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RESPONSE TO PUBLIC COMMENTS PROPOSED REMOVAL ACTION WORK PLAN HABITAT FOR HUMANITY EAST BAY/SILICON VALLEY PROPERTY 1250 LAS JUNTAS WAY, WALNUT CREEK, CALIFORNIA

BACKGROUND

The Site is located at 1250 Las Juntas Way in the City of Walnut Creek, Contra Costa County, California. The Site consists of approximately 2 acres and is currently undeveloped and unused. The subject property is bounded by the Iron Horse Regional Trail and residential housing to the west, a paved trail and overhead Bay Area Regional Transit (BART) tracks to the southeast, the Pleasant Hill BART station to the southwest, and residential property to the north. The Habitat for Humanity East Bay/Silicon Valley plans to redevelop the Site as a high-density, multi-family residential development including 42 condominium units across eight two-story buildings and 67 parking spaces.

The Contra Costa County Assessor Parcel Numbers (APNs) that constitute the site include 148-180-050, 148-180-051, and 145-180-052. Historical photos indicate the Site is located in what was a predominantly agricultural area between 1939 to 1950 but did not appear to be used for agricultural purposes itself. Railroad tracks were adjacent to the west of the Site where the Iron Horse Regional Trail is now located since before 1897 until the 1980's. Railroad tracks were also located to the south/southeast of the Site from before 1897 until the 1960's when the existing overhead BART track was constructed. A pool was built on the Site in the mid-1950's and the Las Juntas Swim Club operated on the property until 2003. The swimming pool was filled in 2003 and the entire Site was converted into a parking lot. The parking lot was removed in 2008 and the Site has remained unused since that time.

A Phase I investigation was conducted in May 2016 which resulted in completion of a Soil Quality Evaluation in June 2016. These efforts found that arsenic is the sole contaminant of concern on the Site. A Supplemental Phase II investigation was completed in March 2019 which identified a site-specific background concentration for arsenic of 5 milligrams per kilogram (mg/kg) and delineated the areas of arsenic contamination above this level on the Site. Based on the data collected the arsenic above background does not extend below 3.5 feet from the surface. The source of the arsenic appears to be associated with two former railroads that were adjacent to the western and southeastern boundaries of the Site. Based on these supplemental

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investigation results, a draft Removal Action Workplan (RAW) was developed to address the soil with elevated arsenic above background concentrations.

In addition to the comments and responses below, Habitat for Humanity has entered into a Memorandum of Agreement (Agreement) with the Wilton Rancheria Tribe (Wilton) to address the potential for tribal cultural resource discovery during the excavation effort. The Agreement outlines the protocols that will be followed during the fieldwork effort to ensure any sensitive tribal cultural resources identified will be handled appropriately.

The site is currently owned by Habitat for Humanity East Bay/Silicon Valley and they are the project proponent. The remediation activities are being overseen by the California Department of Toxic Substances Control (DTSC). The proponent's goal is to achieve a residential cleanup level at the Site by removing soil with arsenic concentrations above the site-specific background level.

COMMENTS

A public comment period for the draft RAW was held from May 15, 2020 through June 29, 2020 for the Walnut Creek community. The comment period was announced in the local paper on May 15, 2020 and community notices which provided a brief description of the project were mailed out to residents and businesses located near the project site. In addition, an electronic copy of the draft RAW including the Notice of Exemption from the California Environmental Quality Act (CEQA) were made available for public review via the internet on the Department of Toxic Substances Control (DTSC) Envirostor database. Due to the shut-down of local repositories in the area such as the local library, hard copies of the RAW were made available upon request.

The comment period yielded several comments by community members which are provided below in bold followed by DTSC's response in italics. Please note that in addition to the protocols outlined in the Agreement, responses that require actions different from, or in addition to what is described in the draft RAW are considered part of the Final RAW with their inclusion in this Response to Public Comments document.

COMMENTER 1

1. What will be done to mitigate the effect of this work on wildlife living on this site? I live in the Avalon Walnut Ridge property directly across Las Juntas from the site and can see virtually the entire site from my window as I work from home every day. I see families of wild turkeys and other wildlife in this area daily. I am concerned about the wildlife that live in this area and how they will be safely relocated if the workers come upon the animals, a nest, or other habitat.

