addendum

Statutory Authority: Health and Safety Code Section 25356.1; Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 117(c); and the National Oil and Hazardous Substances Pollution Contingency Plan (NCP) Section 300.435 (c)(2)(i).

Project Description: The DTSC has approved the Unity Council's Posada de Colores Explanation of Significant Differences (ESD) and Remedial Action Plan Addendum (RAP Addendum) for The Unity Council-Posada de Colores LP property located at 2221 Fruitvale Avenue in Oakland, California (Project Site). The ESD identified the required changes to the remedy approved in the Remedial Action Plan (January 2018), the Remedial Design and Implementation Plan (RD/IP); and, the Groundwater Remedial Action Plan (June 2018) (collectively, the RAP). The RAP addressed the release of tetrachloroethene (PCE) to soil, soil gas and groundwater at the Project Site.

On June 8, 2018, the Alameda County Department of Environmental Health (ACDEH), pursuant to the December 15, 2017, Voluntary Cleanup Agreement (VCA) entered between Posada de Colores LP and ACDEH, approved the RAP, RD/IP, and the Groundwater RAP. The approved remedy included source area soil excavation, Soil Vapor Extraction (SVE), and Enhanced in-situ Degradation (EISD) via groundwater injections. The remedy approved in 2018 was implemented between January 2019 and November 2019. Subsequently, the RAP Addendum was prepared in June 2023 recommending further source area soil excavation and supplemental EISD groundwater injections.

Background: The approximately 0.87-acre Project Site is developed with an eight-story building with 100 one-bedroom apartments catering specifically to seniors, 62 years of age or older, or low-income mobility-impaired individuals aged 18 years or older with disabilities. Between the 1900s and the 1970s, the Project Site was used for residential and commercial retail purposes with multiple addresses. The commercial retail businesses included grocery stores/meat market and a dry cleaner.

To address unauthorized releases of PCE from the former dry cleaner operations, previous investigations and remedial actions have been conducted onsite since 2017. PCE was present in soil, soil gas, and groundwater above applicable health and environmental based protection screening levels and Site-specific indoor air screening levels.

Based on the investigations of the approved remedial actions, volatile organic compounds (VOCs) in soil and soil gas were removed through the soil excavation and SVE adjacent to the northern end of the onsite building. However, based on SVE rebound testing, residual source material remains beneath the at-grade residential apartment Unit 114 located at the north end of the onsite building. The remaining source material poses a potential vapor intrusion condition in this area. In addition, while the EISD injections were effective, VOCs, including PCE, remain in groundwater beneath the Project Site.

Project Activities:

The approved significant differences between the RAP-approved remedy and the design components that are presented in the RAP Addendum include:

- Expansion of the source area soil excavation to beneath the at-grade residential area of Site Resident Unit 114. Approximately 150 cubic yards of soil will be excavated.
- Inject approximately 6,300 pounds of EISD chemicals in addition to the 2,100 pounds identified in the 2018 RAP.
- Following implementation of the remedies listed above, environmental monitoring will be conducted to confirm the effectiveness of the measures, and, as appropriate, identify whether the previously identified Land Use Controls (LUC) and/or long-term operations, maintenance and monitoring will be required to maintain the effectiveness of the remedy. The post-remedial monitoring of the vapor conditions will occur over a three- to four-month period, and the post-injection monitoring of groundwater conditions will occur over six months.

In the event biological, cultural, or historical resources are discovered during project activities, work will be suspended while a qualified biologist, cultural, or historical specialist assesses the area and arrangements are made to protect or preserve any resources that are discovered. If human remains are discovered, no further disturbance will occur in the location where the remains are found, and the County Coroner will be notified pursuant to Health and Safety Code Chapter 2, Section 7050.5.

Name of Public Agency Approving Project: DTSC

Name of Person or Agency Carrying Out Project: Posada de Colores, LP

Exempt Status: Categorical Exemption: Class 30, Title 14, Section 15330

Reasons Why Project is Exempt:

1. Minor Actions 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.
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. (Exception: Small-scale in-situ soil vapor extraction and treatment systems which have been permitted by the local Air Pollution Control District or Air Quality Management District.)
7. The exceptions pursuant to California Code of Regulations, Title 14, Section 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 environmental safeguards and monitoring procedures that are enforceable and made a condition of project approval will prevent unusual circumstances from occurring 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. A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.

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
5796 Corporate Avenue
Cypress, CA 90630

Additional project information is available on EnviroStor: www.envirostor.dtsc.ca.gov/public/

Contact Person	Contact Title	Phone Number
Meghan Hearne	Project Manager, Unit Chief	(760) 214-2262

Approver's Signature:



Date:

October 19, 2023

Approver's Name	Approver's Title	Approver's Phone Number
A. Edward Morelan, PG, CEG	Chief, Cypress Cleanup Branch	(714) 484-5440

TO BE COMPLETED BY OPR ONLY

Date Received for Filing and Posting at OPR: