

M E M O R A N D U M

**To:** KDM, MR, DTW, 90276A file  
**From:** MGR  
**Subject:** Notes from YB Emeryville Project Meeting, 6/18/91  
**Date:** 3 July 1991

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Representatives of the applicant, concerned agencies, and their contractors met in Emeryville on 18 June 1991 to review the status of site remediation planning for the project and discuss how remediation and related issues should be handled in the hazardous materials section of the DEIR. The meeting was held at the Emeryville Planning Department offices. Present were:

Lisa Newman, City of Emeryville Planning Department  
Robin Paige Donoghue, Attorney, Cassidy & Verges  
Michael Rice, AIC, ESA  
Dan Wormhoudt, Project Manager, ESA  
Kelly Moran, ESA  
Max Rodel, ESA  
Ric Notini, Hazardous Material Specialist, Catellus  
Amanda Spencer, Project Manager, Levine-Fricke  
Cynthia Barclay, Levine-Fricke  
Dennis Byrne, Senior Hazardous Materials Specialist, Alameda County Health Agency  
Harry Hecht, City of Emeryville Department of Public Works

As a first priority, the roles of various agencies in the site remediation process were clarified. We learned that the Alameda County Health Agency is actively involved with project review and has assumed responsibility for review and approval of remediation plans. Dennis Byrne, the Agency's technical specialist, updated us on the status of remediation planning at the site. We also learned that Dennis acts for the Regional Water Quality Control Board in the review process, and that his approval will be the final word until the RWQCB reviews project documents at some future date. Dennis anticipates no cross-jurisdictional problems because he remains in close contact with the RWQCB, and consults with the agency on potentially controversial issues.

Similarly, the County has a Memorandum of Understanding with the California Department of Health Services, and acts for the State agency to enforce provisions of Title 22. ESA noted that DHS had provided a letter of response to the NOP, and that the letter had indicated DHS's interest in the site. Ric Notini stated that the DHS letter probably reflected DHS interest in the nearby Myers Drum site rather than the Catellus project site. Dennis

indicated that state involvement (via the Preliminary Environmental Assessment process) would occur only if hazardous wastes were to remain on the project after remediation was completed or if the County or project proponent requested assistance to resolve conflicts. Neither condition is expected to occur or apply at this site. On the basis of Dennis's information, the group concluded that direct involvement at the site by DHS or RWQCB would be unlikely.

Michael Rice summarized ESA's letter of 16 May to Gaye Quinn, Planning Director for the City of Emeryville, in which ESA had voiced concerns over the draft remediation plans for the project site. Dennis Byrne, Amanda Spencer, and Ric Notini provided information that resolved or allayed all our principal technical concerns, including the plan to encapsulate petroleum hydrocarbons on site, establishment of cleanup goals where appropriate, and the inadequacy of the remediation plan prepared by Aqua Resources, Inc. for the Ransome site. Specific responses were provided for each concern in ESA's letter (page numbers are included for reference):

In regard to ESA's concern over the absence of proposed metal extractability tests (p.6, bottom), Dennis responded that the County was not concerned over the possibility of extractable lead in soils because monitoring data has showed no lead in groundwater at the site. (The same situation presumably applies to the other Title 22 metals.)

Concerning cleanup goals for the perched groundwater and soil contaminated with petroleum (p.7, bottom), Amanda informed us that the remediation goal for soils in the area of perched groundwater was 500 mg/kg of hydrocarbons, and that the zone of contamination was apparently fully confined and well delineated.

Regarding our concern that encapsulating petroleum-contaminated soil on site might be disallowed by the County (p.8, top), Amanda and Dennis emphasized that Levine-Fricke's remediation plans are expected to be approved in full (i.e., the contaminated zone of perched groundwater and all Title 22 hazardous wastes will be excavated and removed, and petroleum-tainted soils will be encapsulated on site). Amanda reported that bioassay tests on petroleum-contaminated soils had yielded favorable results, with which Dennis concurred. She will provide us with the bioassay test results.

Concerning groundwater remediation (p.8, middle) Dennis noted that the groundwater monitoring program would go ahead as planned (and is anticipated to continue indefinitely).

