

Appendix B

Comments on the Draft EA

From: Adam Michels
To: Flannery, Eugene (MYR); Jessica Wolfrom; San Francisco Mid-Sunset Neighborhood Association Board; meredith.williams@dtsc.ca.gov; Don Moore; Lenny Siegel; Mar, Gordon (BOS)
Subject: 2550 Irving public comment on environmental impact
Date: Thursday, July 21, 2022 1:22:48 PM
Attachments: Screen Shot 2022-07-20 at 10.40.18 PM.png

Letter 1

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

As a nearby resident, I am writing in response to the MOHCD's recent declaration regarding development at 2550 Irving:

"The Mayor's Office of Housing and Community Development has determined that the project will have no significant impact on the human environment. Therefore, an Environmental Impact Statement under the National Environmental Policy Act of 1969 ("NEPA") is not required."

1.1

This declaration flies in the face of the resolution just passed unanimously by the San Francisco Board of Supervisors that calls for a coordinated response to remediate the toxic contamination in this area. Geologist Don Moore worked with Supervisor Gordon Mar to address this contamination.

<https://sfgov.legistar.com/LegislationDetail.aspx?ID=5713614&GUID=6D6C9A29-44F7-4B9A-8E60-61F124F326DD&Options=ID%7CText%7C&Search=220772>

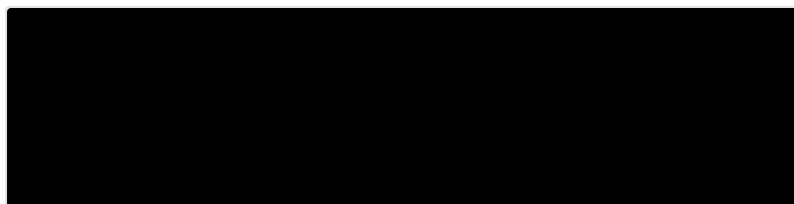
The Department of Toxic Substances is still investigating the sources of toxic PCE plumes that surround 2550 Irving. These toxic gasses have already entered my home at an actionable level--4 times the screening level. It is absurd and irresponsible to say that there is no need for an environmental impact statement. It is ironic that this notice was published in the San Francisco Examiner just days after this article appeared in the same paper. The article make clear that there is toxic contamination on this site that does require investigation and remediation. Ignoring this issue would be willful ignorance that needlessly endangers those in the community as well as those who will live in the in the new development. Vapor barriers are no longer considered adequate responses to such contamination. Remediation must take place before such vapor barriers are installed. If there is no danger, ask yourself why these vapor barriers are being installed. If there is a danger, why would the city of San Francisco or the State of California attempt to protect only the new residents at 2550 Irving, who will be in danger in 20 years when the vapor barrier is likely to fail, and not the surrounding residents who already have PCE vapor in their homes. (That's a picture of me, my wife, my dog, and my contaminated home.)

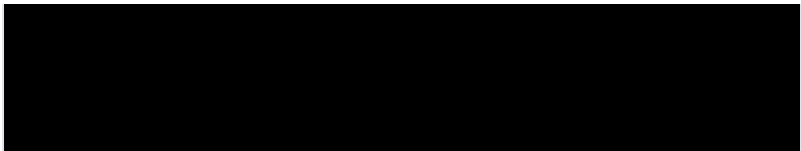
1.2

1.3

[The Sunset's first 100% affordable housing project sits on carcinogenic ground](#)

1.4





The Sunset’s first 100% affordable housing project sits on carcinogenic ...

Jessica Wolfrom | Examiner staff writer
An environmental clean-up will not cover enough area of the contaminated area, residents say

1.4 Cont.

Environmental expert Lenny Siegel also wrote a paper detailing the contamination in and around 2550 Irving. if this contamination is not addressed before the building is erected, it may never be adequately remediated.

<http://www.cpeo.org/pubs/PCUPCE.pdf>

**PCE Contamination on Irving Street, San Francisco:
What Is Acceptable?**

by Lenny Siegel
September, 2021

On the surface, the plan to construct about 100 affordable apartments on the site of the San Francisco Police Credit Union (PCU) building on Irving Street is a solid step forward to address the Bay Area’s growing housing crisis. However, beneath the surface of the Mid-Sunset property lies a toxic plume of tetrachlorethylene (PCE) vapors that poses a health threat both to current neighbors and future residents. Still, despite pleas from the neighborhood, California’s Department of Toxic Substances Control (DTSC) has chosen not to require remediation of the PCE property, relying on passive mitigation to prevent exposure.¹ DTSC’s position is based upon two faulty decisions: First, it divided the plume, likely left behind by two former dry cleaning businesses, into three distinct projects. Second, it considers *acceptable* an excess lifetime cancer risk of up to one in ten thousand (10^{-4}).

