



Linda S. Adams
Acting Secretary for
Environmental Protection



Department of Toxic Substances Control

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Berkeley, California 94710-2721



Edmund G. Brown Jr.
Governor

June 2, 2011

Ms. Lynn Warner
City of Oakland
Community and Economic Development Agency
250 Frank H. Ogawa Plaza, Suite 3315
Oakland, California 94612

Dear Ms. Warner:

Thank you for the opportunity to comment on the Notice of Preparation (NOP) for the draft Environmental Impact Report (EIR) for the High & MacArthur Mixed Use Project (Project). The Project consists of a five-story mixed use affordable senior housing development with 115 one-bedroom senior apartments, ground floor commercial space and 65 parking spaces.

As you may be aware, the California Department of Toxic Substances Control (DTSC) oversees the cleanup of sites where hazardous substances have been released pursuant to the California Health and Safety Code, Division 20, Chapter 6.8. As a Responsible Agency, DTSC is submitting comments to ensure that the environmental documentation prepared for this project under the California Environmental Quality Act (CEQA) adequately addresses activities pertaining to releases of hazardous substances.

The Project Site called Roberts Tires Site (Site) is in the DTSC Envirostor and State Water Resources Control Board Geotracker databases. DTSC conducted remediation for soil contaminated with lead in 2002 and the property owner conducted additional soil remediation for soil contaminated with total petroleum hydrocarbon (TPH) motor oil and TPH diesel in 2004. DTSC referred the Site to the Alameda County Department of Environmental Health since the groundwater at the Site is contaminated with TPH motor oil, TPH diesel, TPH gasoline, benzene, toluene, ethylbenzene and xylene. According to the Geotracker database, the extent of the groundwater contamination has not been determined, and potential risks, threats, and other environmental concerns have not been adequately identified and assessed. Based on the previous environmental investigation reports, there may be multiple underground storage tanks (USTs) remaining at the site.

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The NOP for the draft EIR under the Geology and Soils Section discusses the presence of USTs and indicates that analysis of impacts associated with the removal of USTs will be included in the Hazards and Hazardous Materials analysis in the Focused EIR. However, since groundwater is contaminated with high levels of benzene and other volatile organic compounds, DTSC recommends further groundwater investigation and remediation under the oversight of the Alameda County Department of Environmental Health, the current lead agency for the Site. Indoor air issues in the proposed residential units also need to be addressed. The remediation activities would then need to be addressed in the California Environmental Quality Act (CEQA) compliance document.

If previously unidentified hazardous substances are encountered, they will need to be addressed as part of this project. For example, if hazardous substances were encountered, the project should include: (1) an assessment of air impacts and health impacts associated with the excavation activities; (2) identification of any applicable local standards which may be exceeded by the excavation or demolition activities, including dust levels and noise; (3) transportation impacts from the removal or remedial activities; and (4) risk of public upset should be there an accident at the Site.

If you have any questions or would like to schedule a meeting, please contact Jayantha Randeni at (510) 540-3806. Thank you in advance for your cooperation in this matter.

Sincerely,



Karen M. Toth, P.E., Unit Chief
Brownfields and Environmental Restoration Program

cc: Governor's Office of Planning and Research
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