In regards to ESA's concerns over inadequacies in the Aqua

Resources remediation plan for the Ransome property (pp.9-10), it was agreed all around that Aqua Resources's plan had been judged unacceptable. Dennis reported the Ransome site remediation plan is in the process of being revised to omit bioremediation and include excavation and removal of hazardous wastes, including the benzidine-contaminated area. Groundwater remediation at Ransome also will be addressed once groundwater characterization is complete. Characterization studies will not begin until contaminated surface material is removed. It was our understanding that remediation at Ransome was underway already and that hazardous hot spots were currently being excavated.

Ric Notini went on to indicate that Catellus is actively pressing the responsible party for full cleanup of the Ransome property. Ric gave Catellus's commitment to ensure the Ransome property will be remediated to the satisfaction of the County. That commitment might result in Catellus performing remedial activities at its own expense. Levine-Fricke is monitoring the situation closely for Catellus. Dennis added that if the site was not voluntarily cleaned up, the county would enforce cleanup requirements. County approval of the final remedial plan will be required. The revised remediation plan will not be ready for submittal until additional groundwater studies have been completed. Dennis believes the project site would be adequately remediated by the present plan, except for the Ransome property.

Kelly Moran pointed out that the legal adequacy of the EIR could be challenged if the remediation plan were found to be inadequate. We felt that to facilitate preparation of a defensible EIR, ESA would have to be apprised of changes in remediation plans and the progress of remediation. Both Amanda and Dennis agreed to copy ESA on pertinent correspondence and reports. Amanda will also provide us a copy of Levine-Fricke's Health and Safety plan for the project, which has been submitted to the County for approval. Dennis emphasized that the entire project area will contain no hazardous wastes after remediation has been completed. On that basis, he does not anticipate placing any deed restrictions. He stated that the cleanup would make the site appropriate for any kind of use, including residential.

We discussed possible approaches to handling hazardous wastes impacts and mitigation in the DEIR in the absence of complete and final remediation plans. Kelly suggested that the DEIR cover a range of impacts and mitigations, including a reasonable "worst case" scenario, such as groundwater extraction and treatment lasting several years. Amanda offered to prepare a written summary outlining a range of remediation scenarios. Ric indicated that Catellus should be able to document that the Health and Safety Plan would be applied to all instances where encapsulated materials might be disturbed after project

development, such as by excavation for utilities. Harry Hecht felt that such information would help protect Public Works personnel from potential hazards that might be unforeseen at present, and provide practical guidance on issues such as, for example, whether excavated soil from utility trenches could be used as backfill.

Ric offered some preliminary comments on ESA's hazardous materials section in the administrative DEIR. He suggested, and Robin Donoghue concurred, that the descriptions of hazards from individual contaminants be toned down or handled in a different manner. Ric and Robin both felt that the presentation as it stands might be unduly alarming to the public, and that it gave disproportionate emphasis to conditions prior to remediation instead of conditions after the site is cleaned up. We agreed to review our approach carefully and make sure the revised section reflected site conditions in an evenhanded manner. It was also decided that our description of agency responsibilities should be revised to reflect current conditions. Lisa Newman noted that all review comments on the draft would be provided later this week.

At the conclusion of the meeting, ESA expected to receive:

- updates whenever conditions at the site change through actions by Catellus or Ransome contractors (and these changes should be noted in the EIR),
- a copy of the bioassay test results from Levine-Fricke,
- a copy of Levine-Fricke's project Health and Safety Plan,
- a letter from Levine-Fricke, based on discussions with Dennis Byrne, giving a possible range of cleanup options at Ransome (for use in the EIR),
- copies of revised site assessments and remediation plans, when issued,
- any other relevant agency and contractor communications.

After the meeting, I showed our draft EIR figures to Amanda Spencer and Cynthia Barclay. The figures were intended to depict visually areas of the site that were contaminated. Amanda and Cynthia felt that we could use the area designations drawn for particular contaminants by Levin-fricke, but that we probably should not attempt to do this for other contaminants, most notably petroleum hydrocarbons. The contaminated areas are quite variable in degree of contamination, and uncontaminated zones are found in the midst of contaminated areas. Also, there is often no clear boundary between contaminated and uncontaminated areas, which is why Levin-Fricke did not provide boundary delineations for petroleum hydrocarbons in their reports, and why on-site encapsulation was proposed in the remediation plan instead of excavation of contaminated areas. Providing questionable figures in the DEIR would be an oversimplification that might mislead the public, unless we explained and justified our methods carefully.