1.5

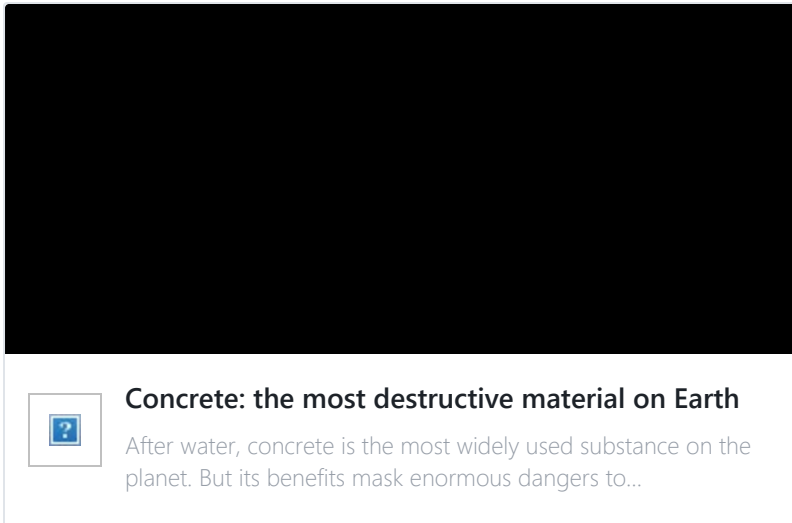


The Tenderloin Neighborhood Development Corporation recently changed their original plan to an all concrete design. This may make it even more difficult to remediate the toxic contamination, because of the change in the foundation this will require. All of this needs to

1.6

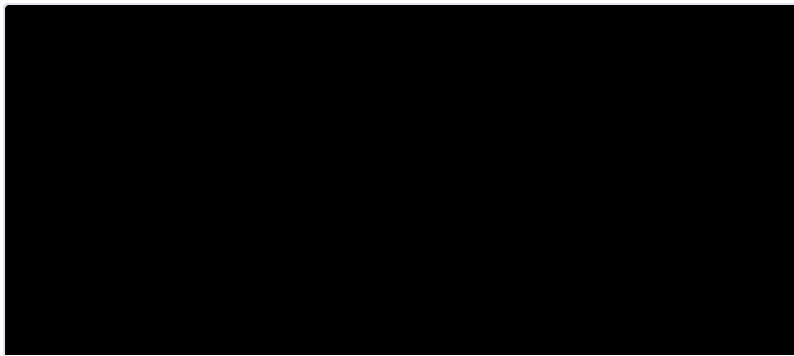
be studied. Also, using concrete will have a negative impact on the environment, as detailed in the following articles.

[Concrete: the most destructive material on Earth](#)



1.6 Cont.

[Building the modern world: Concrete and our environment | Science Museum](#)



Building the modern world: Concrete and our environment | Science Museum

Concrete is the most abundant man-made material on earth. It provides the literal foundations of modern life, bu...

1.6 Cont.

<https://scholarworks.rit.edu/cgi/viewcontent.cgi?article=2820&context=article>

This project will also have a significant impact on water services, sewer services, demand for public transportation as well as parking and traffic.

1.7

Please reconsider your position, as it makes no sense to issue an environmental waiver to a toxic site that is still being investigated and that needs to be remediated before any new construction proceeds.

1.8

Adam Michels
Mid-Sunset Neighborhood Association



MID-SUNSET NEIGHBORHOOD ASSOCIATION

Mayor's Office of Housing and Community Development
1 South Van Ness Avenue, 5th Floor
San Francisco, CA 94103

August 19, 2022

Dear Mr. Flannery,

Letter 2

My name is Flo Kimmerling and I am President of the Mid-Sunset Neighborhood Association on whose behalf I am writing.

This public comment addresses both the Notice of Intent to Request For Release of Funds (RROF) and the Notice of Finding of No Significant Impact (FONSI).

