Appendix E

**DTSC Responsiveness Summary** 







# CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY Department of Toxic Substances Control

# **Responsiveness Summary**

2550 Irving Street, San Francisco, CA 94122

September 2021

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# Attachments

- 1. DTSC Community Update and Public Notice
- 2. Comment Letters

# 1.0 INTRODUCTION

This Responsiveness Summary has been prepared by the California Department of Toxic Substances Control (DTSC) and responds to all public comments received during the 33-day public comment period for the draft Response Plan for 2550 Irving Street, San Francisco, CA 94122 (Site). This Responsiveness Summary will be incorporated as an appendix to the final Response Plan. The final Response Plan will reflect any changes which DTSC determines are appropriate in response to public comments.

# 2.0 BACKGROUND

The 0.44-acre Site is located in the Sunset neighborhood of San Francisco and housed several businesses from 1895 to 1946, including a drugstore, two gas stations, and a dry cleaner. From 1946 to 1966, the property housed two gas stations. In 1966, the property was used as a mortuary and funeral chapel. The funeral business operated until 1985, when the building was modified for its current use as a bank. The property has been owned by The Police Credit Union since 1987. Environmental investigations conducted in 2019 and 2020 found tetrachloroethylene (PCE) above environmental screening levels in soil vapor (spaces between soil particles) at the Site, at the adjacent parking lot, and along Irving Street. PCE was not detected above screening levels in soil or groundwater on-site. Sampling results indicate that the indoor air of The Police Credit Union is safe for workers and customers.

The Tenderloin Neighborhood Development Corporation (TNDC) is proposing to build an affordable housing complex on the Site. Data collected during site investigations support that the Site is suitable for commercial/industrial use, however, additional actions are needed to protect the health of future residents if the Site is redeveloped as proposed.

PCE contamination identified in soil vapor to the north of 2550 Irving Street and to the south of 2550 Irving Street are being addressed by The Police Credit Union and the owners of the former Albrite Cleaners property, respectively, both operating under DTSC oversight.

# 3.0 DRAFT RESPONSE PLAN

TNDC is responsible for addressing on-Site contamination to support future property redevelopment. TNDC has prepared a draft Response Plan that evaluates engineering controls and recommends a preferred method to address on-Site contamination. The proposed remedy includes:

- Incorporating a vapor intrusion mitigation system under the foundation of the future Site building. This system consists of an engineered barrier and piping that allows contaminants in soil vapor to be safely vented into the atmosphere above the building where they will naturally disperse.
- Installing vapor barriers along underground utility corridors and sealing utility piping to prevent vapors from migrating onto or off the Site.
- Post-construction and prior to building occupancy, collecting indoor air and subslab (beneath building foundation) soil vapor samples from the new TNDC building to confirm the vapor intrusion mitigation system is operating as designed.
- Recording a land use covenant to allow residential use of the property with a vapor intrusion mitigation system.
- Monitoring indoor air and sub-slab (beneath building foundation) soil vapor and maintaining the system to ensure it remains effective.

The proposed project is exempt from the California Environmental Quality Act (CEQA) under California Senate Bill 35 (SB 35). SB 35 is a statute streamlining housing construction in California counties and cities that fail to build enough housing to meet state mandated housing construction requirements. DTSC will prepare and file a Notice of Exemption with the California State Clearinghouse after project approval.

By virtue of the Site's location and historical uses, the project is required to comply with San Francisco Health Code Article 22A, known as the Maher Ordinance. The Maher Ordinance defines a process for characterization and mitigation of soil and groundwater contamination, for the protection of public health and safety during and after Site redevelopment. The City of San Francisco has deferred the oversight of mitigation measures for the contaminants onsite to the DTSC. Historical investigations and DTSC oversight related to historical Site use would likely satisfy the Maher requirements and further testing and mitigation beyond the DTSC requirements discussed in the Response Plan is unlikely to be required by the SFDPH. While the Site is exempt from San Francisco Health Code Article 22B, the San Francisco Dust Ordinance, due to parcel size being less than one acre, as a conservative measure the Tenderloin Neighborhood Development Corporation (TNDC) will prepare a Site Management Plan which will include dust control and monitoring measures during construction activities.

# 4.0 PUBLIC REVIEW PROCESS

The following summarizes the public review process for the draft Response Plan.

**Public Comment Period**: DTSC held a comment period from July 12 to August 13, 2021.

**Public Comment Period Notification**: On July 12, 2021, DTSC published a public notice in English in the San Francisco Chronicle and in Chinese in the Sing Tao Daily. These public notices announced the start of the public comment period and solicited comments on the draft Response Plan. Copies of the public notices are included in Attachment 2.

**Community Update**: On July 8, 2021, DTSC distributed a Community Update in English and Chinese via U.S. Mail to 2,394 addresses which included residences and businesses located within an approximately 0.25-radius of the Site; key representatives from the County and City of San Francisco; local civic/community organizations; and DTSC's mandatory mailing list. Additionally, notification was sent by DTSC to a total of 158 email addresses and by TNDC to a total of 395 email addresses. Copies of the Community Update are provided in Attachment 2.

**Public Meeting:** On July 22, 2021, DTSC held a virtual public meeting to provide information on the draft Response Plan, answer questions, and receive public comments. All questions were addressed during the public meeting and are included in Section 5.

**Information Repositories**: The draft Response Plan was made available at the following physical and online locations:

- DTSC Berkeley Office, located at 700 Heinz Avenue, Berkeley, CA 94710. Call (510) 540-2122 to make an appointment.
- To review the draft Response Plan and related documents online, please visit: <u>https://www.envirostor.dtsc.ca.gov/public/community\_involvement/4489225089/D</u> <u>RAFT%20Response%20plan\_051121.pdf</u>
- For air monitoring results and additional technical documents online, please visit: <u>https://www.envirostor.dtsc.ca.gov/public/profile\_report?global\_id=60003000</u> (select from the drop-down menu)

The following documents were made available to the public during the 33-day public comment period:

1. DTSC Public Notice (English and Chinese), Public Comment Period for 2550 Irving Street, San Francisco, Draft Response Plan Available for Review, Dated July 12, 2021

- DTSC Community Update (English and Chinese), Public Comment Period for 2550 Irving Street, Draft Response Plan Available for Review, Dated July 12, 2021
- 3. Draft Response Plan, 2550 Irving Street Affordable Housing Project, Dated May 11, 2021

# 5.0 COMMENTS AND RESPONSES

The following summarizes all written and oral comments received during the public comment period. Copies of comment letters provided to DTSC are included as Attachment 3. Similar written comments were received on 13 different topics. When very similar written comments were received on the same topic, we listed one comment and have noted the number of additional comments received expressing the same issue in similar language. When comments were received on the same topic expressing different concerns or observations, those comments were listed in their entirety under the topic. The comments are presented together by topic with a single response. Other written comments are addressed individually in number "14. Other".

Following the responses to written comments, we have included the oral comments received during the public meeting on July 22, 2021 and provided responses to those comments.

# Response Plan – Written Comments Received During the Public Comment Period

# 1. Topic: Support for Project

**Comment 1.1** I live right around the corner from the proposed 2550 Irving St. project. I have been receiving a steady stream of emails from the Mid-Sunset [Neighborhood] Association which adamantly opposes the 2550 Irving St. project. I have been to their meetings where they have laid out their strategies on how to defeat this project. One of those strategies is to use the toxic history of this site as a way of blocking this project. I have reviewed the environmental report and I believe that this project can be built safely based on the TNDC plan.

# **Response to Support for Project:**

Thank you for your feedback. We have shared this information with TNDC as well.

# 2. Topic: Concerns Regarding Off-Site Contamination

**Comment 2.1** It is a bad idea that TNDC gets to protect the residence in 2550 Irving but the rest of the neighborhood is not. That is not good for community relations.

# 6 other commenters expressed a comment similar to Comment 2.1

**Comment 2.2** As I read in your newsletter, it seems that you are taking steps to protect future residents of the proposed affordable housing. However, it does not look like there is anything being done to protect the residents to the north of the proposed project. Because of the age of the homes of those

residents, they just have rat-proofing between them and the soil below. The Police Credit Union/TNDC ought to be required to do more to protect those neighbors. Please let me know if I have understood your report correctly.

**Comment 2.3** I am extremely concerned about the dangerous PCE gas plumes below the 2500 Irving block and under the houses to the north and south of that block. I am also outraged that TNDC's response plan focuses only on protecting the 2550 Irving future residents from the PCE gas but does nothing to protect the surrounding neighborhood.

**Comment 2.4** Per the July 2021 "Community Update" newsletter we received in the mail, TNDC's "on-site" response plan is to place a vapor mitigation system as a barrier over the new foundation of the building to protect the future residents from the PCE found in soil vapor at the Site from entering the indoor air (similar to what was "acceptable" for the workers and customers of The Police Credit Union). But, what about the others in this neighborhood (esp. those families with young children) who also risk exposure to the PCE when they walk by that Site?

My late father passed away in 1987 of lung cancer. I'm wondering now if all of those daily walks to 25th & Irving Supermarket over time slowly caught up with him as a result of walking past the subject Site.

**Comment 2.5** I am writing you regarding the subject. I live at 27th Avenue, which is just a few houses away from the proposed development at 2550 Irving Street, TNDC's affordable housing project. I understand that AllWest Environmental has performed soil sampling and toxicology testing at the site of the proposed development, and the toxicology report has indicated the detection of Tetrachloroethene (PCE) vapor present in the soil, which is known to be carcinogenic. I also understand that DTSC has provided oversight in TNDC's design of a Vapor Intrusion Mitigation System to protect the new residents of the proposed housing development.

Having since moved in to the house at 27th Avenue in 2015, my wife has been diagnosed with cancer in 2019, at the age of 39. Given the detection of PCE at the site of the proposed development at 2550 Irving Street, what further testing procedures are required to further identify the extent of the PCE contamination in the area immediately surrounding the proposed development at 2550 Irving Street? What are the next steps to have further testing done at the surrounding homes, including our own at 1269 27th Avenue? What assurance do we have that we are not exposed to harmful PCE contamination that is now known to be present underground?

#### **Response:**

DTSC is providing oversight for three separate projects associated with the PCE contamination at 2550 Irving and in the immediate neighborhood. We are committed to ensuring the short- and long-term protection of public health as it relates to this contamination.

While it may seem like TNDC's proposed Response Plan is too narrow in scope, this is a result of environmental regulations that DTSC must follow and the established agreements with the various parties responsible for addressing the contamination. DTSC has three separate voluntary agreements in place to address on-Site PCE contamination found at 2550 Irving and off-Site PCE contamination found to the north and south of 2550 Irving.