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2. Please consider issuing guidance to the nearby properties, both via mail and to the property management, addressing ways we can protect ourselves from any airborne contaminants. Like I said, I live directly across the street and have a large sliding glass door and window facing the site. I would like to know both how to seal my apartment, if needed, and how I should clean my balcony afterward to prevent inhalation or ingestion of contaminants.

RESPONSE

- 1. DTSC does not have oversight responsibilities for wildlife, but we encourage you to contact a local wildlife rescue organization (such as the Lindsay Wildlife Experience) if you observe displaced wildlife. Turkeys and other wildlife that may be currently present at the Site will be left to adapt or migrate to other areas. The Site has been developed in the past and no threatened or endangered species are known to exist in the general area of the Site. The project does call for the protection of several Valley Oak trees on site that will be incorporated into the future development and this should minimize the impact to wildlife that use these resources exclusively.*
- 2. The goal during the excavation effort will be to eliminate visible dust. The RAW includes a description of the dust mitigation measures that will be employed to ensure unsafe levels of dust are not created. This includes applying water to the work areas prior to daily work activities, at truck staging/loading locations and during excavation and loading activities. Soil disturbing activities will not be performed during conditions where dust generation cannot be controlled such as during periods of high wind. In addition, any soil stockpiles that may be temporarily necessary during excavation activities will be covered with plastic sheeting when not being addressed to minimize the potential for dust generation.*

In response to the concern raised regarding dust in the comment above, the following additional dust mitigation measures will be employed to ensure the safety of the community:

- Perimeter air monitoring will be conducted at the Site to document the effectiveness of dust control measures. Prior to the beginning of soil removal activities, a windsock or anemometer will be used to monitor the wind direction at the Site and to help determine the location of dust monitors along the site boundaries. Boundary monitoring will be conducted at three locations: one upwind and two downwind at the Site. Each dust monitor will be positioned within the breathing zone at the approximately 5 feet above the ground level. Dust monitoring will be conducted daily during the remedial excavation activities.*

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- *Real time monitoring of total dust [<10 micrometers (μm) diameter] will be conducted daily throughout the duration of the removal action during activities that may significantly disturb arsenic impacted soil. The monitoring will be performed using three DataRam PDR-1000 particulate monitors or equivalent monitors. These meters will log the detected airborne dust concentrations.*
- *The particulate meters will be monitored by the field engineer, geologist, or designated site safety officer to evaluate if excessive dust is migrating off-Site periodically during the workday whenever excavation activities are on-going. Each time the meters are checked, the differences between the average upwind dust concentration and the average downwind concentration will be calculated. Data from the dust monitoring will be logged in daily reports and these reports will be included in the Removal Action Completion Report.*
- *Trigger levels for airborne dust during the excavation effort will be based on California Ambient Air Quality Standards (CAAQS) that are protective of human health and the environment. For perimeter dust monitoring, dust containing particulate matter of 10 micrograms or less (PM10) will be measured in both up and down gradient monitors. The calculated difference between these meters will be compared to ensure they stay within the DTSC recommended action level of 50 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$). Exceedance of the trigger level will require increased dust mitigation measures until the difference in dust concentrations fall below the action level.*

The above measures will be conducted to ensure dust concentrations do not rise above unsafe levels; however, as noted earlier, every effort will be made to reduce visible dust whether it poses a potential chemical threat or not. If desired, community members may take additional measures such as keeping their windows and doors to the outside closed during the excavation activities. While it is not anticipated, should any dust be found on outside patios, furniture, etc., rinsing the area with water or wiping the items with a damp cloth will remove it. Towels/cloths used for this purpose may be washed like any other clothing item.

A Work Notice will be mailed to the surrounding community one week prior to the start of work and will include a reference to this Response to Comments document on DTSCs Envirostor database to facilitate the public's knowledge of the various dust suppression/monitoring efforts that will occur during the project.

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COMMENTER 2

1. In regards to the trees, many are remaining due to review by HFH and all entities in Walnut Creek (WC), Design Commission, Planning Commission and finally the WC City Council approvals. So DTSC must work with all these entities to assure that NO trees are damaged and later upon construction they die prematurely due to root and drip line damages. There were multiple WC meetings Walden District Improvement Association attended, as well as many neighbors and HFH supporters. So many are heavily invested in this project. It is imperative that the final residents/owners of HFH not only have affordable homes, but the most attractive environment possible, with healthy and mature trees.

2. Will DTSC provide phone and email contacts to all impacted neighbors? I assume your contact information will be placed in a visible area, so any concerns can be discussed and or mitigated quickly and avoid neighbor issues?