The Finding of No Significant Impact (FONSI) for the proposed development at 2550 Irving Street in San Francisco (the site) is outdated, incomplete, and is contradicted by the evidence gathered to date. The property lies above a soil gas plume of cancer-causing tetrachloroethylene (PCE). Unless adequately remediated, it has and will continue to intrude into overlying structures through what is known as vapor intrusion (VI). The PCE source area beneath the site has not been investigated and the extent of soil gas PCE impacts extending into the surrounding neighborhoods has not been adequately delineated. The lead environmental agency, the Department of Toxic Substances Control (DTSC), is understaffed and failing to perform their stated mission, "to protect the people, communities, and environment of California from harmful chemicals by cleaning up contaminated sites."

2.1

2.2

Re-evaluation of Environmental Assessment Required Under 24 CFR § 58.47

Under 24 CFR § 58.47, MOHCD as the responsible entity, is required to re-evaluate its environmental findings to determine if the original findings are still valid, when there are new circumstances and environmental conditions which may affect the project or have a bearing on its impact. In its re-evaluation, the affected public should be involved to the maximum extent practicable under 40 C.F.R. § 1501.5(e) and 40 C.F.R. § 1506.6.

2.3

Under 24 CFR § 58.5, the Environmental Assessment prepared by MOHCD does not adequately include evaluation of previous uses of the site or other evidence of contamination on or near the site, to ensure that the occupants of proposed sites are not adversely affected by the existing PCE contamination on the site. It does not adequately evaluate the other sites which sit in adjacent or close proximity to the site

2.4



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that have been found to contain PCE contamination; nor does it use the appropriate current techniques by qualified professionals to undertake the necessary investigations. The DTSC acknowledged at their June 23, 2022 public meeting that source area investigations were ongoing and further lateral delineation was needed.

2.4 Cont.

Additionally, under 24 CFR § 58.40, the Environmental Assessment does not adequately identify, analyze, and evaluate all potential environmental impacts from the PCE contamination, the significance of its effects on human health and the environment, and the conditions that would change as a result of the project. It does not adequately examine or recommend feasible ways in which the project could be modified to eliminate or minimize the adverse environmental impacts from the contamination.

2.5

Shared Responsibility For Cleanup in Jeopardy With Recent Withdrawal of the Police Credit Union From Voluntary Cleanup Agreement

Since the discovery of PCE contamination at 2550 Irving Street, cleanup of the on-site contamination has depended upon shared responsibility for the cleanup between the former owner of the property, the Police Credit Union (PCU) and the new owner and developer Tenderloin Neighborhood Development Corporation (TNDC). MOHCD's Finding of No Significant Impact (FONSI) is outdated in that it only considers the September 2, 2021 approval by the DTSC of the Response Plan submitted by TNDC, and events which have occurred subsequent to September 2, 2021 have not been considered in the Finding. It does not consider the PCU's role required in the cleanup and the fact that PCU withdrew from its voluntary cleanup agreement with DTSC covering the property earlier this year after their sale of the property to TNDC was completed.¹ In light of the PCU's withdrawal, DTSC officials have stated their intent to issue an order to require compliance and further activity by PCU. The PCU's consultant contends that the property also may be impacted by contamination from the former Albrite Cleaners site, 2511 Irving Street, which sits directly south of 2550 Irving Street.²

2.6

Mitigation Is Insufficient

As the assessment states, TNDC has proposed a Vapor Mitigation System to be incorporated into its new construction. This is appropriate, but insufficient. It is the policy of California's Environmental Protection Agency, of which DTSC is a unit, that mitigation

2.7

¹https://www.envirostor.dtsc.ca.gov/public/final_documents2?global_id=60003000&doc_id=60516849

²https://www.envirostor.dtsc.ca.gov/public/deliverable_documents/1954679191/202099.23_PCUOffsiteSoiIVaporInv.pdf, page 2



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should be preceded by an active remedial action. This was most recently stated in the California Regional Water Quality Control Board's June 2022 Update to Vapor Intrusion Mitigation Guidance: "VI mitigation is an interim measure and is not considered a substitute for remediation of VFCs [Vapor-Forming Chemicals] in the subsurface."³

DTSC itself has long taken this position:

"A VI mitigation system is implemented to reduce contaminant entry into the building until the subsurface contamination is remediated or no longer poses a significant risk to human health. Remediation and mitigation are complementary components of a volatile chemical response action, addressing cleanup of subsurface contamination and impacts to the human receptor via the VI pathway, respectively. DTSC does not consider a VI mitigation system as a means of remediating the source of the subsurface contamination."⁴

2.7 Cont.

During the public comment period on the draft TNDC Response Plan, the Mid-Sunset Neighborhood Association submitted an August 3, 2021 Response Plan Addendum (see attachment #1), that showed soil vapor extraction (SVE), an active remedial action, was both a technically- and cost-effective alternative that was overlooked by TNDC's consultant and the DTSC. The SVE alternative is a obvious remedial choice and consistent with DTSC and Water Board guidance.