TNDC, as the developer of future housing at the Site, is responsible for appropriately addressing on-Site contamination under the California Land Reuse and Revitalization Act (CLRRA). This framework encourages the revitalization of contaminated properties across California by providing liability protection to innocent and prospective landowners. Under CLRRA, TNDC is responsible for conducting a Site assessment and developing a response action, which allows for safe redevelopment of the property under the proposed future land use. In this case, TNDC has proposed using a vapor intrusion mitigation system, which consists of a vapor barrier and piping that vents any PCE contamination above the roofline of the building so it cannot enter the indoor air of the new development. This approach, which has been installed at hundreds of brownfields sites throughout the United States, at concentrations up to 1000 times higher than those measured at the Site (see Response to Topic 12 for example DTSC site), is a proven engineering method that prevents vapors in soil from entering into a building and provides long-term protection of future residents. DTSC has concurred that this approach will provide protection of future residents at the Site in perpetuity.

DTSC understands that area residents are concerned that the mitigation measures outlined in the Response Plan will only protect the health of future residents of the 2550 property and that measures will not be taken to investigate and mitigate and/or remediate off-Site impacts. Any off-Site soil vapor issues and associated mitigation/remediation measures will be addressed via Standard Voluntary Agreements (aka Voluntary Cleanup Agreements) that DTSC has in place with The Police Credit Union and the parties associated with the former Albrite Cleaners.

While PCE has been found in soil vapor (air in between soil particles) during various investigations north of Irving Street, it is observed at levels that do not pose a potential unacceptable health risk. Further, DTSC is requiring The Police Credit Union to monitor off-Site conditions semiannually. Monitoring events conducted in September 2020 and March 2021 are essentially stable which provides evidence that the PCE plume is neither increasing in concentration, nor

migrating at a pace that would cause potential unacceptable risks to residences further north of Irving Street.

The Police Credit Union is also voluntarily sampling indoor air, under DTSC oversight, at the six homes closest to the 2550 Irving property to ensure there are no indoor air impacts occurring from the PCE soil vapor plume. This work is not required by DTSC, based on the two semiannual soil vapor monitoring results, but The Police Credit Union has agreed to voluntarily and prudentially sample indoor air given the level of community interest and concern. Should our understanding of off-Site conditions change because of the new data collected, DTSC will require The Police Credit Union take additional actions to ensure the protection of the community. This could include additional soil vapor, indoor air sampling, and/or mitigation/remediation. We will continue to oversee the investigation and any potential remediation activities conducted by The Police Credit Union to ensure that conditions are protective for neighboring residents. Results will be reported to the community through email updates and fact sheet(s). The final reports will be posted on EnviroStor and available to the public.

We are also working with the parties associated with the former Albrite Cleaners to begin investigating the extent of impacts south of Irving Street, and will take the necessary steps to ensure the protection of those residences, where needed. Once we have analyzed the additional data from the former Albrite Cleaners investigations south of Irving Street, and Police Credit Union investigations north of Irving Street, DTSC will update the community on the results and any next steps.

While it may be confusing to have the same contamination, issue separated across three different projects and responsible parties, each is being overseen by the same DTSC project manager, Arthur Machado, who is well versed in the issues in the area and will coordinate the activities of the responsible parties. DTSC is committed to protecting the health of both future on-Site residents and the neighboring community.

We are truly sorry to hear of the instances of cancer you have shared with us. We hope there is some comfort in learning that the concentrations DTSC has observed in soil vapor in the neighborhood and estimated indoor air concentrations of PCE from vapor intrusion, if any, are unlikely to elicit adverse health effects, including Parkinson's disease or cancer. However, DTSC is charged with taking a precautionary approach in managing environmental contamination well before adverse health effects would be expected. That said, we cannot definitively establish nor rule out causality between environmental contamination and community health issues. DTSC does not have expertise in clinical toxicology. DTSC recommends that community members with health concerns consult their physician and/or the California Department of Public Health's Environmental Health Investigations Branch. DTSC will consider this information as we continue our oversight of The Police Credit Union site and evaluation of impacts to the nearby residences.

#### 3. Topic: Comments Requesting Additional Investigation and Concerns About On-Site Contamination

**Comment 3.1.1** The hot spots are likely coming from the sewer pipes. We need more investigation to determine the full extent of plumes and the danger.

#### 9 other commenters expressed a comment similar to Comment 3.1.1

**Comment 3.1.2** There are hot spots which they claimed that it is coming from the sewer pipes. They do not know for sure!!! A comprehensive findings should be taken into consideration, otherwise, the neighborhood might experience another "San Bruno Fire."

**Comment 3.2** I am writing to express my family's deep concern over the PCEs at the 2550 location. The mitigation measures absolutely do not seem adequate. Myself and many neighbors have older homes with cracked foundations, potentially exposing us to the underground spreading toxic plume. Additionally, both myself and my sister are cancer survivors and in my case, the physician thought the cause could be environmental exposure. Please, do NOT allow the project to go forward as is. DTSC should do a full, thorough investigation with appropriate mitigation requirements. Thank you.

**Comment 3.3** As a resident, with my husband, I am very concerned about the proposed project. There are still so many unknowns about the building site AND the surrounding neighborhood for toxins and contamination. We have many cracks in our ground level basement floor, as do most of our neighbors, and I worry about the possibility of the toxic plume entering our house.

**Comment 3.4** In addition, please consider how construction of the foundation system needed to support a massive 7-story building in sandy soil conditions will affect the toxic contamination. I am concerned that this type of construction activity – that is, excavation, backfill, compaction, drilling for concrete piers, etc. – will disturb the toxic contamination in the soil and cause it to spread. How will that affect the construction workers, the residents of the existing homes around the site, and the general public?

**Comment 3.5** Please take 3 steps to protect the health of neighbors in the area: 1. Develop a comprehensive plan to remove/contain the source of the PCE leaks at the site. 2. Do more sampling of the soil so the full margins of the spill can be determined. 3. Test the air in selected houses for PCI- on both sides of Irving Street- near 2550 Irving.

Your Community Update referenced above proposes the installation of a vapor intrusion mitigation system underneath the proposed building – a barrier to be installed as part of the building foundation to prevent PCE found in soil vapor at the site from entering the indoor air. Additionally, your flyer states the levels of PCE found at the site are suitable for commercial/industrial use. And further that action is needed to ensure the site is suitable for residential use.

**Comment 3.6** I am writing as well as emailing my response to the DTSC during the public comment phase. After the meeting, which I attended, it was clear that your proposal to use an intrusion mitigation system will clearly fall short of our goal to eradicate the existence of all the identified toxins and contaminants in the ground in and around 2550 Irving Ave.

Mere mitigation of the condition is not in the best interests of the direct neighbors of 2550 Irving Ave. All homes in close proximity to 2550 should be monitored until a margin of clearance is determined. In the past few years, a disproportionate number of residents have contracted cancers and Parkinson's Disease. incidentally, I heard at the Zoom public meeting that toxins are released in an indiscriminate plume. Please consider that we live in a thick fog belt much of the year, which could trap toxic emissions and hover perniciously, not dissipating as might be expected.

We believe that the State of California should be concerned about the current residents' health with the same zeal evidenced for our future neighbors. Please consider this proposal to not only keep our new neighbors safe, but existing ones as well. We need more testing!!

**Comment 3.7** I live at 27th Avenue, my property is located in the immediate vicinity of the proposed 2550 Irving St. TNDC project. It is my understanding that the site of the project is and has been seriously contaminated. It is also my understanding that TNDC has not proposed any believable plan to remedy such contamination.

Considering the scope of the project it is inevitable that much of the contamination will be disturbed and consequently spread into neighboring areas. I feel that your department should carry a more thorough research and investigation of the full scope of the possible consequences of such project.

Thanks for your understanding and support.

#### **Response:**

DTSC understands that area residents are concerned about possible data gaps in our understanding of the extent of on-Site contamination and that TNDC's construction may move on-Site contamination from the Site to off-Site locations.

No PCE source area has been identified on Site. Site groundwater contains low concentrations of PCE (concentrations that are lower than California drinking water standards for PCE). Sixty-six soil samples have been collected from the Site and tested for PCE: 65 had no detectible PCE, and one sample had PCE, but at concentrations below human health screening levels. Site soil gas contains up to 1,500 ug/m3 of PCE, which is well below soil gas levels that would be typical near a liquid PCE source in the subsurface; Site soil gas appears to contain dilute PCE concentrations that have migrated from a more distant source. The former Albright Cleaners site, located south of Irving Street, had historical use of PCE, and sample results from Albright Cleaners are relatively high, suggesting that may be a PCE source area. DTSC is working with the responsible party for former Albright Cleaners to investigate this area. In summary, no on-Site source area of PCE has been identified. On-Site soil gas concentrations of PCE are low, but warrant mitigation to protect future on-site residents, and on-Site soil and groundwater concentrations of PCE do not pose unacceptable risk.

Project development at the Site will therefore not disturb a PCE source area. Project development is expected to include a shallow layer of surface soil/surface fill (prior to placing the imported, clean gravel layer of the project's vapor intrusion mitigation system [VIMS]), shallow trenching for new underground building utilities, and excavation for elevator pits. There may be some shallow excavations (to a similar depth range as for underground utilities) for building deep foundation elements (if any). None of these shallow construction activities are expected to move the dilute PCE in groundwater (which is encountered at depths of 70 to 90 feet below ground surface). Site soil does not have significant PCE, so construction disturbance of PCE in Site soil is not an issue. Site soil gas containing PCE is not expected to be impacted by the construction activities listed above (weather-induced changes in barometric pressure likely move Site soil gas more significantly than will construction activities). A Site Management Plan, which will include a dust control plan, will be prepared consistent with San Francisco's Maher Ordinance, to protect the surrounding community from general construction dust, and any low-level contamination of Site soil.

Once the project is constructed, PCE concentrations in soil gas are not expected to grow more concentrated, nor to be "pushed" off-Site. The project will have a soil gas collection system that draws soil gas into the building's VIMS gravel layer and vents the soil gas containing PCE at the top of the new building. This movement of soil gas through the VIMS system is achieved through a

combination of wind turbines, and a combination of natural pressure and chemical gradients, including diffusion, soil gas/atmospheric pressure differences, and other factors.

The responsible parties for The Police Credit Unit and the former Albright Cleaners will continue to be responsible for monitoring PCE in soil gas in the off-Site areas of the neighborhood, under DTCS oversight under separate voluntary cleanup agreements.

While the presence of PCE in soil vapor maybe concerning, results to date support DTSC's determination there is no potential unacceptable health risk for nearby residents from PCE. Results from both semiannual monitoring events north of Irving Street have shown that the source area of the contaminant plume north of Irving Street is stable. A third semiannual soil vapor monitoring event will take place in September 2021 which will refine the characterization of the soil gas plume's extent and stability over the past year.

DTSC is working with the other Responsible Parties identified, The Police Credit Union and the former Albrite Cleaners, to collect additional soil vapor data both north and south of Irving Street. These investigations will evaluate whether the sewer system could be a potential pathway for soil vapor contamination migration in the neighborhood. The San Bruno fire comment referenced above was related to pressurized natural gas lines, which is unrelated to conditions at this Site. To clarify, we are investigating the spaces between soil particles which is referred to as soil vapor or soil gas. Soil gas is typically composed of atmospheric gases at essentially ambient pressure.

