



Los Angeles Regional Water Quality Control Board

March 15, 2024

Gustavo Romo
Director of Community Development
City of Bell Gardens
7100 Garfield Avenue
Bell Gardens, CA 90201

SUBJECT: APPROVAL OF REMOVAL ACTION WORK PLAN

SITE: FORMER BERK OIL AND PACIFIC METAL CRAFT SITE, 5614, 5622, AND 5636 SHULL STREET, BELL GARDENS, CALIFORNIA 90201 (CASE NO. 0313, CR SITE ID NO. 2040193)

Dear Mr. Romo:

The California Regional Water Quality Control Board, Los Angeles Region (Los Angeles Water Board) is the public agency responsible for the protection of ground and surface water quality for all beneficial uses within major portions of Los Angeles and Ventura counties, including the above referenced site (Site). To accomplish this, the Los Angeles Water Board oversees the investigation and cleanup of unregulated discharges adversely affecting the State's water, authorized by the Porter-Cologne Water Quality Control Act (California Water Code, Division 7).

The Los Angeles Water Board staff has reviewed the *Revised Draft Removal Action Work Plan* (Work Plan), dated August 29, 2023, prepared and submitted by WSP USA Environment & Infrastructure Inc. (WSP), on your behalf for the Site. The Work Plan was prepared to clean up contaminated soil on Site primarily with benzo(a)pyrene (BaP) and lead to meet residential land-use. Preparation and implementation of this Work Plan are currently being funded through an Equitable Community Revitalization Grant (ECRG) awarded by the Office of Brownfields – Department of Toxic Substances Control (DTSC). This letter provides a summary of the Work Plan, the Los Angeles Water Board's approval, and recommendations on the Work Plan.

WORK PLAN SUMMARY

The Work Plan evaluated remediation action alternatives, identified the preferred and recommended remedial action, described the proposed remedial action (soil removal activities), and provided applicable guidance and supplemental plans required for a safe and successful implementation.

NORMA CAMACHO, CHAIR | SUSANA ARREDONDO, EXECUTIVE OFFICER

The Work Plan evaluated three alternatives for addressing BaP and lead impacted soil as follows:

1. No further action approach – leaving the Site as is with no further action implemented.
2. Soil containment by emplacing a capping medium on top of the BaP and lead impacted soil.
3. The excavation of BaP and lead impacted soil followed by transportation of impacted soil off-Site to appropriate, permitted facilities for treatment and/or disposal.

Alternative number 3 was selected as the remediation approach to remove BaP and lead impacted soil. Excavation is the preferred and recommended remedial action for the Site due to the immediate effect of significantly reducing/removing the concentrations, long-term risks, mobility, and volume of impacted soils at the Site.

The proposed scope of work included in the Work Plan is as follows:

1. Shallow debris, inactive subsurface utility lines, historical groundwater monitoring wells¹, loose and disturbed soil, building foundations, and asphalt/pavement surfaces will be removed to expose subsurface soils.
2. Approximately 5,275 cubic yards (yd³) of BaP and lead impacted soil will be excavated. The Site has been divided into three excavation areas (referenced in Figures 1 and 2):
 - a. Area 1, located in Parcel 901 (and portion of Parcel 902) encompasses an area of 6,342 square feet (ft²), where excavation depths will vary between 2, 4, and 6 feet.
 - b. Area 2, located in Parcel 903 (and portion of Parcel 906) encompasses an area of 27,294 ft², where excavations depths will vary between 2 and 5 feet.
 - c. Area 3, located in Parcel 906, encompasses an area of 21,065 ft², where excavation depth will vary between 2 and 4 feet.
3. Excavated soil will be analyzed for waste classification, transported, and appropriately disposed of off-Site. Additionally, clean imported backfill materials

¹ Historical existing groundwater monitoring wells (GMWs) [MW01, MW02, and MW05] could not be located in previous investigations; however, due to proposed earthwork, these GMWs may be uncovered. Therefore, contingencies are in place to evaluate the conditions of uncovered GMWs and will either be used as part of the groundwater monitoring program, converted to a vapor extraction well, or properly abandoned if deemed unusable.

will be used to fill necessary areas to achieve leveled grading and re-contouring the surface for future proposed developments.

4. The estimated schedule for excavation activities is 44 days (9 weeks). During excavation activities, control measures will be implemented during Site preparation and soil removal activities such as:
 - a. Comply with General Permit for Discharges of Storm Water Associated with Construction Activity Construction General Permit Order 2009-0009-DWQ.
 - b. Equipment decontamination
 - c. Particulate emissions (dust) control
 - d. Air Monitoring
5. Excavations will be conducted per the Quality Assurance and Quality Control Plan (QA/QC Plan), as outlined in Appendix C of the Work Plan. The QA/QC Plan includes proper management of excavated soil disposal, confirmation sampling to verify the removal of contaminated soils, and use of clean residential standard for backfill. The QA/QC Plan provides field guidance and outlines data management and evaluation procedures.