Incomplete Investigation

2520 Irving Street, now part of the 2550 Irving Street property, is the location of the former Miracle Cleaners site, has been identified as a contributing source of subsurface PCE contamination at 2550 Irving Street. Compared to subsurface investigations of similarly contaminated sites, the investigation of the former Miracle Cleaners is incomplete. No soil samples were collected from beneath the former Miracle Cleaners footprint, and only one shallow soil gas sample was taken at the far northeast corner of the parcel. At the comparably sized Albrite Cleaners site, across Irving Street, soil and soil gas samples were collected at six locations and at multiple depth intervals.⁵

2.8

³https://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/sitecleanup/2022_VIM_Guidance.pdf, page ii

⁴ <https://semspub.epa.gov/work/09/1153970.pdf>, page vii

⁵https://www.envirostor.dtsc.ca.gov/public/deliverable_documents/1512026727/sv_inv_wp_rev1_fnl_022322.pdf. DTSC has not yet released the results.



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By comparison, at another DTSC dry cleaner site, in Mountain View, several soil samples were taken. While some of the samples were below screening levels, at the Mountain View site, exceedances at two hotspots led to excavation as well as removal of old on-site sewer lines.⁶

2.8

Similarly, no effort is being made to fully delineate the off-site extent of the PCE soil gas plume under and near the 2500 block of Irving Street to the DTSC environmental screening level (ESL). In fact, some of the highest off-site, soil gas readings on 27th Ave. have been found in front of 1276 27th Ave., the home furthest from the former Miracle Cleaners location as shown on the attached map. (see attachment #2) The map shows that additional step-out sampling is needed in all directions to delineate the PCE soil gas plume in the surrounding residential neighborhood to DTSC's own ESL.

2.9

Unacceptable Levels of PCE Found in Off-Site Homes

The assessment's conclusion that the six residences north of the TNDC property are "are safe to occupy, including for sensitive populations, without mitigation" is not supported by the evidence. DTSC's Community Update is misleading. (see attachment #3) At the very least, the claim is premature.

- None of the sampling conducted thus far has been conducted in cold winter months (November-February), the season during which vapor intrusion contamination levels are typically highest. This rule-of-thumb is reinforced by the fact that the highest levels of PCE found inside the PCU building were found in December sampling events.
- All of the six homes sampled have shown indoor PCE levels, during one or more sampling events, above the applicable residential indoor air screening level, 0.46 µg/m³. At only one home, those exceedances might have been caused by background sources. That question should be resolved by future sampling.
- DTSC plans at least one more round of sampling.
- DTSC has told residents that it has not yet determined the target residential indoor air quality goal—that is, the action level.
- At other DTSC- and Water Board-regulated sites, remediation and / or mitigation is conducted when indoor air samples show exceedances of the ESL. For example, at a former dry cleaner in Mountain View, "The target residential indoor air quality goal for PCE is 0.46 µg/m³."⁷

2.10

In this situation, where we now know that residents have been breathing PCE vapors in their homes, some for decades, including children and the elderly, is where the most

⁶https://www.envirostor.dtsc.ca.gov/public/community_involvement_documents?global_id=60002038&document_folder=+6622181534

⁷ *ibid.*, page 38



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conservative and protective measures should be required by DTSC and implemented by the responsible parties. The DTSC is failing to protect San Francisco residents consistent with their mission statement, therefore, the MOHCD, as the responsible entity for the 2550 Irving Street project, needs to protect them.

2.10 Cont.

Protection For Current and Future Residents

No Request for Release of Funds (RROF) should be submitted until an overall environmental investigation -- which adequately considers each site contributing to the PCE contamination -- profiles the toxic environmental impact, and a workplan is approved to protect future residents of the affordable housing project, as well as the residents of nearby homes, from PCE vapor intrusion.