3. What issues does the former infilled pool create for future construction stability regarding earthquake?

4. On the color coded figure regarding arsenic removal, tree numbers 218 by IHT is on the one foot excavation parameter, and 215, 216 on the southeast corner nearest where Las Juntas Way turns toward Coggins, is on the maximum 3.5 feet excavation parameter. I suggest that a certified tree arborist be consulted before any excavation to prevent mistakes.

5. In section 7.1.2, regarding truck transportation, it does detail that trucks will be tarped. Can you clarify how if the “dry cleaning method” does not work to clean trucks before leaving the site, it states that “pressure washing” will be used. So how and where does that water run off to exactly?

6. In section 7.2 Traffic Considerations, Walden and all the neighbors will need the path of travel for the trucks, in-bound and out-bound. As stated in the report, there is no staging area, so trucks cannot be queued on the street. Once the Covid issue is over, Las Juntas Way will be heavily used for BART parking overflow, as usual, and also the morning traffic because of traffic cut through going to BART, families taking children to school etc, already heavily impact this area. The truck movement will have to avoid early day travel. The very small country streets, such as Cherry Lane, cannot be used by the trucks. You need to double check with BART, since the North driveway belongs to BART and during the HFH initial development, BART needs this area to remain for them and thus did not allow that gate to be used permanently by HFH.

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7. Can you and or our Walden Board clarify who actually owns the 1250 Las Juntas Way land? You say it is the Contra Costa County Flood Control and Water Conservation District. If I recall during many of the discussions with Supervisor Mitchoff and the Walnut Creek City Council, the land was gifted to WC from CCC. Can this be clarified.

8. My next question is that I now see how much contaminated soil will have to be removed, 866 cubic yards, how will the Heritage tree roots and other mature trees in the site will be protected? There is also a Heritage Oak on the IHT right next to the rear boundary of the site that would be impacted by soil removal. Thank you for your attention to these questions.

9. Marylee keenly found a mistake under the link under Community Involvement-Project Related documents-Community survey. It has Walnut Grove, instead of Walnut Creek. This needs to be corrected.

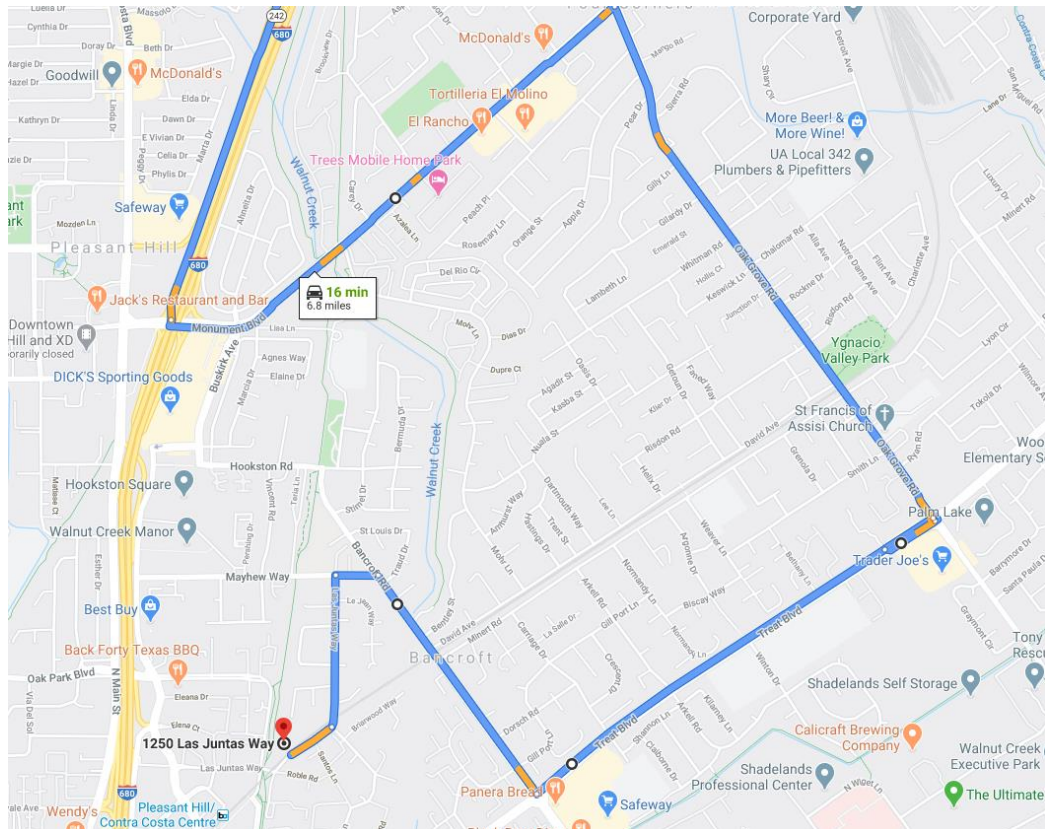
10. Also since Covid, the PH Library is closed and even if opened soon, that library was already scheduled to be closed due to new library/ new housing construction. How can the public review the documents?