The Police Credit Union has voluntarily agreed to sample the indoor air of the six homes closest to the 2550 Irving Street property under DTSC oversight to confirm the safety of indoor air. This work is not required by DTSC, based on the two semiannual soil vapor monitoring results, but The Police Credit Union has agreed to sample indoor air given the level of community interest and concern. Once we have analyzed the additional data from these efforts, DTSC will update the community on the results and any next steps. Similarly, DTSC will notify the community when the parties of the former Albrite Cleaners begin investigation work to the south of Irving Street. The forthcoming Albrite Cleaners investigation will help further define the lateral and vertical extent of PCE contamination. We will also share the results of those investigations and any next steps with the community. Data from these investigations will be used to develop a cleanup plan, if needed, that addresses PCE contamination in the neighborhood. DTSC will send additional mailers for both The Police Credit Union and Albrite Cleaners projects to keep residents apprised of current conditions, and the steps being taken to address any significant PCE impacts.

Finally, the construction of the building at 2550 Irving Street has the potential to help reduce PCE contamination in soil vapor. By removing the existing on-Site building structures and pavement, PCE will have another pathway to safely move upwards into the outdoor air, where it naturally dissipates without posing a health risk. Even with foggy conditions, there is sufficient onshore wind to support this natural process. Following construction, the vapor intrusion mitigation system includes venting which will ensure that concentrations of PCE are unable to build-up beneath the building slab. Although not required by DTSC, nor San Francisco Building Code, nor San Francisco Health Code (SFHC) Article 22B, TNDC has voluntarily offered to prepare a Dust Control Plan that includes a perimeter air monitoring program that will be submitted to the San Francisco Department of Health and DTSC prior to starting construction. This Dust Control Plan will detail how TNDC will monitor air for airborne dust and volatile organic compounds during construction to ensure the protection of the surrounding community and onsite workers. This will include stringent, health protective action levels and, if these levels are exceeded, prescribed additional measures will be implemented to decrease concentrations to acceptable levels.

We empathize with you and thank you for sharing the health problems you and your family have experienced. We can understand how learning about contamination in the neighborhood could be concerning. It may be of some comfort to know that the concentrations DTSC has observed in soil vapor and estimated indoor air concentrations of PCE from vapor intrusion, if any, are unlikely to elicit adverse health effects, including Parkinson's disease or cancer. Results to date support DTSC's determination there is no unacceptable health risk for nearby residents. DTSC is charged with taking a precautionary approach in managing environmental contamination well before adverse health effects would be expected. That said, DTSC cannot definitively establish nor rule out causality between environmental contamination and community health issues. DTSC does not have expertise in clinical toxicology. DTSC recommends that community members with health concerns consult their physician and/or the California Department of Public Health's Environmental Health Investigations Branch. DTSC will consider this information as we continue our oversight of The Police Credit Union site and evaluation of impacts to the nearby residences. It may also be of some comfort to know that the contamination at the TNDC Site is minimal compared to other sites that we oversee. We have made this assessment based on Site soil and soil vapor sampling data and are confident that the proposed vapor mitigation system will protect Site future residents. We are also confident that existing PCE data indicates no unacceptable health risk, to the surrounding community, and will continue to evaluate PCE impacts outside of the proposed development area.

#### 4. Topic: Concerns Regarding Adequacy of Response Plan

**Comment 4.1.1** I am angry at the unfairness and selfishness of the developer TNDC. TNDC's poison clean-up plan only protects their new buildings without any funds or plans to protect the communities adjacent to the project, preventing the fragrance and dust from increasing in the construction process. Pollution has spread throughout the community, and cleanup will cause cancer. The DTSC for Parkinson's disease conducts more investigations to determine the scope of the poison spread and the extent of the harm.

#### 21 other commenters expressed a comment similar to Comment 4.1.1

**Comment 4.1.2** We are angry at the unfairness and selfishness of the developer TNDC. TNDC's toxic substance cleanup plan only protects its new buildings, and there are no funds or plans to protect communities adjacent to the project and prevent dust containing toxic substances from contaminating the entire community during the construction process, or to cleanup toxic substances such as PCE that will cause cancer and Parkinson's disease. We request DTSC to conduct further investigations to determine the direction, route, scope of the toxic substance spread and the level of their damage.

#### 2 commenters expressed this comment

**Comment 4.2.1** TNDC's response plan is inadequate and only protects the 2550 building and future residents. The response plan must include cleanup of the toxins that are already under the houses north of the 2550 site.

#### 4 commenters expressed this comment

**Comment 4.2.2** TNDC's response plan is totally inadequate to cleaning up the toxins.

#### 6 other commenters expressed a comment similar to Comment 4.2.2

**Comment 4.3** Your Response Plan addresses on-site contamination ONLY. You do not address, discuss, nor present any plans to remedy any such contamination in the surrounding buildings and houses in the immediate area. As mentioned above there have been diseases experienced by dwellers of the nearby houses.

I live within 1 2/3rds blocks of the 2550 Irving site, and urge you to locate and remedy contamination in the homes of my neighbors nearby the site- none of which has been mentioned by you to date.

**Comment 4.4** There are two dangerous plumes of PCE gas below the 2500 Irving block and under the houses to the north and south of that block. The full extent of plumes is not fully known until more investigation is done. The

developer at 2550 Irving St. (TNDC) has submitted a response plan to DTSC that puts a vapor barrier over the new foundation of the building to protect the future residents from the gas which can slip through foundation cracks.

#### 6 other commenters expressed a comment similar to Comment 4.4

**Comment 4.5** The response plan does nothing to clean up the toxins and it leaves the neighborhood vulnerable to the contamination and health risks and protects only the future residents of 2550 Irving. This is totally unacceptable for the neighborhood. We want remediation (clean up) not mitigation (protecting the building from the contamination).

#### 7 other commenters expressed a comment similar to Comment 4.5

**Comment 4.6** It is unfair and unacceptable that TNDC's response plan only protects their building but does nothing to a) protect the neighborhood or b) remove the contamination or c) clean up the PCEs that we know cause cancer and Parkinson's disease. This is very concerning for my family and the neighborhood as this can severely jeopardize our health.

#### 5 other commenters expressed a comment similar to Comment 4.5.1

**Comment 4.7** I am outrage about the unfair plan TNDC put together, which only protects their building but does nothing to protect the neighborhood which has cracked foundation and PCE plumes can easily travel sideway to our houses.

#### 3 commenters expressed this comment

**Comment 4.8** I am extremely dismayed that the City and the Tenderloin Neighborhood Development Corp do not have a response plan to clean up the toxic contamination in the soil, but instead, only intend to install a vapor barrier under the new concrete foundation and slab. This plan only seeks to protect the residents of the new 2550 Irving Street building, but would do nothing to protect the residents of the surrounding properties – despite the strong possibility that the contamination extends beyond the footprint of 2550 Irving St. My understanding is that the neighborhood has been exposed to the toxic contamination for decades, and at least five people on the block have already contracted cancer.

**Comment 4.9** The proposed mitigation and response plan seems inadequate, particularly since testing, both at 2550 and 2513, has not been completed. It also appears that TNDC and the Police Credit Union have not addressed concerns beyond the building site itself, especially with reports that the toxic plume is currently and will continue to drift northward towards my house.

The site purchase and the loan funding it should be delayed at the least until more is known and there is a better response plan. We appreciate that DTSC is reaching out to neighbors of the proposed project and we trust that you will do the right thing to protect us. Thank you for listening.

#### 1 other commenter expressed a comment similar to Comment 4.9

**Comment 4.10** I am very upset by the response plan submitted by TNDC, developer at 2550 Irving Street site. There are two dangerous plumes of PCE gas below the 2500 Irving block and under the houses to the north and south of that block. TNDC proposes to put a vapor barrier over the new foundation of the building with a selfish goal to protect their building only. They do not care about the life or death of the many residents in the neighborhood. (A significant number of the population here are senior or having long- term illness or chronic health condition). I request that TNDC MUST remove the contamination and clean up the PCEs which can be a potential cause of cancer. The current response plan is totally acceptable because it is inadequate to clean up the toxins.

**Comment 4.11** There is a wonderful lady in my neighborhood. On occasion I see her walking her dog or riding her bicycle through Golden Gate Park. I've met her. She is my neighbor. She lives near 2550 Irving St. She has been diagnosed with cancer. Her name is Flo.

I was born in San Francisco in 1968 and have lived here most of my life. It's saddening that in the 21<sup>st</sup> century TNDC's response plan does nothing to clean up the PCEs that we know cause cancer and Parkinson's disease. That's not a good neighbor. TNDC's response plan is a totally inadequate response to cleaning up the toxins at 2550 Irving St.

Keeping in mind the already exorbitant proposed cost per unit at 2550 Irving St., the willingness of the developer to invest double for what the property is valued at and the developer's unwillingness to invest in cleanup of the property are inconsistent messages and make for terrible community relations.

**Comment 4.12** I live on 26th Ave. for more than two decades with my husband and kids; many families with children live in this area. The current response plan by TNDC for the building on 2550 Irving St. is totally inadequate and unacceptable; it is only a patch-up job – of only putting a vapor barrier over the new foundation of the new building. When the site is being dug up, it seems extremely logical and better to potentially clean all the PCEs now than leaving future generations to deal with the consequences.

**Comment 4.13** The remediation plan is not ACCEPTABLE and UNFAIR. It only protects the building and does not address the immediate neighborhood.

The plan also does not remove the contamination or clean up PCEs (which are known carcinogens).

What DTSC should consider:

- 1: Any remediation plan should address the concerns of neighbors.
- 2: Remove the contamination and clean up the PCEs
- 3: Explore using Soil Vapor Extraction (SVE) to clean up the contamination.

Until these concerns are addressed, the 2550 Irving project cannot go forward. Neighborhood residents could get very sick and die if exposed to these contaminants.

Please consider this in your next briefing.

#### 3 commenters expressed a comment similar to Comment 4.13

**Comment 4.14** I'm writing to express my displeasure with the Tenderloin Neighborhood Development Corporation (TNDC) response plan for dealing with the Perchloroethylene (PCE) contamination under the 2500 Irving block.

I live at 27th Ave, cross street Lincoln, down the block from the site of the PCE plume under Irving Street. We have lived in our house for 30 years (purchased 1991). I'm a professor of medicine at UCSF Parnassus campus.

As you are aware, PCEs are very toxic to humans. As I understand it, the PCE contamination at this site came from a dry cleaning establishment and potentially a gas station, located on the Irving block in the 1950s (and maybe earlier). The site now houses the SF Police Credit union, whose staff are affected by the PCE containing vapors that come up through the building. The Credit Union has closed one floor of the building because of the toxic vapors. This contamination issue has certainly contributed to the Credit Union's desire to sell the building to the TNDC.

