



# CITY OF EMERYVILLE

INCORPORATED 1896

PLANNING DEPARTMENT  
2200 POWELL, 12TH FLOOR  
EMERYVILLE, CALIFORNIA 94608

TEL: (510) 596-4360 FAX: (510) 658-8095

August 7, 1998

Mark Knox and George Chambers  
Levine-Fricke-Recon  
1900 Powell Street, 12<sup>th</sup> Floor  
Emeryville, CA 94608-1827

RE: Requirement for an Environmental Review Procedure for the Proposed Grading and Excavation for Construction of a Pipeline Extension Within an Existing Slurry Wall as part of the Groundwater Extraction System Expansion Proposed for the Sherwin-Williams Site - Holden Street

Dear Mr. Knox and Mr. Chambers:

I have reviewed the proposed construction of an underground pipeline extension as part of Sherwin-Williams expansion of their groundwater extraction system. This excavation and construction would fall within the area contained in an existing slurry wall. Plans call for approximately 550 linear feet of excavation to a depth of 3 to 3.5 feet. In addition, and as an integral component of this proposal to expand the groundwater extracting system, Sherwin-Williams has previously proposed to connect this system to the sanitary sewer system and discharge up to 30,000 gallons per day of treated groundwater.

As you know, the City is required to consider the potential environmental impacts of any project for which the City must give approval. The California Environmental Quality Act ("CEQA") does exempt certain projects from this review. However, the project proposed by Sherwin-Williams does not fall within any standard categorical exemption that would allow dispensing with the environmental review process.

The project would not qualify as "minor trenching and backfilling" under CEQA Guidelines Section 15304 (Class 4) (f) because it involves significant excavation. Even if the project were considered "minor trenching and backfilling," the exemption is inapplicable in light of the particular environmental context. Specifically, "... a project that is ordinarily insignificant in its impact on the environment, may in a particularly sensitive environment be significant." (CEQA Guidelines Section 15300.2) Given the existing contamination present within the slurry wall, any excavation activities may result in exposing site workers or the adjacent population to hazards. Likewise, Section 15307 (Class 7 - Actions by Regulatory Agencies for Protection of Natural

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Sherwin Williams Groundwater Extraction System  
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Resource) and Section 15308 (Class 8 - Actions by Regulatory Agencies for Protection of the Environment) are inapplicable, since neither construction activities nor relaxation of standards allowing environmental degradation are included in the exemption. Furthermore, and more significantly, Public Resources Code Section 21084(c) states that projects included in sites listed pursuant to Government Code Section 65962.5 (hazardous and toxic waste sites) cannot qualify for a categorical exemption.

Accordingly, in order to pursue this project, an environmental review under CEQA must be completed. An environmental information form must be filed with the Planning Department, along with a \$10,000 deposit and the following information:

1. All relevant permits, orders and other information from the Regional Water Quality Control Board pertaining to the expansion of the groundwater extraction system.
2. A copy of the amendment to the NPEDS permit for the project.
3. A complete project description including the estimated number of yards to be excavated, location of spoils on the site, how spoils would be transported off-site if required, copies of the relevant worker and site safety provisions, volume of water to be discharged, length of time discharge is anticipated, etc. Please note that the environmental review is only of value for the project that is described; consequently a detailed and complete description of all the work Sherwin-Williams proposes to undertake to complete the remediation of its facility will best serve all parties involved in order to avoid the need for subsequent environmental review for activities not described in the project description.

After I receive a completed application form and the requested information, an Initial Study will be undertaken including a determination about whether a Negative Declaration or an Environmental Impact Report will be prepared. Prior to my determination, I can meet with you to review the conclusions and findings of the Initial Study. Please feel free to call me at (510) 596-4361, if you need further clarification regarding this matter or any other questions.

