

April 19, 2011

Karen Toth  
Department of Toxic Substances Control Board  
700 Heinz Street, Suite 200  
Berkeley, CA 94710

Mary Rose Cassa  
California Regional Water Quality Control Board,  
San Francisco Region  
1515 Clay Street, Suite 1400  
Oakland, CA 94612

Subject: Conditional No Further Action for Soil Remediation  
4060-4062 Hollis Street, Emeryville

Dear Ms. Toth and Ms. Cassa:

This letter is the City of Emeryville's (City) Conditional No Further Action (NFA) for soil remediation at the property located at 4060-4062 Hollis Street (Site) in Emeryville. The condition of this NFA is obtaining concurrence from the Department of Toxic Substances Control Board (DTSC) or California Regional Water Quality Control Board, San Francisco Region (Water Board).

The Conditional Approval and final Site Cleanup Plan (SCP) were submitted to the Water Board and DTSC on November 26, 2008. In an email from Ms. Elizabeth Allen on December 15, 2008, the Water Board concurred with the final SCP. Ms. Janet Naito stated in an email dated March 3, 2009, that DTSC cannot concur with the SCP as it does not meet DTSC's requirements for a land use covenant at properties where contaminants are left in place above levels for unrestricted use; however, based upon the information provided in the SCP and the data collected, DTSC concurred that as long as the requirements of the remedy are complied with in perpetuity, the remedy should be protective of public health and the environment.

As discussed in this Conditional NFA and the Removal Action Completion Report (Completion Report; Ninyo & Moore, 2011), although the cleanup levels proposed in the SCP were above levels for unrestricted use, the soil confirmation samples and data from previous soil samples show that concentrations of constituents remaining in soil are below the levels for unrestricted use. Therefore, a land covenant is not necessary for this Site.

This City of Emeryville's Conditional NFA has been prepared in a format similar to the Water Board's Case Closure form, and is based on the Completion Report prepared by Ninyo & Moore dated March 22, 2011. This Conditional NFA refers to tables, figures, attachments, and appendices to the Completion Report (Ninyo & Moore, 2011).

## **BACKGROUND**

The Site is located at the corner of Hollis Street and 40<sup>th</sup> Street in the City of Emeryville, California (Figure 1). The Site is bounded by the City of Emeryville City Hall on the north, Hollis Street on the west, a parking lot on the east, and 40<sup>th</sup> Street on the south. The rectangular parcel is approximately 33,800 square feet with a 30,100 square-foot warehouse, and is located in a neighborhood consisting of commercial and residential properties.

The Site is currently owned by the Emeryville Redevelopment Agency. Previous occupants of the Site included Albert Wright Screw Machines in the 1940s, United Stamping Company in the 1960s through 2006, when the City purchased the Site. In the 1960s through 1980s, Acorn Paper Company was listed at the address; however, no information was found regarding the company (Ninyo & Moore, 2005, 2008a).

A Phase II investigation was performed at the Site in 2006 and 2007 (Ninyo & Moore, 2006, 2008a). None of the soil samples collected throughout the warehouse area contained concentrations of metals, semi-volatile organic compounds (SVOCs), and volatile organic compounds (VOCs) that exceeded residential California Human Health Screening Levels (CHHSLs; OEHHA, 2010) or Environmental Screening Levels (ESLs; hazard quotient [HQ] equals 1.0 for noncarcinogens; Water Board, 2008). Only one sample (B5-S-2-1) contained a concentration of total petroleum hydrocarbons as diesel (TPH<sub>d</sub>), TPH as motor oil (TPH<sub>mo</sub>), and TPH as hydraulic fluid (TPH<sub>hf</sub>) above the residential ESL but below the commercial ESL. The extent of the elevated concentrations were subsequently delineated and determined to be limited laterally and with depth to the first few feet of soil (Ninyo & Moore, 2008e).

Soil samples collected in the former rail spur area in the southern portion of the Site contained concentrations of arsenic, cadmium, total chromium, lead, vanadium, TPH<sub>d</sub>, and benzo(a)pyrene that exceeded the screening levels, including residential and commercial ESLs and residential CHHSLs.

VOC concentrations did not exceed ESLs for the evaluation of potential vapor intrusion concerns using DTSC attenuation factors (Tables E-4) in the seven locations sampled throughout the warehouse area.

Four grab groundwater samples were collected in February 2006 and three were collected in December 2007 (Ninyo & Moore, 2006, 2008a). Concentrations of SVOCs, VOCs, and metals in groundwater were below screening levels. None of the groundwater samples contained concentrations of TPH<sub>d</sub>, TPH<sub>mo</sub>, and TPH<sub>hf</sub> above the solubility value of 2,500 micrograms per liter (µg/l) and the nuisance odor threshold ESL for non-drinking water of 5,000 µg/l; however, the highest concentrations were slightly above the taste and odor threshold of 100 µg/l and toxicity value of 210 µg/l for drinking water. The highest concentrations reported were 490 µg/l TPH<sub>d</sub>, 400 µg/l TPH<sub>mo</sub>, and 880 µg/l TPH<sub>hf</sub>.