The TNDC response plan to deal with the contamination includes putting a vapor barrier under the foundation of the new housing development proposed for the site. This is totally inadequate. This will only partially protect the residents of the building (since the PCE plume extends beyond the actual site of the building) and does nothing for neighbors around the building. There are much better remedies that will better protect the entire neighborhood, such as soil vapor extraction. A partial solution does not help anyone. If the TNDC wishes to develop this site, they must remediate the problem. Indeed, it would seem logical that remediation is the responsibility of both the SF Police Credit Union and the TNDC. It is simply unfair to the residents and the neighborhood for the Credit Union to abandon this site and the TNDC to not properly address the problem. **Comment 4.15** Thank you for providing a notice of availability of the draft response plan for the above site. I live in the vicinity of 2550 Irving Street and am submitting these comments on the draft response plan for this site.

I have several concerns about the proposed plan:

1. It does not propose any actual removal of PCE found in soil vapor at the site above acceptable levels for a residential use and fails to convincingly justify the alternative selected.

2. It does not take environmental justice considerations into account even though the site is proposed for families seeking affordable housing and will undoubtedly serve minority populations.

3. It does not discuss all proposed potential remedial options for the site.

4. It does not provide a serious proposal for how it will assure that engineered/institutional controls will be maintained and complied with for the life of the project.

Response Plan Choice Not Adequately Supported.

The proposed plan relies entirely on engineering and institutional controls. Why is no real consideration given to removal of PCE in soil vapor from the site? The stated justification of cost and possible recontamination of the site by offsite sources seems inadequate. While removal is more expensive, no suggestion is made that it is infeasible. The statement that offsite sources will possibly recontaminate the site is not explored in any detail. Further, the likelihood of recontamination seems contradicted by DTSC's own notice of public comment on the plan. DTSC's notice states that PCE levels immediately offsite on Irving Street are within acceptable levels for residential use and will be monitored by the Police Credit Union. This information suggests that a concern may be offsite migration from the site to Irving Street rather than the other way around. While elevated levels of PCE in soil vapor appear to be likely associated with the Albright Cleaners site on the other side of Irving Street, the DTSC notice states that DTSC will be providing oversight for the investigation of that site. Given the available information, no facts support the conclusion that offsite sources will likely recontaminate the site. The draft plan needs to provide more analysis of the feasibility of simply removing soil from the site that is causing the onsite – and possibly offsite - problem. A further justification needs to be provided as to why recontamination of the site is likely if site soil is removed.

**Comment 4.16** You must be aware of the toxic ground at the proposed new human warehousing project. Please see that this project is halted until the neighborhood is free of toxic ground. Your proposal of cover it up is not acceptable to people who have been here a long time. I personally have been here for 50 years. We hope you will stand up for the right decision and completely remove the toxic properties that exist at 2550 Irving street.

**Comment 4.17** I'm dissatisfied with the TNDC's response plan with respect to the contaminants located at the project site. The remediation plan inadequately addresses the toxins and the people affected by them. The developer should be forced to address the area surrounding the site and not just within the perimeter of their project - the should be part of the solution to creating a cleaner, safer place for residents to live. Sadly, they won't own the right way to do things - they need to be told by you! Please demand that the TNDC plan include a Soil Vapor Extraction.

**Comment 4.18** I am 77 years old with poor health. I have lived in this address for thirty four years. I have seen the transformation of the neighborhood since then. Before, it was quiet and peaceful until it turned out to be the 3<sup>rd</sup> China Town of San Francisco.

With the initial findings that I have read... I am very angry and outraged. The toxic contamination is very dangerous to the health of the neighborhood. It has to be cleaned thoroughly, excavated and to be dried for a long time before any construction has to be done.

The remedy should not be "band-aid." It has to be done with the utmost care and diligence, considering the welfare and health of the community.

We will further appreciate any future development on this project so the community would fully understand the predicament they are facing in the near future.

We appreciate your efforts and continue the good work for the community. It is truly appreciated, thank you and I remain.

**Comment 4.19** I respect the decision from the TNDC in constructing a apartment for low-income households. However, I heard about concerning development plans from the TNDC, especially in regards to the neighborhood's potential exposure to PCE during the construction process. I have heard that TNDC's poison clean-up plan only protects their new buildings and they don't have plans to protect the communities adjacent to the project. Exposure to PCE could cause life threatening disease, so I think more thorough investigation needs to be conducted to determine the scope of the poison spread and the extent of the harm. I just want to make my voice heard in regards to the potential toxic chemical, and I hope that a plan will be made to let people in the community be less worried.

**Comment 4.20** I am writing to you in response to your "Community Update" letter, dated July 2021. I have lived in the Sunset for 40+ years and in that time, I have seen many, many changes to the neighborhood. Most I have viewed as positive but now, the proposed residential development at 2550 Irving Street I

find very disconcerting and worrisome. As per your letter, there is dangerous PCE gas below that entire block. The developer, TNDC has submitted a plan to put a vapor barrier over their residential development site only.

What? No Clean Up? Who will monitor and maintain the proposed system? And, how is this a positive change for our entire neighborhood?

In my humble opinion, covering up the problem is not a viable solution for our community. I have raised 2 children here and as adults, they still live and love the neighborhood. I am looking forward to their raising my grandchildren here as well and in light of the proposed TNDC inadequate response to their 2550 Irving St. development, I feel a strong need to write to you and share my feelings about the site toxins.

Shouldn't there be more investigation into the full extent of the gas plumes and their danger before going forward with the building plan? And who has the responsibility for clean up? The current owner of the site or TNDC? Shouldn't these issues be resolved before more legal complications and (possible) finger pointing ensues?

In this time of Covid pandemic and the primal knowledge and understanding that "we are all in this together" I feel very strongly that the proposal for cleanup should benefit the entire neighborhood for now and in future.

Please consider there should be no transfer of ownership from the current owners to the TNDC until there is a clear and unequivocal plan to clean up the site.

Thank you for your time and consideration. I appreciate it very much.

**Comment 4.21** Thank you so much for your team's presentation on different ways to remove toxin for the community. Here are some of my thoughts: I am opposed to the cleanup method that TNDC proposed. The vapor barrier only protects the future residents of the building and does nothing to benefit the community. If they are what they claim a nonprofit organization that cares for basic human rights, their action should match their mission.

**Comment 4.22** I request DTSC demand TNDC have the full plan to clean up the mess, not only for the project building, should for the surrounding community. Especially, during a few years construction period, the toxic dust will spread to the entire district. DTSC and TNDC have responsibility/obligation to protect public health safety. Hold on the project before have the full cover remedies.

**Comment 4.23** I have been very involved in the issues surrounding the proposed building at 2550 Irving and am writing to address my concerns

regarding toxicity. The site has PCE's and TNDC proposed to clean up the site, but is neglecting to address contamination of the adjacent homes. This is inadequate and unacceptable. TNDC needs to be part of a bigger solution to address contamination of the neighborhood. We need a thorough examination of all aspects of this problem <u>before</u> the property sale goes through.

Thank you for your work and listening to my concerns, to the concerns of my neighbors. We seek a transparent investigation and a resolution that will leave our neighborhood safe for present and future residents.

**Comment 4.24** I am extremely concerned that the TNDC response plan to clean up the PCE toxins is inadequate.

To move forward with the existing TNDC response plan would be irresponsible and with the knowledge we have, criminal.

Thank you for conducting this essential and responsible public response period. I look forward to hearing back from DTSC and for confirmation that DTSC will follow this essential request to do the right thing.

#### 2 commenters expressed this comment

**Comment 4.25** I have lived in the San Francisco Sunset district almost 30 years. I am greatly disappointed with the proposed project at 2550 Irving St. and the lack of investigation to protect the safety of the surrounding community. Specifically, the PCE toxicity of the project.

**Comment 4.26** I have lived at Noriega since January 1993 -- 28.5 years. The proposed project at 2550 Irving St. is a complete abomination. But I want to focus on the toxicity of the project.

**Comment 4.27** Similar to abatement of other toxic chemicals (e.g., lead paint or asbestos) that is required for other real estate projects (e.g., residential upgrades), doesn't TNDC have to FIRST remove 100% of the PCE prior to construction -OR- is TNDC not responsible for the cleanup? If not TNDC, then who is responsible for cleaning up contaminated sites, especially knowing that long-term exposure to PCE can lead to dangerous diseases like cancer? Can we be 100% certain that TNDC's plan will contain the PCE problem 30 years from now (i.e., is their plan 100% fail proof, factoring in the potential for seismic activity)?

So, my perception is that the draft response plan will NOT fix the problem (i.e., leave the PCE in the soil), protect the future residents of the new building with a vapor mitigation system, but the rest of the neighborhood is on their own. Is the

draft response plan the best plan to both safeguard the future residents and the neighborhood? What are the specific plans to safeguard the neighborhood?

Thank you Mr. Machado and the Department of Toxic Substances Control for giving us the opportunity to provide feedback. I look forward to a reply email addressing my concerns.

Comment 4.28 The Albrite Cleaners operated for 20 years until around 1950, but the perc is still there; if removal is not done then it may be decades before the perc dissipates on its own, if you will. Therefore, I wonder if it would make some sense to look at other technologies. One is to perhaps build a barrier around the perc source down to the groundwater table so that, if you will, the perc will be funneled through the project site. Or, do this in combination or alone using soil vapor extraction technologies? This could shorten decades of sampling and monitoring and possibly onsite and offsite remediation. Also, from my research I have found that bioventing has been used in these cases. Finally, I came across a case study which I have attached via email involving PersulfOx [available at https://regenesis.com/wp-content/uploads/2019/02/PersulfOx-Cabeno-Chicago-Dry-Cleaner-2020-01-21-02-DIGITAL-1.pdf], an activated persulfate, which was mixed in-situ with contaminated soils at an old dry cleaning facility at a Chicago suburb. Cabeno Environmental worked with RENENESIS (they have a couple of offices in CA) to do the clean up. They claimed that their technology was about 50% of the cost of other technologies....

In conclusion, I urge that other cleanup technologies such as the above be evaluated. The lowest cost clean up technology could very well be overall more cost effective in the long run and this might eliminate the potential need to develop an Offsite Response Plan, if you will, as apparently the developers will have to do. Also, I don't know if Path Forward's preference for Alternative #2 (VIMS) incorporated treatment/permit state fees as well.

Just for the record my family and I reside in the Parkside area about eight blocks from the project site.