CALIFORNIA ENVIRONMENTAL QUALITY ACT² (CEQA)

The Los Angeles Water Board is the designated Lead Agency under CEQA for the purposes of approval of the proposed project described in the Work Plan, as provided for in Public Resources Code section 21000 et seq. and California Code of Regulations, Title 14, section 15000 et seq. On September 22, 2023, the Los Angeles Water Board sent letters to multiple Tribal Nations notifying them of our decision to undertake the project and the opportunity to consult on the project. The Gabrieleno Band of Mission Indians – Kizh Nation responded, and on January 9, 2024, the Los Angeles Water Board held a consultation meeting with representatives from the Kizh Nation. Subsequently, the Kizh Nation submitted comments and suggested revisions to the Los Angeles Water Board's *draft Culture Resources Assessment Report* for the project. These inputs were carefully considered and integrated into a revised document.

The Los Angeles Water Board also prepared an Initial Study for the project. Based on the Initial Study, the Los Angeles Water Board determined that implementation of the Work Plan as proposed will not have a significant effect on the environment and prepared a Mitigated Negative Declaration. A Notice of Intent to Adopt the Mitigated Negative Declaration, the Initial Study, the Mitigated Negative Declaration, and supporting

² All related information and documents are available for viewing on the Governor's Office of Planning and Research's CEQAnet Web Portal at the following link: <https://ceqanet.opr.ca.gov/2024020043> and State Water Resources Control Board database: https://geotracker.waterboards.ca.gov/profile_report.asp?global_id=SL163462338.

documents including the Cultural Resources Assessment Report, were transmitted to the California State Clearinghouse and interested agencies and persons for a public review and comment period of at least 30 days.

The Los Angeles Water Board has considered the Mitigated Negative Declaration and Initial Study, together with comments³ that were received during the public review process, and hereby adopts the Mitigated Negative Declaration. The Los Angeles Water Board finds on the basis of the whole record before it that there is no substantial evidence that implementation of the Work Plan as proposed will have a significant effect on the environment and that the Mitigated Negative Declaration reflects the Los Angeles Water Board's independent judgement and analysis. The record of the project approval is available to the public at the Los Angeles Water Board's office located at 320 West 4th Street, Suite 200, Los Angeles, California and on State Water Resources Control Board's database, GeoTracker, with the GeoTracker ID no. [SL163462338](#).

LOS ANGELES WATER BOARD APPROVAL

Based on the review of the Work Plan and all other relevant documents in our file, the Work Plan is hereby approved with the following comments and recommendation:

1. Appendix C of the Work Plan, which contains the QA/QC Plan, outlines the confirmation soil sampling in the excavated areas. Appendix C proposes that some confirmation samples be analyzed for polycyclic aromatic hydrocarbons (PAHs), some for lead, and others for both PAHs and lead.

The Los Angeles Water Board recommends analysis of all confirmation soil samples for PAHs and lead in all excavation areas.

Additionally, during implementation of the Work Plan, compliance with the following is required:

1. Obtain any necessary permits and adhere to commuting windows for any operations involving oversized transport vehicles based on the February 27, 2024 comment letter submitted by the California Department of Transportation, District 7:

"Any Transportation of heavy construction equipment and/or materials that require the use of oversized transport vehicles on State highways will need a Caltrans transportation permit. Any large-size truck trips should be limited to off-peak commute periods."

³ During the public review comment period, February 1, 2024, through March 1, 2024, the Los Angeles Water Board received a comment letter from the California Department of Transportation, District 7 *RE: Former Berk Oil & Pacific Metal Craft Site: Removal Action Work Plan, SCH # 2024020043*, dated February 27, 2024. No additional comments were received.

2. Follow all the mitigation measures for the potentially affected environmental factors as addressed in the Mitigated Negative Declaration and Initial Study. Implement the following mitigations, at a minimum, for air quality and noise.

Air quality

- a) Monitor dust and particulate matter in accordance with South Coast Air Quality Management District (SCAQMD) Rule 403 Fugitive Dust requirements.
- b) Implement necessary dust suppression measures to mitigate dust and particulate matter, such as watering or misting excavation areas and soil piles.
- c) Cover loads of soil with a tarp after loading onto transport trucks to prevent dust generation during transportation.
- d) Brush soil from truck tires, truck bodies, and consider using rumble strips to remove excess soil before transportation trucks leave the Site.