## **PROPOSED REDEVELOPMENT PLAN**

The City plans to redevelop the Site as a community arts center, with a landscaped area in the southern portion of the Site outside of the building.

## **CONSTITUENTS OF CONCERN AND CLEANUP GOALS**

The cleanup goals proposed in the SCP (Ninyo & Moore, 2008e) were the commercial ESLs, except for arsenic, chromium, and lead, which were based on cleanup goals previously approved for other sites in Emeryville for multi-family or park use. These cleanup goals were proposed because little exposure was anticipated for the soil in the landscaped area in front of the building. However, due to the City's desire to obtain unrestricted use of the property, concentrations of constituents in confirmation soil samples and in previously collected soil samples were compared to residential direct exposure ESLs (HQ=1 for noncarcinogens) and CHHSLs (these revised values are referred to as Cleanup Objectives in the Completion Report [Ninyo & Moore, 2011]). The comparison of concentrations remaining in soil to residential ESLs and CHHSLs is presented in the Confirmation Sampling section below.

## **SOIL AND GROUNDWATER REMOVAL ACTION PLAN IMPLEMENTATION**

The remedial plan consisted of excavation and off-site disposal of soil containing constituents of concern exceeding the cleanup goals. Several pre-remediation activities were conducted prior to soil excavation, including updating plan documents by the contractor, permitting, locating utilities, fencing the area, and soil sampling for waste classification (Ninyo & Moore, 2011).

Soil was excavated to approximately 3 feet bgs within the designated area. A total of approximately 115 cubic yards of soil classified as non-hazardous waste by Waste Management, Inc. were transported to and disposed at WMI's landfill facility located at 10840 Altamont Pass Road in Livermore, California (Ninyo & Moore, 2011).

## **CONFIRMATION SAMPLING**

Six confirmation samples were collected to verify that cleanup goals were met within the excavation area. Confirmation soil sample results and locations are presented in Table 1 and shown on Figure 3 of the Completion Report (Ninyo & Moore, 2011). Confirmation soil samples were analyzed for the constituents that exceeded the cleanup goals in the area where the samples were collected; therefore, all samples were not analyzed for all constituents.

The highest concentrations of constituents of concern in the confirmation samples and previous samples of soil that remains at the Site are summarized in the following table.

Constituent of Concern in Soil	Highest Concentration in Confirmation Samples (mg/kg)	Highest Concentration in Previous Samples (mg/kg)	95% UCL Remaining in Soil (mg/kg)	Site Background (mg/kg)	Residential ESL <sup>1</sup> (mg/kg)	CHHSL (mg/kg)
Arsenic	7.1	15	5.76	5.9	0.39	0.07
Cadmium	<0.25	1.1	NA	NA	1.7	1.7
Chromium <sup>3+</sup> / Chromium <sup>6+</sup>	50 <sup>2</sup> / 4.5	190 <sup>2</sup> / NA	NA	NA	120,000/ 47	100,000/ 7
Lead	23	300	53.4	NA	260	80
Vanadium	34	42	NA	NA	78	530
TPHd	92	2,000	169.7	NA	540	NA
TPHmo	NA	1,900	352	NA	540	NA
TPHhf	NA	3,600	511	NA	1,800	NA
Benzo(a)pyrene	<0.010	0.042 J	0.011	NA	0.038	0.038

Notes:

<sup>1</sup> Direct exposure ESL from Table K-1, noncarcinogens with HQ = 1.

<sup>2</sup> Chromium concentration is for total chromium.

For arsenic, Ninyo & Moore evaluated the background concentration based on 12 samples collected from native soil at depths ranging from 5 to 17 feet bgs (Ninyo & Moore, 2011). Background concentrations ranged from <1.0 mg/kg to 5.9 mg/kg. Because a few samples collected from soil remaining at the Site were above 5.9 mg/kg, Ninyo & Moore calculated the 95% upper confidence limit (UCL) (Ninyo & Moore, 2011). The 95% UCL for arsenic is within Site background concentrations (Appendix G and Section 5 in the Completion Report).

Because one or two samples collected from soil remaining at the Site contained TPH constituents, benzo(a)pyrene, or lead concentrations exceeding the residential ESLs and/or CHHSLs, Ninyo & Moore calculated the 95% UCL for these constituents for soil remaining at the Site (Ninyo & Moore, 2011). The 95% UCL for the TPH constituents are below the residential ESL and the 95% UCL for lead and benzo(a)pyrene are below the residential ESLs and CHHSLs.