RESPONSE

- 1. DTSC has learned that many of the existing Valley Oaks are planned to remain as part of the final development and Habitat for Humanity East Bay/Silicon Valley has obtained the services of a professional arborist to develop guidelines regarding the protection of these trees. The arborist has also provided guidance on pruning the trees and the excavation of soil around tree roots should such activities become necessary. These guidelines will be adopted in the field during the excavation activities.*
- 2. DTSC will work with Habitat for Humanity, East Bay Silicon Valley to determine the most appropriate means to ensure prompt responses to community concerns are met. As noted in an earlier response, a Work Notice will be mailed one week prior to the start of remediation work to the surrounding community. This Work Notice will include contact information for the DTSC Project Manager and Public Participation Specialist. We are committed to being responsive to all questions and concerns prior to and during the work. DTSC personnel will not be on site during the majority of the field work but a Site Safety officer will be present at all times during excavation activities.*
- 3. DTSCs oversight is limited to the excavation of soil with arsenic above background levels. Issues related to compaction and stability for the future development are not under our purview. These issues are covered by inspections during the construction process for the future homes.*

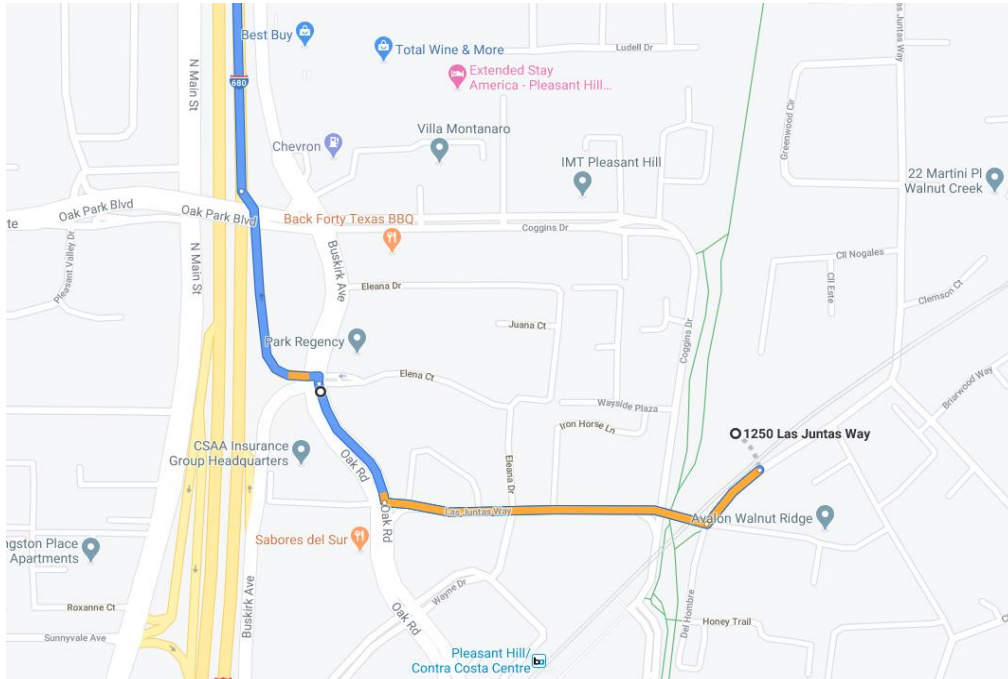
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4. *As noted in response 1 above, a professional arborist has been obtained to support the protection of the trees on the project site.*
5. *If pressure washing becomes necessary, a plastic lined, bermed decontamination pad will be constructed that is large enough to accommodate the trucks. Pressure washing will only take place within this decontamination pad and wastewater from this effort will be contained and pumped as necessary to drums or other containers for off-site disposal to a permitted facility.*
6. *Thank you for the feedback on traffic flow around the Site. Section 7 of the RAW provides the transportation plan for the soil removal effort which includes the days of the week and time of day that field work will commence. Maps showing the truck routes while on-site and the route to the presumptive landfill are also provided; however, the actual streets that trucks will use while coming to and leaving the Site was not known at the time of the comment period. Habitat for Humanity has determined that the route for trucks coming to the Site from the 680 freeway will be as depicted on the following map:*