#### **Response:**

DTSC is providing oversight for three separate projects to address both on- and off-Site contamination and ensure the long-term protection of future residents and the larger neighborhood. For on-Site contamination, TNDC has entered into a CLRRA agreement with responsibility for addressing on-Site contamination to support future redevelopment of the property, consistent with 2004 CLRRA legislation. For off-Site PCE contamination, The Police Credit Union remains responsible for addressing off-Site conditions north of Irving Street regardless of the sale of its property at 2550 Irving Street. DTSC is also in the process of entering into a voluntary agreement with the owners of the former Albrite

Cleaners property to address off-Site conditions both north and south of Irving Street. Arthur Machado is the DTSC project manager for all of these projects. Mr. Machado, along with the broader DTSC team, will coordinate the three projects to ensure an integrated approach to fully address both on- and off-Site PCE contamination.

On-Site conditions have been adequately defined to allow for TNDC to prepare their current draft Response Plan. Investigations found the levels of PCE in soil vapor on-Site are at or below state and federal concentrations that would indicate unacceptable health risks in a future residential scenario. The air inside the 2550 Irving Street building was also tested and was found to be below state and federal levels for unacceptable commercial occupancy health risks. This means that under its current use as a credit union, it is safe for credit union employees and members. The use of the building was not adjusted in response to the PCE levels in soil vapor; rather, it was due to downsizing and relocating operations. Currently, certain floors are not being used by The Police Credit Union.

As part of the CLRRA process, following the completion of the Site Assessment Plan and Report of Findings, TNDC concluded a response action was necessary and submitted a draft Response Plan to DTSC to define methods to achieve acceptable conditions for future residential development at the Site. Under the CLRRA statute, the Proponent is only required to propose one method to achieve acceptable conditions for future development. This is why there is no in-depth evaluation of possible alternatives. TNDC did however evaluate soil removal as another alternative, even though it has been determined that soil contamination is minimal. Based on its review of the Response Plan, DTSC concurs with the findings that soil removal is not an effective remedy for this Site. While soil removal is technically feasible, it is not an effective remedy because there is no source (i.e., liquid PCE) in on-Site soil. Soil removal is an effective way to address PCE in soil vapor in circumstances where the source PCE contamination is highly concentrated and localized in soil. However, at this Site there was only one location in soil where PCE was detected out of 66 sampling locations throughout the Site, and this one detection was below associated residential screening levels. Based on the concentrations of soil vapor observed, it is highly unlikely that significant sources of soil contamination are present on-Site. There is also the possibility that clean backfill placed could become contaminated by future PCE soil gas migration from off-Site sources (for example, potential sources to the south of Irving Street that are still being evaluated) and as such, DTSC concurred that the vapor intrusion mitigation system was a more appropriate remedy because it effectively protects future residents from existing conditions and any potential future soil gas migration of contaminants from off-Site sources. The Response Plan also requires TNDC to conduct monitoring of the vapor intrusion mitigation system to ensure that it provides long-term protection of future residents. While cost was a factor that was evaluated for both options, ensuring the long-term health and safety of future residents from current and potential future impacts is one of the primary criteria of DTSC's remedy evaluation process, and it was determined that the vapor intrusion mitigation system better met those criteria than soil excavation.

For a discussion of on-Site soil vapor extraction as an alternate remedy, please see the Response to Topic 5: Preference for Soil Vapor Extraction (SVE) and **Cleanup over Mitigation** below. In response to the comment suggesting other cleanup technologies (such as bioventing, installing a barrier around the source of contamination and in-place treatment), these technologies are similar to excavation in that they are used when a significant source of soil contamination is present. Based on our review of the soil and soil vapor sampling data, this site has minimal contamination compared to other sites that we oversee. Because there is not a significant source for the contamination on Site, other techniques for remediation are likely to be unnecessary or unsuccessful. We are committed to characterizing the areas surrounding the Site to find the residual source of contamination (if any) and will assess other suitable techniques for remediation of off-Site source areas, including soil vapor extraction. For a discussion of Environmental Justice referenced in comment above, please see the Response to Topic 10: Environmental Justice Considerations below. For a discussion of maintenance referenced in comment above, please see the Response to Topic 11. Long-term Engineering/Institutional Controls.

The construction of the building at 2550 Irving Street has the potential to help reduce PCE contamination in soil vapor. By removing the existing on-Site building structures and pavement, PCE will have another pathway to escape into the outdoor air where it naturally dissipates and does not create a health risk to onsite workers or the neighboring community. Following construction, the vapor intrusion mitigation system includes venting which will ensure that PCE concentrations are unable to build-up beneath the building slab. Although not required by DTSC, nor San Francisco Building Code, nor San Francisco Health Code (SFHC) Article 22B, TNDC has voluntarily prepared a Dust Control Plan that includes a perimeter air monitoring program that will be submitted to the San Francisco Department of Public Health and DTSC prior to starting construction. This Dust Control Plan will lay out details of how TNDC will monitor air for airborne dust and volatile organic compounds during construction to ensure the protection of the surrounding community and on-site workers. This will include stringent, health protective action levels and if these levels are exceeded, prescribed additional measures to be implemented to decrease concentrations to acceptable levels.

Finally, DTSC agrees that additional investigation is needed to better understand off-Site conditions both north and south of Irving Street. This work is being done separately by The Police Credit Union and the former Albrite Cleaners parties under DTSC oversight. DTSC currently requires The Police Credit Union to monitor off-Site soil vapor conditions to the north of Irving Street semiannually.

Based on the data we have to date, there are no unacceptable health risks to off-Site residents. The Police Credit Union has also voluntarily agreed to test the indoor air of the homes where soil vapor is monitored north of Irving Street. DTSC will review the forthcoming indoor air data, and DTSC may require The Police Credit Union to conduct additional measures, if needed, to ensure the long-term protection of the community. We are in the planning stages with the owners of the former Albrite Cleaners for investigations north and south of Irving Street that will help us refine the lateral and vertical extent of contamination. Once that data is collected along with the data from the north of Irving Street, DTSC can then work with the Responsible Parties to determine an appropriate remedy to address the extent of the contamination, if needed. DTSC will send additional mailers for both projects to keep residents apprised of current conditions and the steps being taken to address impacts.

We are saddened by the instances of cancer you have shared with us. The concentrations DTSC has observed in soil vapor from the neighborhood and estimated indoor air concentrations of PCE from vapor intrusion, if any, are unlikely to elicit adverse health effects, including Parkinson's disease or cancer. Results to date support DTSC's determination there is no unacceptable health risk for nearby residents. However, DTSC is charged with taking a precautionary approach in managing environmental contamination well before adverse health effects would be expected. That said, DTSC cannot definitively establish nor rule out causality between environmental contamination and community health issues. DTSC does not have expertise in clinical toxicology. DTSC recommends that community members with health concerns consult their physician and/or the California Department of Public Health's Environmental Health Investigations Branch. DTSC will consider this information as we continue our oversight of The Police Credit Union site and evaluation of potential impacts to the nearby residences. DTSC is committed to continuing to investigate the area to evaluate the PCE contamination outside of the proposed development area.

#### 5. Topic: Preference for Soil Vapor Extraction (SVE) and Cleanup over Mitigation

**Comment 5.1.1** There are better remedies or solutions for this that can make the neighborhood safer. One of them is Soil Vapor Extraction (SVE). We demand that TNDC's plans consider it. Cleaning it up (via SVE) will save TNDC and the neighborhood decades of having to monitor for PCEs.

#### 9 other commenters expressed a comment similar to Comment 5.1.1

**Comment 5.1.2** There is a much better solution that keeps people safe, one of them is Soil Vapor Extraction (SVE). Please require TNDC's clean up contamination via SVE, it is the right thing to do if you value human life over real estate development, and will save TNDC decades of having to monitor for PCEs,

while at the same time the neighborhood can be assured that it is a safe place to live.

**Comment 5.2** Also [the response] plan is not good for community relations. Their plan only protects their building. A better remedy to make the whole neighborhood safer is Soil Vapor Extraction.

**Comment 5.3** I have a toddler and am planning an upcoming pregnancy. I am VERY concerned about the health implications at the site. The current plan does not protect the neighborhood whatsoever. I feel very strongly that soil vapor extraction should be petitioned for. I am horrified at the prospect that my children will not be protected from lifelong cancer risk. TNDCs current plan is wholly inadequate. CLEAN UP, don't just mask the problem and sicken the neighborhood. Please protect our health and the health of the next generation by advocating for soil vapor extraction.

**Comment 5.4** "Soil Vapor Extraction" or soil removal for the neighborhood seems to be the sensible way of dealing with this public health crisis. As most of us who live in the community are not toxicology scientists and engineers, we are counting on your agency to help us come up with a sensible solution that guarantees long-term results for everyone living in this community. Again, thank you so much for soliciting the voices and concerns of the neighborhood. Your involvement gives us hope.

**Comment 5.5** We should choose to invest in Soil Vapor Extraction so no one else gets diagnosed with cancer. Please.

Feel free to contact me if at all necessary. Your time and attention in the matter are greatly appreciated. Let's clean-up the toxic mess at 2550 Irving St. with Soil Vapor Extraction. No sale until there is a plan to clean up the PCEs with Soil Vapor Extraction.

**Comment 5.6** Other than the installation of a vapor barrier, there are better available methods to address the toxic contamination in the soil. Please consider Soil Vapor Extraction. Now that both the City and TNDC are aware that a toxic contamination problem exists, it makes sense to fully address the problem now when you have the opportunity, instead of relying on future generations to remediate the problem. Let's not put people at risk any further. Thank you very much for your consideration.

**Comment 5.7** I would like to make use of the public comment period to express my hopes and fears about the proposed affordable housing developer (TNDC) and the current owner of the property, the Police Credit Union (PCU), at 2550 Irving St.

I represent 170 families, all of whom live within .5 miles of 2550 Irving. We are deeply concerned about the PCE levels and their potential effect on us, our children, our parents. We know that basically the PCU wishes to do as little as possible to remediate the problem. We are grateful that you have helped encourage them to take the first step, measuring the vapor intrusion levels into six homes in the immediate area. We have also read the proposed mitigation plan of TNDC. We find it woefully inadequate. We want the problem remediated, through soil vapor extraction, rather than a simple barrier of concrete and ventilation adaptations made to the proposed new building.

**Comment 5.8** I would like to hear of better solutions that can make the neighborhood safer. TNDC needs to consider SVE (Soil Vapor Extraction). My understanding is that the neighborhood has been exposed to these PCEs for decades. TNDC needs to be part of the solution to clean this up now.

**Comment 5.9** Please make it mandatory for TNDC to carry out Soil Vapor Extraction to clean up for the neighborhood as a prior condition for any transfer of ownership.

**Comment 5.10** In the last several months I have made it a priority to carefully follow the steady stream of new information from DTSC, TNDC and MSNA about the toxic issues surrounding the 2550 development. Before these issues came to my attention I was looking forward to welcoming our new neighbors but that excitement has been taken over by a deep sense of anger at the way the health of those new residents, all my present neighbors, and my own family is being ignored.

Remove toxins from the soil or allow them to continue to poison the land under our houses and, potentially, in our homes? I'm furious that this is even a question up for debate! Where's the care, attention and respect we all deserve when it comes to our health?