Because soil samples were analyzed for total chromium and the ESLs and CHHSLs are for chromium<sup>3+</sup> and chromium<sup>6+</sup>, Ninyo & Moore collected an additional shallow soil sample on March 16, 2011, to evaluate the concentration of chromium<sup>6+</sup>. The sample was collected adjacent to

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previous boring B14 (Figure 3 in the Completion Report) where the highest concentration of total chromium remaining on site was reported. The concentration of chromium<sup>6+</sup> reported by the laboratory was 4.5 mg/kg (Table 1 in the Completion Report), which is below the residential ESL and CHHSL.

Constituents reported in previous soil samples collected at the Site are presented in Tables 1 through 6 in the SCP, which is included on a CD in Appendix A in the Completion Report (Ninyo & Moore, 2011). Calculations of the 95% UCL for the constituents are included in Appendix G and discussed in Section 5 and of the Completion Report.

### **INSTITUTIONAL CONTROLS**

Concentrations of constituents or the 95% UCL remaining at the Site are below residential ESLs and CHHSLs, or for arsenic are within background concentrations; therefore, institutional controls are not necessary and the Site is suitable for unrestricted use.

### **SUMMARY AND CONDITION**

Based on the above information, no further soil testing or institutional controls are necessary at the Site. The condition of this NFA is concurrence from the DTSC or Water Board. This Conditional NFA for soil is based on the data submitted to date for the Site and with the provision that all information provided to the City is accurate and representative of Site conditions. If additional information or data indicate that the data included herein are not representative of Site conditions, additional mitigation measures may be required. This Conditional NFA for soil applies only to the development included herein and not to any other future Site development.

The City requests your concurrence with the City's Conditional NFA. Please send your concurrence with this Conditional NFA as soon as possible by U.S. mail, facsimile, or email to me with a copy to Markus Niebanck. If you have any questions or comments on this Conditional NFA, please contact me at 831-336-8155.

Sincerely,



Susan G. Colman, for City of Emeryville

cc: Helen Bean, Emeryville                      Diane Strassmaier, U.S. EPA Region IX (#BF-96915801)  
Michael Biddle, Emeryville                  Markus Niebanck, Emeryville  
Kris Larson, Ninyo & Moore

## CASE CLOSURE SUMMARY

### I. AGENCY INFORMATION

Date: April 19, 2011

Agency Name: City of Emeryville under the MOU	Address: 1333 Park Avenue
City/State/Zip: Emeryville, CA 94608	Phone: 510-596-4356
Responsible Staff Person: Markus Niebanck	Title: Project Manager

Agency Name: Department of Toxic Substances Control	Address: 700 Heinz Avenue, Suite 200
City/State/Zip: Berkeley, CA 94710	Phone: 510-540-3834
Responsible Staff Person: Karen Toth	Title: Supervising Hazardous Substances Engineer I

Agency Name: California Regional Water Quality Control Board, San Francisco Region	Address: 1515 Clay Street, Suite 1400
City/State/Zip: Oakland, CA 94612	Phone: 510-622-2447
Responsible Staff Person: Mary Rose Cassa	Title: Senior Engineering Geologist

### II. SITE INFORMATION

Site Facility Name: Community Arts Center				
Site Facility Address: 4060-4062 Hollis Street				
RB Case No:	Local Case No.: Not Applicable	Priority: Low		
Responsible Parties (include addresses and phone numbers):				
City of Emeryville, 1333 Park Avenue, Emeryville, M. Niebanck, 510-596-4356				
Tank No.	Size in Gallons	Contents	Closed In— Place/Removed?	Date
None				

**III. RELEASE AND SITE CHARACTERIZATION INFORMATION**

Cause and Type of Release: Arsenic, cadmium, chromium, lead, vanadium, PAHs, and TPHd in soil potentially from historical uses or fill material.			
Site characterization complete? Yes		Date Approved by Oversight Agencies: 11/26/08 by City; 12/15/08 by Water Board	
Monitoring wells installed? No		Number:	Proper screened interval?
Highest GW Depth Below Ground Surface: 13 feet		Lowest Depth: 17 feet	Flow Direction: Northwest to west
Most Sensitive Current Use: Former rail spur and fill material			
Most Sensitive Potential Use and Probability of Use: Landscaping in front of building			
Are drinking water wells affected? No		Aquifer Name: Not applicable	
Is surface water affected? No		Nearest surface water name: San Francisco Bay	
Off-Site Beneficial Use Impacts (Addresses/Locations): No			
Report(s) on file? Yes		Where is report(s) filed? City of Emeryville	
<b>TREATMENT AND DISPOSAL OF AFFECTED MATERIAL</b>			
Material	Amount (Include Units)	Action (Treatment or Disposal w/Destination)	Date
Soil	115 cubic yards/ 157 tons	non- hazardous waste disposed at WMI Altamont landfill in Livermore, CA.	10/11 - 13/2011