Trucks leaving the Site heading to the 680 freeway will take the following route:

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As noted previously, a Work Notice that references this document will be mailed to the surrounding community one week prior to the start of work to facilitate awareness of the truck routes.

In addition, the RAW indicates that only two trucks will be allowed on the Site at a time but it has since been determined that the Site can accommodate more than this number. As such, the Site Safety Officer will determine the number of trucks allowed onto the Site in real time and efforts will be made to stagger the arrival and departure of trucks to minimize traffic impacts during the field effort.

7. *DTSC has confirmed that Habitat for Humanity East Bay/Silicon Valley does own the property. The project site remained undeveloped throughout the early 20th century. In 1956, the Las Juntas Swim Club constructed a pool and clubhouse on the site. The swim facility remained in use until the early 2000s, when the 3 parcels (APN 148-180-050, 051, & 052) were sold to the Contra Costa Redevelopment Agency (RDA). The swim club was subsequently demolished in the fall of 2003. The County of Contra Costa, as the Housing Successor to the Contra Costa County Redevelopment Agency took ownership of the property in or about 2012. Habitat for Humanity acquired the property in early 2017. It should be noted that following final development of the residences, the occupants that take possession of the completed units will be the owners of those units.*
8. *Please see Response 1.*
9. *The incorrect name on the Community Survey was corrected on May 18, 2020.*

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10. A suitable repository alternative was never obtained as the response to the COVID 19 pandemic kept all appropriate physical repository locations closed during the public comment period. However, hard copies of the draft RAW were available upon request to any interested community members.

COMMENTER 3

1. It is unclear if it will be 100% safe for us to spend extended time in public (even after shelter in place is lifted) reviewing the Work plan, in the library. We would like to ask you to make the material available online. Hopefully all the safety data for opening the contaminated soil as well as removing it, will be provided. Newborn immune system is not fully developed and we are afraid our child which we are taking for a walk on iron horse trail will be impacted by this process.

RESPONSE

1. As noted in the Community Update, the draft RAW was made available on-line through DTSC's Envirostor database. Here is the direct link to the Habitat for Humanity Site:

https://www.envirostor.dtsc.ca.gov/public/profile_report?global_id=60002725

Once at this link, click on the Activities tab to find the final documents associated with the project including this Response to Public Comments document. DTSC believes the precautions and safety measures outlined in the RAW and supplemented through this Response to Public Comments document will ensure the safety of the community during excavation activities. As part of the remediation activities, the dust mitigation and perimeter air monitoring program will be in place to protect human health, including sensitive receptors such as newborns. For more details, see Section 6.2.3 on page 25 of the RAW.

COMMENTER 4

1. I am in receipt of your notice for the above review. Reviewing the plan locally will be impossible. The Pleasant Hill Library is currently closed due to Covid-19. Beginning June 3, 2020, the library will be torn down. The County has already approved the sale of the underlying land.

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https://www.envirostor.dtsc.ca.gov/public/profile_report?global_id=60002725

COMMENTER 5 (Voicemail Message)

1. **The caller indicated they were against the project if it was going to put the community at risk.**

RESPONSE

1. *DTSC understands the concern that removing the Site soil may have for the community but believes all appropriate safety measures as outlined in the RAW and in this Response to Public Comments document will allow the project to be safely conducted. Once complete, the excavation effort will result in an environmentally safer Site within the community.*

CONCLUSION

The comments provided above represent all comments received during the public comment period. As mentioned, the protocols outlined in the Agreement and additional monitoring/field tasks included in this document are now considered part of the RAW and will be executed during the field effort. As such, DTSC will finalize the RAW and file the Notice of Exemption from the California Environmental Quality Act. A notice to the public alerting them to the anticipated start date and duration of the field effort will also be sent prior to the commencement of field activities. DTSC thanks the community members who took the time to comment on the project and has endeavored to ensure the responses address the questions/concerns raised as completely and accurately as possible.