Noise

- a) Limit field activity to the hours of 8:00 am to 7:00 pm.
 - b) Utilize well-maintained equipment with functional mufflers to reduce noise emissions.
 - c) If noise levels exceed local standards at residential boundaries, implement sound attenuation barriers or blankets where feasible and safe, to meet required noise standards on adjacent residential properties.
3. Implement the following as outlined in the *Cultural Resources Assessment*⁴:
 - a) Given the proximity of the project area to the Los Angeles and Rio Hondo Rivers as well as the historic village of Chokishngna, the potential exists for sub-surface cultural resources. Therefore, worker awareness training for cultural resource sensitivity is needed ahead of ground disturbance.
 - b) Should cultural resources be discovered during ground disturbance activities, all construction activities in the project area must halt and a

⁴ WSP USA, *Cultural Resources Assessment of The Former Berk Oil and Pacific Metal Craft Site*, January 25, 2024.

https://documents.geotracker.waterboards.ca.gov/regulators/deliverable_documents/7534772574/WSP%20Berk%20Oil%20Cultural%20Resources%20Assessment%20Report_1.31.24.pdf

Secretary of the Interior-Qualified Archaeologist must be retained to evaluate the find.

- c) In the event of the discovery of human remains, all work in the vicinity shall cease and the Los Angeles County Coroner shall be notified immediately, in compliance with California State Health and Safety Code §7050.5. If the Coroner determines that discovered remains are of Native American origin, the Coroner will notify the Native American Heritage Commission (NAHC) and the NAHC will make a determination of, and notify, the Most Likely Descendent.
4. Conduct all field work in compliance with the California Occupational Safety and Health Agency (Cal-OSHA), Health and Safety Code, Title 8, California Code of Regulations (CCR), Section 5192 and other appropriate sections. During all field work, a copy of the Site Health and Safety Plan must be available at the Site.
5. Conduct all field work at the Site by or under the direction of a California-licensed professional geologist, certified hydrogeologist or engineering geologist, or professional engineer, as per the California Business and Professional Code Sections 6735, 7835, and 7835.1. All technical submittals must contain the wet ink signature and stamp of the licensed professional.
6. Provide notification of planned fieldwork to Los Angeles Water Board staff at least seven (7) days prior to the start of any field work.
7. The State Water Resources Control Board adopted regulations (California Code of Regulations, title 23, sections 3891 et seq.) requiring the electronic submittals of information (ESI) for all site cleanup programs, starting January 1, 2005. Currently, all of the information on electronic submittals and GeoTracker contacts can be found on the Internet at the following link: http://www.waterboards.ca.gov/ust/electronic_submittal/index.shtml.

To comply with the above referenced regulation, you are required to upload all technical reports, documents, and well data to GeoTracker by the due dates specified in the Los Angeles Water Board letters and orders issued to you or for the Site. However, the Los Angeles Water Board may request that you submit hard copies of selected documents and data in addition to electronic submittal of information to GeoTracker. For your convenience, the GeoTracker Global ID for this site is SL163462338.

8. Upon completion, prepare a comprehensive technical report with the findings, sample collection procedures, filed observations, laboratory data, conclusions, and any subsequent recommendations. Submit the Technical Report by **June 15, 2024**.

The report should be submitted under penalty of perjury and be signed by an authorized City of Bell Gardens representative. The perjury statement should be in the following format:

"I, [Name], do hereby declare, under penalty of perjury under the laws of State of California, that I am [Job Title] for the City of Bell Gardens that I am authorized to attest to the veracity of the information contained in [Name and Date of Report] is true and correct, and that this declaration was executed at [Place], [State], on [Date]."

If you have any questions regarding this matter, please contact Mr. Jeremy Barela, Project Manager, at (213) 576-6734 (Jeremy.Barela@waterboards.ca.gov) or Ms. Thizar Tintut-Williams, Unit Supervisor, at (213) 576-6723 (Thizar.Williams@waterboards.ca.gov).

Sincerely,

 Digitally signed by
Susana Arredondo
Date: 2024.03.15
07:51:11 -07'00'

Susana Arredondo
Executive Officer

Attachments: Figure 1 – Estimated Limits of Lead and/or Polycyclic Aromatic Hydrocarbon Impacted Soil
Figure 2 – Estimated Limits of Impacted Soil

cc: Stephanie Yu, State Water Resource Contril Board, Office of Chief Counsel, Stephanie.Yu@waterboards.ca.gov
Susana Lagudis, Los Angeles Water Board, Public Participation, Environmental Justice and Tribal Coordinator, Susana.Lagudis@waterboards.ca.gov
Matthew Shimizu, California State Water Board, Surface Water Permitting/NDPES Industrial Stormwater, Matthew.Shimizu@waterboards.ca.gov
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