**MAXIMUM DOCUMENTED POLLUTANT CONCENTRATIONS —  
 BEFORE AND AFTER CLEANUP**

COC	Soil (mg/kg)		Water (µg/l)		COC	Soil (mg/kg)		Water (µg/l)	
	Before	After	Before	After		Before	After	Before	After
Benzo(a) pyrene	0.25	0.042 J 0.011 (95% UCL)	<0.1	NA	Cadmium	11	1.1	<5	NA
TPHd	4,100	2000 169.7 (95% UCL)	490	NA	Total Chromium	2,400	190	19	NA
TPHmo	6,500	1900 352 (95% UCL)	400	NA	Chromium <sup>6+</sup>	NA	4.5	NA	NA
TPHhf	10,000	3600 511 (95% UCL)	880	NA	Lead	1,100	300 53.4 (95% UCL)	<3	NA
Arsenic	220	15 5.76 (95% UCL)	<5	NA	Vanadium	1,400	42	13	NA

**Comments (Depth of Remediation, etc.):** Soil was excavated to approximately 3 feet bgs. A total of approximately 115 cubic yards of soil classified as non-hazardous waste by Waste Management, Inc. were transported to and disposed at WMP's landfill facility located at 10840 Altamont Pass Road in Livermore, California. Confirmation soil sample results are presented in Table 1 and sample locations are shown on Figure 3 in the Completion Report (Ninyo & Moore, 2011). Because a few samples collected from soil remaining at the Site contained some constituents that exceeded the residential ESLs and/or CHHSLs, Ninyo & Moore calculated the 95% UCL for these constituents for soil remaining at the Site, or evaluated Site background concentrations for arsenic. Concentrations of constituents or the 95% UCL remaining at the Site are below residential ESLs and CHHSLs, or for arsenic are within background concentrations; therefore, institutional controls are not necessary and the Site is suitable for unrestricted use.

(Notes: NA = not available)



**IV. CLOSURE**

Does completed corrective action protect existing beneficial uses per the Regional Board Basin Plan? Yes		
Does completed corrective action protect potential beneficial uses per the Regional Board Basin Plan? Yes		
Does corrective action protect public health for current land use? Yes		
Site Management Requirements: No institutional controls required		
Monitoring Wells Decommissioned: None	Number Decommissioned:	Number Retained:
List Enforcement Actions Taken: None		
List Enforcement Actions Rescinded: None		

**V. TECHNICAL REPORTS, CORRESPONDENCE, ETC., THAT THIS CLOSURE RECOMMENDATION WAS BASED UPON**

Ninyo & Moore, Phase I Environmental Site Assessment, 4060-4062 Hollis Street, Emeryville, California.	July 26, 2005
Ninyo & Moore, Limited Phase II Environmental Site Assessment, 4060-4062 Hollis Street, Emeryville, California.	February 1, 2006
Ninyo & Moore, Additional Site Investigation, 4060-4062 Hollis Street, Emeryville, California.	May 12, 2008a
Ninyo & Moore, Final Draft Site Cleanup Plan, 4060-4062 Hollis Street, Emeryville, California.	July 24, 2008b
Ninyo & Moore, Response to DTSC and RWQCB Comments on Final Draft Site Cleanup Plan for 4060-4062 Hollis Street, Emeryville, California.	September 18, 2008c
Ninyo & Moore, Final Draft Site Cleanup Plan and Analysis of Brownfields Cleanup Alternatives, 4060-4062 Hollis Street, Emeryville, California.	September 24, 2008d
Ninyo & Moore, Final Site Cleanup Plan and Analysis of Brownfields Cleanup Alternatives, 4060-4062 Hollis Street, Emeryville, California.	November 26, 2008e
Ninyo & Moore, Removal Action Completion Report, 4060-4062 Hollis Street, Emeryville, California.	March 22, 2011
City of Emeryville (Colman, S.G.), Conditional Approval of Site Cleanup Plan, 4060-4062 Hollis Street, Emeryville.	November 26, 2008
DTSC, Email from J. Naito to S. Colman re final Site Cleanup Plan	March 3, 2009
California Regional Water Quality Control Board, San Francisco Region, Email from E. Allen re Concurrence with Final SCP.	December 15, 2008

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## **VI. ADDITIONAL COMMENTS, DATA, ETC.**

This Site is under the oversight of the City of Emeryville under the Memorandum of Understanding between the City, Water Board, and DTSC. This Conditional NFA for soil was prepared by the City of Emeryville for concurrence by the DTSC or Water Board.

This document and the related Conditional No Further Action letter shall be retained by the lead agency as part of the official site file.