I moved into this neighborhood with two small children. It's too late for my husband and I to make an informed choice about how best to protect their health, but it's not too late for DTSC -- it seems to me that you now have all the information you need to know that SVE or soil removal is not only the scientific way of moving forward, but the just and moral one.

I very much appreciate the work you and your organization has put into protecting all of us. Please don't let TNDC's agenda and financial needs supersede the health of current residents of the Sunset or the new neighbors we hope to welcome in the future. **Comment 5.11** Both TNDC and the Police Credit Union should provide better solutions, such as Soil Vapor Extraction; this will save TNDC and the neighborhood decades of monitoring for PCEs. This neighborhood is deeply concerned about the health of everyone who lives here, from the very young to the elderly – some who may not have the ability to pay for any future medical problems.

**Comment 5.12** I believe that is unacceptable for TNDC to respond to the contamination problem by simply putting a vapor barrier under the new building that supposedly protects the new residents. The presumptive remedy would appear to be either soil vapor extraction or soil removal. These two methods would not require monitoring, which would be an ongoing cost for perpetuity, and these two methods would protect the neighboring properties as well as the new residents.

**Comment 5.13** My mother, Suet Louie asked me to write you. Suet Louie is not satisfied with TNDC's response plan and does not believe covering up the toxin with a vapor barrier is a resolution for the neighborhood. She wants a cleanup.

**Comment 5.14** I'm very concerned with the toxic material that's discovered at 2550 Irving street. The plumes of PCE gas below the 2500 Irving block needs to be cleared up prior to construction as this is harmful to people, children, pets, pregnant women, adults all can be affected. Given the extent of this toxic material is unknown, the city can be subject to many lawsuits down the road which would be costly to our city. There may be many issues that is unknown today but may be discovered years later. The best method to avoid this potential issue is to clean it up prior to construction. This is very important to protect our environment and our citizens. Appreciate your consideration of this very important issue.

**Comment 5.15** I'm writing to say I am very unhappy with TNDC's response plan. How are you protecting the neighborhood? We need removal (not just adding a barrier) of the contamination and clean up of the PCEs that we know are causes of cancer and Parkinson's. My mother passed away in December 2019 and she had been suffering from Parkinson's for many years before she passed.

**Comment 5.16** TNDC needs to: 1. remove the contamination or 2. clean up the PCEs that we know are cause cancer and Parkinson's disease.

#### 3 commenters expressed this comment

**Comment 5.17** Considering the nature of the development (affordable and funded by the state and the city), how big the proposed 2550 Irving development

is (it will span the whole block along Irving St) and considering that the plumes of PCE are under and in close proximity to the site, this is the best opportunity to insist on a cleanup rather than just mitigation for the new building. This is the best opportunity for the health and well-being of the whole neighborhood. Another one like this might not present itself ever, leaving us, current residents as well as new residents, in constant fear and stress over how this can potentially affect us and our children.

I urge you to please consider the above and push for TNDC's plan to also include a cleanup in addition to any proposed mitigation plan. Our neighborhood is really counting on you to make the right decision in this case. Thank you for all you do!

**Comment 5.18** Thank you for providing a notice of availability of the draft response plan for the above site. I live in the vicinity of 2550 Irving Street and am submitting these comments on the draft response plan for this site.

I have several concerns about the proposed plan:

1. It does not propose any actual removal of PCE found in soil vapor at the site above acceptable levels for a residential use and fails to convincingly justify the alternative selected.

2. It does not take environmental justice considerations into account even though the site is proposed for families seeking affordable housing and will undoubtedly serve minority populations.

3. It does not discuss all proposed potential remedial options for the site.

4. It does not provide a serious proposal for how it will assure that engineered/institutional controls will be maintained and complied with for the life of the project....

Incomplete Remedial Options Considered.

The response plan only considers soil removal and engineered/institutional solutions. Why is soil vapor extraction (SVE) not analyzed as an option? Is it infeasible for some reason at this site? We don't know whether SVE is feasible because the response plan does not mention this possible remedial technique. The plan should be revised to evaluation SVE as a remedial option.

**Comment 5.19** As I mentioned to Vivek and you, Arthur, today, there are far too many people with cancer and Parkinson's in the immediate vicinity. We wish to live in peace in our neighborhood, not worried that each breath brings us one step closer to cancer or neurologic diseases. We know that without your guidance, neither PCU nor TNDC will pursue the most complete and thorough remediation. Only you can ensure this. And that is what I am imploring you to do.

Please continue to prod the PCU to investigate the limits of the PCE plume in our neighborhood and protect the neighbors. Please insist that TNDC change its plan

from the current proposal to one of soil vapor extraction, before the new building is actually put up.

Thank you for taking the time to read this letter. We are all putting our faith in you.

**Comment 5.20** My family has lived at 28th Avenue for more than 25 years. We are not in agreement with the TNDC's flawed plan to mitigate the known toxins with a vapor barrier.

#### **Response:**

DTSC understands that the community's preference is for the installation and operation of a soil vapor extraction (SVE) system or full remediation at the 2550 Irving Site to address the presence of PCE in soil vapor. Under CLRRA statute, TNDC is only required to propose one remedy that provides long-term protection for residents of the future development. However, based on the frequent requests from the community, DTSC has considered SVE as a remedial option for this Site and concurs with the Draft Response Plan that a vapor intrusion mitigation system is still the preferred protective measure. Use of a mitigation system such as this is effective, commonly accepted by DTSC, consistent with our current guidance (DTSC and SWRCB 2020) and is being used successfully on other sites with VOC contamination that presents a significantly higher potential risk.

Based on the sampling performed to date, the observed concentrations do not suggest that there is a significant source of PCE in soil vapor present on Site that would warrant operation of an SVE system. Such a system has the potential to exacerbate soil vapor concentrations beneath the Site, by drawing PCE from off-Site source areas. An additional source of soil vapor impacts, including the highest observed concentrations, is located off-Site to the south, at the former Albrite Cleaners site. Operation of an SVE system on-Site has the potential to draw the soil vapor plume from Albright Cleaners northward onto the Site. Based on the on- and off-Site distribution of PCE concentrations, it is unlikely that SVE would be effective at treating low-level PCE on-Site and would not be more protective of future on-Site residents than VIMS.

However, as part of investigations and any required cleanup associated with off-Site impacts where there is a more significant source of contamination, DTSC may determine that SVE would be an effective cleanup measure in areas south of the Site where PCE concentrations are higher. This will be determined after a more detailed investigation has been conducted south of Irving Street, which will be handled under DTSC oversight by the Responsible Party for the former Albrite Cleaners. DTSC will continue to keep the community informed of those investigations via additional mailers. DTSC will also announce a proposed cleanup plan, if needed, for that area after significant investigation work has been conducted that allows for alternatives to be proposed and reviewed.

With regards to why a vapor intrusion mitigation system was selected over on-Site soil removal, please see the Response to **Topic 4: Concerns Regarding Adequacy of Response Plan**. For a response on maintenance, please see **Topic 11: Long-term Engineering/Institutional Controls**.

**Resources** 

DTSC and SWRCB. 2020. Public Draft. February. Link to document: <u>https://dtsc.ca.gov/wp-</u> <u>content/uploads/sites/31/2020/02/Public-Draft-Supplemental-VI-Guidance\_2020-</u> 02-14.pdf

For a discussion of Environmental Justice referenced in comment above, please see the Response to **Topic 10: Environmental Justice Considerations** below.

We empathize with you and thank you for sharing the health problems you and your family have experienced. We can understand how learning about contamination in the neighborhood could be concerning. It may be of some comfort to know that the concentrations DTSC has observed in soil vapor from the neighborhood and estimated indoor air concentrations of PCE from vapor intrusion, if any, are unlikely to elicit adverse health effects, including Parkinson's disease or cancer. Results to date support DTSC's determination there is no unacceptable health risk for nearby residents. However, DTSC is charged with taking a precautionary approach in managing environmental contamination well before adverse health effects would be expected. That said, DTSC cannot definitively establish nor rule out causality between environmental contamination and community health issues. DTSC does not have expertise in clinical toxicology. DTSC recommends that community members with health concerns consult their physician and/or the California Department of Public Health's Environmental Health Investigations Branch. DTSC will consider this information as we continue our oversight of The Police Credit Union site and evaluation of impacts to the nearby residences. This includes sensitive receptors such as young children and the elderly. We are committed to continuing to investigate the area to find potential sources of the contamination.

# 6. Topic: Stop Transfer of Ownership / Make TNDC and Credit Union Both Responsible

**Comment 6.1.1** We need more investigation to determine the full extent of plumes and the danger. There should be no transfer of ownership from the Police Credit Union to TNDC until there is a clear plan to clean up the mess. Both

TNDC and the Police Credit Union should be part of a plan to clean up the site. Not just put a band-aid under the building.

#### 21 other commenters expressed a comment similar to Comment 6.1.1

**Comment 6.1.2** Further investigation is needed of the sewer pipes in the area to determine the full extent of plumes and the danger. All players here (TDNC, the Police Credit Union, and the City of San Francisco) should be part of a plan to totally clean up the contamination wherever it is found around the proposed building site. There should be no transfer of ownership from the Credit Union to TDNC until a total cleanup of the neighborhood is completed. Don't just allow a band aid to be applied on this neighborhood safety and health situation.

**Comment 6.2.1** We know the neighborhood has been exposed to these PCE for decades. TNDC needs to be part of the solution to clean this up now before future generations are exposed as well.

#### 10 other commenters expressed a comment similar to Comment 6.2.1

**Comment 6.2.2** We are shocked that the neighborhood has been exposed to these PCE for decades. TNDC needs to be part of the solution to clean this up now before future generations are exposed as well. The TNDC should be following the zoning regulations and laws just like the rest of the taxpayers of SF. They should not be so easily granted special permissions to build on a site which has known toxic issues.

**Comment 6.2.3** We know the neighborhood has been exposed to these PCE for decades. TNDC needs to be part of the solution to cleaned this up now before future generations are further exposed as well, we need to put peoples future health and well being ahead of housing, what is housing if you don't have health to enjoy it.

**Comment 6.2.4** We know the neighborhood has been exposed to these PC for decades. TNDC and Police Credit Union should be responsible for taking care of the toxic waste before building the Housing Project. Not just put a band-aid under the building. Thank you for your time and consideration.

**Comment 6.3** Before a clear plan for cleanup, land ownership should not be removed from the police credit union. The transfer of cooperatives to TNDC must prevent toxic substances from polluting the entire community through dust and underground penetration due to the construction process.

#### 22 other commenters expressed a comment similar to Comment 6.3

**Comment 6.4** I strongly urge the Dept of Toxic Substance Control (DTSC) to oppose the transfer of ownership of the Credit Union to the TNDC until the extent of the PCE contamination is completely evaluated and a solution for the problem is worked out. The DTSC's role is to protect the citizens of San Francisco from just these sort of contamination problems. We are lucky to live in a city that has an effective DTSC. Our health depends on it.