Sincerely,

*Michael G. Siddle*

*for* Claudia Cappio  
Planning and Building Director

Attachments: Environmental Information Form

cc: City Manager  
City Attorney  
Attached Distribution List



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EMERYVILLE, CALIFORNIA 94608

TELEPHONE: (415) 596-4360

## ENVIRONMENTAL INFORMATION FORM

(To be Completed by applicant)

Date Filed \_\_\_\_\_

### GENERAL INFORMATION

1. Name, address and phone number of developer or project sponsor: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
2. Address of project: \_\_\_\_\_ Assessor's Block and Lot Number: \_\_\_\_\_
3. Name, address and telephone number of person to be contacted concerning this project: \_\_\_\_\_  
\_\_\_\_\_
4. List and describe any other related permits and other public approvals required for this project, including those required by city, regional, state and federal agencies: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
5. Existing zoning district: \_\_\_\_\_
6. Description of Project: (Include site area, square footage, uses, size and number of buildings, numbers of floors of construction, amount of off-street parking provided, number of dwelling units, scheduling, and any other information necessary or helpful to understand project. This description must be complete and accurate. Exhibits or photographs should be identified and attached). \_\_\_\_\_  
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7. Are the following items applicable to the project or its effects? Discuss below all items checked yes (attach additional sheets as necessary).

YES	NO	SOURCE	
—	—	___ * 1.	Change in existing features of any bays, tidelands, beaches, lakes or hills, or substantial alteration of ground contours.
—	—	___ 2.	Change in scenic views or vistas from existing residential areas or public lands or roads.
—	—	___ 3.	Change in pattern, scale or character of general area of project.
—	—	___ 4.	Significant amounts of solid waste or litter.
—	—	___ 5.	Change in dust, ash, smoke, fumes or odors in vicinity.
—	—	___ 6.	Change in ocean, bay, lake, stream or ground water quality or quantity, or alteration of existing drainage patterns.
—	—	___ 7.	Substantial change in existing noise or vibration levels in the vicinity.
—	—	___ 8.	Site on filled land or on slope of 10 percent or more.
—	—	___ 9.	Use of disposal of potentially hazardous materials, such as toxic substances, flammables or explosives.
—	—	___ 10.	Substantial change in demand for municipal services (police, fire, water, sewage, etc.).
—	—	___ 11.	Substantially increase fossil fuel consumption (electricity, oil, natural gas, etc.).
—	—	___ 12.	Relationship to a larger project or series of projects.

\* Refers to appropriate note on page 3.

**ENVIRONMENTAL SETTING**

8. Briefly describe the project site as it exists before the project, including information on topography, soil stability, plants and animals, and any cultural, historical or scenic aspects. Describe any existing structures on the site, and the use of the structures. If necessary, attach photographs of the site. \_\_\_\_\_

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9. Briefly describe the surrounding properties, including information on plants and animals, any cultural, historical or scenic aspects. Indicate the type of land use (residential, commercial etc), intensity of land use (one family, apartment houses, shops, department stores etc.) and scale of development (height, frontage, set-back, rear yard, etc.).

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CERTIFICATION: I hereby certify that the statements furnished above and in the attached exhibits present the data and information required for this initial evaluation to the best of my ability, and that the facts, statements, and information presented are true and correct to the best of my knowledge and belief.

Date: \_\_\_\_\_

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Print Name)

\_\_\_\_\_  
(Title)

- (1) Determination based on location of project.
- (2) Determination based on staff office review.
- (3) Determination based on field review.
- (4) Determination based on information contained in the Emeryville Redevelopment Plan.
- (5) Determination based on the Emeryville General Plan.
- (6) Determination based on the Emeryville Zoning Code.
- (7) Not applicable.
- (8) Other (state data).

**Distribution List**

**Mark Johnson, RWQCB**

**Barbara Cook, P.E., DTSC**

**Susan Hugo, ACHD**

**Ric Notini, Chiron Corp.**

**Ignacio Dayit, City of Emeryville**

**Larry Mencin, The Sherwin-Williams Company**

**Nick Maoloni, The Sherwin-Williams Company**

**John Gerulis, The Sherwin-Williams Company**

**Dave Gustafson, The Sherwin-Williams Company**

**Frank McHugh, The Sherwin-Williams Company**

**Paul Germain, 45<sup>th</sup> Street Artists Co-op**

**Tom Kalinowski, Sc.D., EKI**

**Mara Feeney, Mara Feeney & Associates**

**Jody Sparks, TAG**

**Peggy Peischl, Treadwell and Rollo**

**Jane Riggan, M.S.W., CDHS**

**Robert Cave, BAAQMD**