The San Francisco Board of Supervisors unanimously approved this imperative in its July 12, 2022 resolution:

2.11

RESOLVED, That the Board of Supervisors strongly urges the Planning Department to take all steps necessary to ensure that construction at any property impacted by the 2500 Irving PCE soil gas plume is performed only after a Response Plan is in place to remediate the contamination and to prevent the exposure of nearby residents to PCE vapors intruding into their homes above DTSC's own residential screening level of 0.46 $\mu\text{g}/\text{m}^3$ that is known to be an action level at other cleanup projects with State oversight.[8] (Emphasis added.)

Conclusion

The Finding of No Significant Impact (FONSI) issued by MOHCD should be rescinded. Further, a Notice of Intent to Prepare an EIS should be issued under 24 C.F.R. § 58.55, and all procedures followed under 24 CFR Subpart G of Part 58, and 40 CFR Part 1500 to Part 1508, as applicable.

2.12

No Request For Release of Funds (RROF) should be submitted to HUD until the EIS process is completed under NEPA.

Sincerely,

Flo Kimmerling

President, Mid-Sunset Neighborhood Association

August 3, 2021

Arthur Machado
Engineering Geologist, Project Manager
Department of Toxic Substances Control
700 Heinz Avenue
Berkeley, CA 94710

Letter 2 Cont.

RE: DRAFT RESPONSE PLAN ADDENDUM, 2550 IRVING STREET AFFORDABLE HOUSING DEVELOPMENT AND THE POLICE CREDIT UNION DTSC SITES

Dear Arthur:

On behalf of the Mid-Sunset Neighborhood Association (MSNA), Environmental Risk Solutions, Inc. (ERS) evaluated the Path Forward draft Response Plan for the 2550 Irving Street Affordable Housing Development and determined that the alternatives evaluation is flawed as it failed to evaluate the most appropriate remedial technology, soil vapor extraction (SVE) based on site-specific conditions.

1. SVE will be highly effective based on the underlying geology consisting of coarse-grained sand with a radius of influence (ROI) expected in the 30- to 50-foot or more range.
2. SVE is a proven technology that can be implemented immediately with the existing building in place based on the high expected ROI as reflected on the attached Figure 1. SVE would be most easily implemented after demolition subject to project schedule considerations.
3. SVE is one of the two recommended remedial technologies included in DTSC's *Proven Technologies and Remedies Guidance, Remediation of Chlorinated Volatile Organic Compounds in Vadose Zone Soil* (April 2010). The other DTSC recommended technology is soil excavation.
4. SVE has a number of benefits over the mitigation-only approach recommended by Path Forward. These include: (1) actual cleanup with mass removal, (2) lower expected remedial cost, (3) enables cleanup to extend into off-site areas, (4) achieves regulatory closure and eliminates or significantly reduces vapor mitigation requirements and (5) reduces or eliminates long-term risk and liability associated with vapor intrusion both on-site and off-site.

2.13

ERS believes the addition of SVE is a technically justifiable alternative evaluation. It is unclear why Path Forward did not consider SVE as a potential response action when SVE has been the industry default remedy for VOCs in soils for more than 20 years (*Engineering Issue: Soil Vapor Extraction Technology* (EPA, February 2018)). We also offer an alternative evaluation of soil excavation with the revised rating and opinion that targeted "hotspot" excavation would likely be on the order of \$1 to \$2 million or less based on soil data with no detections above DTSC screening levels. The Path Forward mitigation-only approach misses the most fundamental concept of cleanup which is source removal. ERS presents a revised Table B below from the draft Response Plan for DTSC review and consideration that shows SVE is likely the most appropriate alternative and that soil excavation warrants additional consideration and evaluation.

2.14

Revised Table B – Summary of Response Actions Alternatives Evaluation

Alternative	Effectiveness	Implement-ability	Cost	Overall Rating	Estimated Cost
1. No Action	0	0	5	5	\$0
2. Soil Excavation	5	4	2	11	\$1,500,000
3. VIMS, LUC and O&M	4	5	3	12	\$799,000
4. SVE and SMP	5	5	4	14	\$496,000

Note: yellow highlights are revisions to Path Forward Table B

ERS is well qualified to conduct this evaluation with 30-years of consulting experience and current involvement in more than 20 chlorinated VOC sites under DTSC and Water Board oversight with half of them being former dry cleaners. To verify this evaluation, ERS conferred with a number of industry experts including a human health risk assessment expert and a principal remediation design engineer from RMD Environmental Solutions, Inc. (RMD). RMD's principals each have over 20 years of experience in environmental consulting, including remediation of dry cleaner sites.