**Comment 6.5** For the sake of the vulnerable elderly population in the 2550 Irving neighborhood, please prohibit the transfer of ownership from Police Credit Union, the current occupant, to TNDC until there is a clear plan to clean up the site.

#### **Response:**

DTSC's oversight authority is to ensure that contamination is addressed for current and future land uses. We do not have the authority to prevent the transfer or sale of land due to environmental contamination on that property. DTSC has determined that TNDC's Response Plan for on-Site contamination is protective of the health and safety of future residents, consistent with the legislative intent of the CLRRA statute.

DTSC is committed to ensuring a thorough response to both the on- and off-Site PCE contamination. Under CLRRA, TNDC is only responsible for ensuring that on-Site contamination is addressed in a manner that provides long-term protection for future residents of the proposed development. However, The Police Credit Union and the owners of the former Albrite Cleaners have entered into voluntary cleanup agreements with DTSC that will ensure ongoing investigation work to determine the full lateral and vertical extent of PCE contamination in the neighborhood. This will include investigations to determine if the sewer pipes could be acting as a preferred pathway for PCE contamination to migrate. Based on the data from these additional off-Site investigations, DTSC will determine whether The Police Credit Union and/or the owners of the former Albrite Cleaners will be required to conduct remediation (cleanup) activities to ensure the long-term health and safety of the community.

Based on the data DTSC has reviewed to date conditions do not pose a potential unacceptable health risk to the community, including children and the elderly. In other words, there is no imminent health threat from the PCE found in soil vapor underground. Should DTSC's understanding of the situation change at any time as a result of the additional data collected from the investigations, DTSC will require The Police Credit Union and/or the owners of the former Albrite Cleaners to take steps to ensure the protection of the community. A Site Management Plan will lay out details of how TNDC will monitor air for airborne dust and volatile organic compounds (including PCE) during construction to ensure the protection of the surrounding community, and on-site workers. The construction of the
building at 2550 Irving Street has the potential to help reduce PCE contamination in soil vapor by creating a pathway for release into the outdoor air where in naturally dissipates.

# 7. Topic: Protecting Public Health of Larger Community First

**Comment 7.1** Per your Response Plan Environmental investigations in 2019 and 2020 have found PCE at the site, adjacent parking lot, and along Irving Street which the Response Plan indicates is "within acceptable risk range."

I urge Department of Toxic Substance Control to look at the whole picture and into the toxic problems caused to people living close to this proposed cleanup and building. Should TNDC purchase the building, please demand TNDC clean up all toxins in the neighborhood beyond 2550 Irving Street. Please put the neighborhood at the center of this process rather than the Police Credit Union or TNDC. Thank you for your consideration.

**Comment 7.2** For DTSC to accept the TNDC proposed vapor barrier over the foundation of its project without further investigation into the risks posed by the plumes sounds like selling out to the developer. Many possible questions await clarification: for example, what is the extent of the plumes and what effect may the vapor barrier have on the neighboring structures? Would the barrier divert the toxic plumes to the surrounding area in a more concentrated form as a result of the reduced space for dispersal? A possible solution to one structure does not resolve the environmental issues affecting that city block and beyond. Please consider the health and welfare of the community, not just the interest of the developer, in your decision. Thank you for your attention.

**Comment 7.3** I have two children. I am very concerned PCE issues. And I am very very angry, SF CITY, TDNC and DTSC is not think we are living here already. This area has many children and you are thinking not future for them. Please don't think you can fix something happens after!! Just make clean and fix now! Even cost money do now! If you do later cost more and more and not just money destroyed many humans health and life. I really hope you are working for San Francisco residence like us. I am paying a lot of Tax so I really hope people like you work for city use correct way.

**Comment 7.4** To be frank, we are disappointed and down right angry at how you DTSC is handling the project with bias and focus on only getting the TNDC project through and not addressing the real toxic dangers of improper clean up at this site, your department is not a rubber stamp for developers, might I remind you of your responsibilities and your conscience to the residence living in the neighbourhood to clean up throughly and to prevent toxic exposure to our neighbourhood, ask this question if this was your neighbourhood what level of clean up would you expose your family and love ones to? You see, that is why we insist that you clean up properly by removing the contamination, and throughly clean up the PCEs, that you and I know causes Cancer and Parkinson's disease. Will you be the reason so many people in the future will get sick and die from such horrible disease or will you be the reason such diseases are prevented, please we are pleading with you to do the right thing, clean up not cover up the toxic contamination.

**Comment 7.5** This letter responds to a DTSC request for public comment regarding toxic contamination of the proposed development at 2550 Irving Street, San Francisco. Employment of an intrusion mitigation system will not eradicate the existence of all the identified toxins and contaminants in the ground, and during construction, would likely be released in appreciable amounts greater than current baselines. Homes near 2550 should be monitored until a margin of clearance is determined. We are aware of a disproportionate number of residents who have contracted cancers and Parkinson's Disease. If PCE toxins are released in an indiscriminate plume, also consider that we live in a thick fog belt much of the year, which could trap toxic emissions and prevent them from dissipating, strengthening their toxic effect.

We ask that the area of testing for toxicity be expanded beyond the 2550 development site and then eradicated by whatever means necessary. Then, and only then, should the development be considered for approval.

#### **Response:**

As many comments have rightly noted, DTSC is responsible for providing protection of public health and the environment and this extends not just to the future residents at 2550 Irving, but also to the neighboring community. Based on the data collected from off-Site locations to date, DTSC has determined that PCE contamination found in soil vapor does not present an unacceptable health risk. However, we have requested that The Police Credit Union continue to monitor off-Site conditions and they will also be voluntarily sampling the indoor air of select homes north of Irving Street so we can evaluate for vapor intrusion into residences, if any. Based on the data from this forthcoming investigation, and from the ongoing semiannual sampling of the PCE in soil vapor, DTSC will determine what additional steps, if any, are needed to protect the short – and long-term health of the community.

We have also begun working with the owners of the former Albrite Cleaners to investigate PCE impacts north and south of Irving Street. Based on the results from these investigations DTSC will require that they also implement any next steps to ensure the health and safety of the community. We assure the community that DTSC is not bowing to development pressures. The extent of on-Site contamination is characterized, and the draft Response Plan which focuses solely on protecting the health of future on-Site residents. DTSC determined that the proposed vapor intrusion mitigation system will adequately protect future residents without causing PCE conditions in soil vapor to worsen in the surrounding areas. Further, it is likely that the construction of the building and vapor barrier will improve conditions by removing on-Site buildings and pavement, thereby allowing PCE to naturally dissipate into outdoor air without posing a health risk. After construction, the building will not divert contaminated soil vapor to the adjacent properties, but rather will capture contaminated soil vapor to outdoor air at the building rooftop, where the PCE concentrations will further dissipate. Even with foggy conditions, there is sufficient onshore wind to support this natural process.

Our oversight authority is solely focused on protection of human health and the environment, and we do not get involved with, nor have authority over, future land uses and proposed developments. That authority lies with the County and City of San Francisco. However, we are confident that a vapor intrusion mitigation system (VIMS) will provide long-term protection to future residents of the proposed development and conforms with DTSC's current understanding of site conditions and DTSC guidance for addressing soil vapor contamination and the related possibility for vapor intrusion.

DTSC's focus does not end with TNDC and their plans to address on-Site contamination. We will continue to monitor and require additional steps from The Police Credit Union and the owners of the former Albrite Cleaners to ensure the long-term health and safety of the off-Site, neighboring community. We will continue to search for a source(s) for the contamination and pursue a cleanup that will benefit the neighboring community.

## 8. Topic: Redevelopment Concerns

**Comment 8.1** From my personal experience the toxic substances and their abuse are about to disturb the somewhat unproblematic neighborhood that I live and work in for 32 years. Frightened locals that spend their livelihood to move to a save neighborhood. The scale of the project problematic.

I am a Doctor in the neighborhood and in the last months my African American patients that come for treatments Veterans etc. are viewed such that locals change street there is fear. Fear of racists attacks. Most done by one minority to another say the numbers, most done by homeless...those are the real-life statistics today. Like it, hate it, no opinion but that is what I See and hear. Tell everybody not to worry...changes nothing. The mind does not work that way. I will likely move and close my office...I had burglaries, trash, feces in the last years form the homeless, patients harassed, a police system that is not working and crime trash graffiti everywhere.

So sad to see the city become a 'project' is my fear and prediction. This notion is what even police officers and city officials that come for care tell me when they have a private ear. The frustration and the attacks they face and next day can catch the same guy again and again.

We made 5 arrests this week, all the same guy is the joke. It used to be that thief's burglars or criminals were afraid to be prosecuted or arrested. Now that crowd comes to SF because there is no need to fear law enforcement because it is not enforced.

Please do not respond neither do I care about your opinion. A used to be happy and proud San Franciscan

**Comment 8.2** Please read the room and understand the Sunset does not want this massive building in its neighborhood. It is like you are not even thinking about the local residents and how it affects us. WE don't want you building your vapor mitigation system near our houses. We have children and all the dust particles from the dumb project will blow all over the local residence.

**Comment 8.3** Family housing is absolutely needed. What I object to is NOT that there is a plan for such construction in the Sunset, it is the HEIGHT of the building that is troubling. PLEASE consider modifying the plans to a height of 4 or 5 stories, NOT 7 STORIES. Thanks for considering this suggestion. My hope is that there will be family housing construction IN EVERY NEIGHBORHOOD IN San Francisco.

**Comment 8.4** Please try to slow down this process. There are new homeless folks making up an encampment here, the debris on the streets has increased and the air is much worse -- for whatever reason.

I have a bad liver (PBC), and assorted autoimmune issues--my health and emergency requirements are being impaired.

I have written everywhere because I can't be in group situations, and I am 71.

The additional motor vehicle traffic has made increased (Silt?) on my plants and stucco--in fact the grout between my bricks is now grey.

I implore you to direct me in which path I should use to improve my situation as moving isn't an option. Please help!

**Comment 8.5** My Personal Opinion (with whom many San Franciscans agree): Has SF shouldered its density burden? San Francisco is the most dense city west of the Hudson River. Here alternatives, such as empty downtown skyscrapers, exist that can accommodate residential uses. Other areas plagued by fire and the lack of healthy food choices, both in and out of the city, need and desire economic and corresponding housing development. To instead force development unwanted by local residents that diminishes their quality of life, threatens their livelihoods and health smells of motives only hidden by the cry for affordable housing.

**Comment 8.6** I live only two blocks away from 2550 Irving. I been here for more than 20 years. This is terrible decision build the house there. Not just toxic problem, everything will be awful! Right now already has homeless people lay down just in the corner next to our house, then right now already hard to find a parking space, if build the house there will be more harder to find a parking space. Also will be more homeless people and more criminal. Sunset will become a bad place. All of our family member disagree build the house at 2550 Irving. Honestly is a ridiculous plan. Hope someone really cares what we feel about this unacceptable plan. Thanks.

