



**Yana Garcia**  
Secretary for  
Environmental Protection



**Department of Toxic Substances Control**

Katherine M. Butler, MPH, Director  
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**Gavin Newsom**  
Governor

**SENT VIA ELECTRONIC MAIL**

March 28, 2025

Elizabeth Nagle  
Associate Environmental Planner / Scientist  
Port of Oakland, Environmental Programs and Planning  
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Oakland, CA 94607  
[enagle@portoakland.com](mailto:enagle@portoakland.com)

RE: MITIGATED NEGATIVE DECLARATION FOR THE OUTER HARBOR WHARF  
MODERNIZATION PROJECT DATED MARCH 6, 2025, STATE CLEARINGHOUSE  
NUMBER [2025030228](#)

Dear Elizabeth Nagle,

The Department of Toxic Substances Control (DTSC) reviewed the Mitigated Negative Declaration (MND) for the Outer Harbor Wharf Modernization Project (Project). Specifically, DTSC reviewed the content relevant to the Port of Oakland Berth 25 and 26 located at 2500 7th Street, Oakland, California 94607 (Site) which is currently under DTSC oversight. The Port proposes to modernize the aging wharf infrastructure at Berths 22-38 fronting the Port's Outer Harbor Channel. The modernization will enable efficient berthing, mooring, and servicing of existing and future vessels calling at the Port and will allow for flexibility with berthing locations. DTSC recommends and requests consideration of the following comments:

1. DTSC requests clarification on the location of the proposed electrical improvements. Figure 3.9-1: Recognized Environmental Conditions and Figure 2-3: Project Components indicate different locations for the southeastern landward electrical improvement. Based on the location presented in Figure 3.9-1, DTSC notes that this proposed work would take

place within the [Land Use Covenant \(LUC\)](#) area of Berth 25 and 26 and would require DTSC oversight.

2. In Section 3.9 Hazards and Hazardous Materials: DTSC requests that all work completed in the LUC areas of Berth 25 and 26 are also in accordance with the Site Soil and Groundwater Risk Management Plan included in the [Operation and Maintenance Plan](#) dated October 2010. Additionally, the air monitoring program within the LUC area should be conducted in accordance with DTSC's [Community Air Monitoring Plan](#) (CAMP) Guidance.
3. As stated in the 'Discussion' item of Hazards and Hazardous Materials Section, trenches will be shored with trench boxes and plates to minimize soil excavation. If this process is to occur within the LUC area of Berth 25 and 26, DTSC recommends developing a decontamination protocol for the materials used in the contaminated area.
4. DTSC requests clarification on whether construction activities may potentially impact the integrity of the metal sheet pile wall along the wharf face of Berth 25 and 26. Currently, part of the Site's remedy states that the sheet pile wall prevents contaminated groundwater from migrating to the Outer Oakland Harbor. However, if the project construction would impact the integrity of the wall, DTSC would need to reassess the protectiveness of this remedy.
  - a. If the integrity of the sheet pile wall cannot be guaranteed, DTSC recommends developing a monitoring program to assess whether the contaminated groundwater is migrating to the Outer Oakland Harbor, and, if the integrity of the sheet pile remedy would be compromised and would lead to remedy failure, DTSC will require a Removal Action Workplan (RAW) Amendment to propose a new remedy prior to project implementation.

DTSC would like to thank you for the opportunity to comment on the MND for the Outer Harbor Wharf Modernization Project. Thank you for your assistance in protecting California's people and environment from the harmful effects of toxic substances. If you

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have any questions or would like clarification on DTSC's comments, please respond to this letter or via our [CEQA Review email](#) for additional guidance.

Sincerely,

*Tamara Purvis*

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