2.14
Cont.

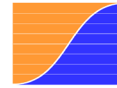
To support the response action alternative evaluation, RMD (www.rmdes.net) prepared the attached order of magnitude cost estimate for the design, operation and reporting for an SVE treatment system for 18 months. The SVE system would consist of approximately nine 20-foot SVE wells screened from 10 to 20 feet with both above and below-ground piping conveyed to an existing fenced compound where the SVE treatment unit can be located as shown on the attached Figure 1. Based on the high permeability of the underlying sand deposits, PCE reductions at vapor probes are expected to be observed within a week or two of SVE start up and overall timeframe for cleanup is likely to be less than 18 months. The RMD estimated SVE cost is \$456,000.

ERS and RMD recommend that the SVE approach be coupled with a Soil Management Plan (SMP) to be implemented during redevelopment based on the potential for residual PCE impacted soil in the vicinity of former sewer lines and / or spill "hot spots". Soil data suggest this potential is low but an SMP is appropriate and the estimated cost of SMP preparation, field oversight and small soil disposal contingency is \$40,000.

2.15

These estimates support the Revised Table B SVE-SMP cost estimate of \$496,000. ERS recommends that DTSC facilitate discussions with the responsible parties and stakeholders including The Police Credit Union (TPCU), Tenderloin Neighborhood Development Corporation (TNDC), City of San Francisco and MSNA to consider the SVE approach and revisit soil excavation based on the potential benefits for all parties involved and affected. With vapor intrusion risk to nearby homes still under assessment and uncertainty regarding residual source material, the TPCU property should not be conveyed to TNDC until an integrated response plan is put forward that includes source removal and remediation of both on- and off-site areas.

2.16



**Environmental
Risk Solutions, Inc.**

Please contact me with any questions at 415-310-0656 or dmoore@cleanfinancials.com.

Sincerely,



Donald W. Moore, PG, ARM
Principal

Cc: Flo Kimmerling, MSNA
Paul Holzman, MSNA
Gordon Mar, District 4 Supervisor
Lenny Siegel, Center for Public Environmental Oversight
Kirsten Duey, RMD
Ivy Inouye, RMD

Attachments

- Table 1 – SVE Cost Estimate
- Figure 1 – Conceptual SVE-SMP Removal Action Workplan

Order of Magnitude Estimate
SVE System Install & 18 Month Operation
August 2, 2021

Task	Consulting Labor	Expenses	Key Assumptions/Notes
SVE Engineering Design	\$30,000	\$0	No additional data collected needed
SVE Well Install (pre-field & field)	\$10,000	Permit Allowance \$3,300 Utility Locating Subcontractor \$1,500 Drilling Subcontractor/Materials \$16,500 Laboratory Subcontractor (Soil) \$1,000 Misc Field Equipment \$1,500 IDW Allowance \$2,000	Assumes 3 days drilling
SVE System Installation & Startup	\$20,000	SVE System Rental, 18 Months \$63,000 Permitting Allowance (BAAQMD and City) \$10,000 Construction Contractor/Power \$70,000 Waste Disposal Allowance \$15,000 Misc Field Equipment \$5,000	Assumes 10 Days Install & Startup
SVE System Installation Report	\$30,000	\$0	
O&M - Weeks 1 & 2	\$14,000	Misc Field Equipment \$3,500 Laboratory Subcontractor (Soil Vapor) \$1,060	Assumes daily PID Monitoring 3 samples per week
O&M - Weeks 3 - 26	\$11,000	Misc Field Equipment \$2,750 Laboratory Subcontractor (Soil Vapor) \$6,300	Assumes biweekly PID Monitoring 6 samples per month
O&M - Months 7 - 18	\$11,000	Misc Field Equipment \$2,750 Laboratory Subcontractor (Soil Vapor) \$5,800	Assumes monthly PID Monitoring 3 samples per month
Power Allowance - 18 months		\$27,000	
Carbon Changeout Allowance		\$20,000	
Data Evaluation/Quarterly Report (6 total)	\$54,000		
Subtotal	\$180,000	\$257,960	
PM/Misc Technical (10%)	\$18,000		
Total Order of Magnitude Estimate	\$455,960		