**Comment 8.7** I oppose about the 2550 Irving Street building project because the planned building will affect public order, environment, parking and community, and there is TNDC gas underground 2550 Irving Street, and the gas underground will affect our sunset residents' health and community, so I am not satisfied about the planned 2550 Irving Street 7-storey tall building.

**Comment 8.8** My husband owns a home and we live in the Central Sunset neighborhood, this email is to voice out concerned about the proposed development at 2550 Irving St. We opposed the proposed development.

**Comment 8.9** I am opposed the object at 2550 Irving St. Please stop the TNDC's poison plan. Thank you for your attention.

**Comment 8.10** No crime in Sunset! It isn't Chicago!

## **Response:**

We appreciate that you have shared concerns about your neighborhood and will share your concerns about the proposed development with TNDC. We encourage you to share concerns you have about the neighborhood with Supervisor Mar, as DTSC does not oversee land use and land planning decisions. Rather, DTSC works with Responsible Parties to ensure that the appropriate actions are taken to ensure the long-term protection of public health and the environment from toxic substances, consistent with current and proposed land uses. DTSC has determined that the vapor intrusion mitigation system proposed in the Response Plan will be an effective measure to ensure the longterm health and safety of future on-Site residents.

## 9. Topic: Health Concerns

**Comment 9.1** Previously there has been a mortuary, dry cleaners, 2 gas stations, and a drug store on the 2550 Irving site. This is more than a triple threat. It was contaminated with PCE and PERC- a colorless and odorless gas-vapors, is toxic and will be outlawed in California in 2022. High levels of PCE were found at the site and are found to be drifting north from the existing building. As you may be aware a ventilation system had to be installed at the current Police Credit Union building if they wanted people in the building, this was to protect workers. Because of lack of ventilation the 2<sup>nd</sup> floor of that building is not currently used.

TNDC now plans to purchase the building for twice its value and I am advised TNDC states it will be responsible for toxicity in the building, but not for neighbors/neighboring homes. I am advised that 5 people living within 100' of 2550 Irving Street have developed cancer or Parkinson's Disease. PCE is a known carcinogen and can cause neurological problems in humans. Please reevaluate the risk for my neighbors residing very close to the proposed building- in this dense neighborhood.

**Comment 9.2.1** My mother-in-law is severely ill, who suffers from cold autoimmune hemolytic anemia and severe back pain, not sure if the diseases are due to the exposures to PCE leaked from 2550 Irving Street.

**Comment 9.2.2** My mother is severely ill, who suffers from cold auto-immune hemolytic anemia and severe back pain. She is highly sensitive to plumes such as PCE.

## 2 commenters expressed this comment

**Comment 9.3** In addition to these methods, I would urge DTSC to disallow the conversion from commercial use to residential use, which will triple the exposure of these chemicals on humans if they leak through the cracks of an aging building.

Why would DTSC allow residences to be built on contaminated land? Any presence of PCEs can be harmful to human health. If you want to protect humans, then tell the San Francisco to keep the site commercial.

**Comment 9.4** My mother and I both feel that the response plan isn't adequate. TNDC wants to put a barrier under the new building and continue to monitor the toxic situation which would only protect future residents.

We have been exposed to the toxins for over 45 years. So far we have been lucky and don't have cancer or Parkinson's but many of my neighbors haven't been as fortunate. The plan to create a barrier under the new building and monitor the progression of the toxins isn't fair or safe. Our houses are 100 years old and all have cracks in the foundations.

I heard your presentation that the current level isn't dangerous but this isn't reassuring. How many times have experts changed their minds when they get more data? What are the long term effects for the young children in the neighborhood who play in their backyards?

The fair thing would be to eliminate the dangerous PCE immediately and monitor to make sure all toxins are removed. We are angry that we didn't know about the toxins sooner and that there is no clean up plan to remove them ASAP.

**Comment 9.6** In a recent meeting regarding the 2550 Irving Street project, I did not know that we have been exposed PCE for decades. In 2000 I was diagnosed with bladder cancer by my urologist. The doctor asked me if I worked around chemicals, I said no I work in the US Postal Service delivering mail (at that time 37 years). The doctor said he did not know how I got the bladder cancer usually it's people that work around chemicals. I said I am the first one in the family (that I know of) that got cancer. Now I believe I got the cancer from PCE from the 2550 Irving site. I wish I had the money to sue. Now TNDC want to build their building there. I hope they clean up the PCE and contamination without making the residence sick with cancer. If we get sick, I hope can get a good lawyer and sue.

**Comment 9.7** As for the attenuation factor of 0.03 for soil vapor to indoor air what is the scientific basis for that? I ask because the previous factor was about 100 times lower. Also, it has been stated that if the concentration levels of the soil vapor samples are 100 times the SL it would be of concern to DTSC. But, why not if it is 10 times? In addition, how does the SLs take that into account vulnerable populations? Finally, it is not clear to me if future monitoring will continue to include vinyl chloride, which is a known human carcinogen per the National Toxicology Program whereas perc is a probable human carcinogen per EPA.

I believe part of the Plan calls for venting the perc at the rooftops of the proposed building. Wouldn't it be more preventative if the perc was captured with activated carbon; otherwise, the vented perc may attached to airborne particles which may settle and result in exposures to residents. **Comment 9.8** I am very concerned about the effects this project may have on the health and well being of my family and my community. My family has lived at location for nearly half of a century, we very much like and greatly care for this safe and wonderful neighborhood and would like to keep it that way.

**Comment 9.9** Thank for you the opportunity to comment on the Tenderloin Neighborhood Development Corporation's draft Response Plan for 2550 Irving Street, San Francisco. I have more than an idle interest in this area. I have had family on Irving Street for five decades. As you know, I have provided pro bono technical assistance to the Mid-Sunset Neighborhood Association in the development of their comments on the draft Response Plan as well as other aspects of the PCE plume investigation. I associate myself with those comments.

As you might not know, I have developed a reputation in my part of the Bay Area as a persistent and effective advocate for affordable housing development, as a community activist, an environmental advocate, and a four-year member of the Mountain View City Council.

As a member of Santa Clara County's Housing Bond (2016 Measure A) Oversight Committee, I am fully aware of the challenges facing affordable housing developers as they struggle to win planning approval and obtain financing for their sorely needed projects. However, I believe it essential not to compromise the health and safety of future occupants of these buildings as developers and governments design these projects. It is possible to costeffectively address the contamination at 2550 Irving and protect the neighbors, without taking any environmental shortcuts.

Furthermore, in my position at the Center for Public Environmental Oversight I have participated in two Interstate Technology Regulatory Council vapor intrusion work teams and innumerable EPA workshops. I have participated in the development and/or provided comment on virtually all of California's vapor intrusion guidance documents.

In general, they are valuable, robust documents, and it's my hope that the Supplemental Guidance, which adjusts default attenuation factors to match empirical data, will be finalized soon. But I have seen the continuing pressure from some development interests to weaken the requirements for both investigation and remediation. Please do not bend the rules under such pressure.

The science for addressing vapor intrusion had advanced since 2002, when we started on this journey, and today we know how to protect the public, enable development, and save money. Please listen to the neighbors, in the Mid-Sunset and elsewhere, because your primary job is to protect them.

#### **Response:**

Investigations found the levels of PCE in soil vapor on-Site are at or below state and federal concentrations that would indicate unacceptable health risks in a future residential scenario. The air inside the 2550 Irving Street building was also tested and was found to be below state and federal levels for unacceptable commercial occupancy health risks. This means that under its current use as a credit union, the building is safe for credit union employees and members. While The Police Credit Union replaced the air filters in their HVAC system in January 2020, this was done as a precautionary measure, and not because contamination warranted this action. Based on the data we have to date, there are no unacceptable health risks to adults or children living near the Site, including for those who play in their backyards or spend time outdoors.

With regards to screening levels, the risk evaluation was performed in accordance with guidance by the United States Environmental Protection Agency (USEPA), DTSC, and the State Water Resources Control Board (SWRCB) (USEPA 1989, USEPA1991, DTSC 2011, DTSC and SWRCB 2020). The potential vapor intrusion risk associated with Site soil gas conditions was assessed using both historical and current recommended attenuation factors (DTSC 2011 and DTSC and SWRCB 2020). Using the former default DTSC attenuation factor of 0.001 resulted in the evaluation that remediation was not necessary as the estimated risk was calculated to be less than 1 per million. Using the revised, default attenuation factor of 0.03 included in DTSC and SWRCB 2020 draft guidance resulted in an estimated risk within the risk management range (i.e., between 1 and 100 per million). Based on the findings of this risk evaluation using the new draft guidance, TNDC prepared a response action for DTSC's evaluation. In this case, use of updated, draft vapor intrusion guidance is resulting in more stringent guidelines that is even more protective of human health.

With respect to the question regarding the passive venting, emissions such as those from vapor intrusion mitigation systems are regulated by the Bay Area Air Quality Management District (Air District) under Regulation 2 Rule 5. Based on the low concentrations observed at this Site, permitting and treatment of emissions would be exempt under Regulation 2-5-110: Exemption, Low Emission Levels. As part of the development, TNDC will submit an application to the Air District to document this exemption.

We empathize with you and thank you for sharing information about the health problems in the community. We can understand how learning about contamination in the neighborhood could be concerning. DTSC takes the protection of community health seriously. It may be of some comfort to know that off-Site investigations north of Irving Street have found soil vapor concentrations of PCE well below state and federal unacceptable risk level of 1,500  $\mu$ g/m<sup>3</sup>. During the most recent sampling

event in March 2021, the highest concentration was 260  $\mu$ g/m<sup>3</sup> which is similar to the sampling results from the September 2020 event. This provides evidence that the PCE soil vapor plume has remained stable, and that soil vapor from the source area is not migrating significantly.

DTSC does not oversee land use decisions. Instead, we review environmental investigation results and proposed redevelopment plans to ensure that environmental conditions are addressed in a manner that is safe for future occupants. In this instance, DTSC has determined that TNDC's proposed vapor intrusion mitigation system will provide long-term protection for the health of future residents by safely venting any PCE in soil vapor from the below the building foundation, through piping, to discharge above the roofline, where it will naturally dissipate. This will prevent soil vapor from entering the indoor air of the future building.

DTSC uses a variety of methods to cleanup or remediate sites. It is not always feasible to remove the source of contamination, so when we evaluate remedies, we ensure that exposure pathways are managed in order to protect human health. It is common practice to construct buildings with a vapor intrusion mitigation system (VIMS) when soil vapor contamination is present, even at sites where PCE concentrations are much, much greater than those at 2550 Irving Street. VIMS can manage a vapor intrusion pathway even with low-level, residual PCE in soil vapor. DTSC does not have authority to prevent residential use of a site; land use and building permitting is handled at the local City/County level.

However, and to reiterate, at this time DTSC has determined that there is no potential unacceptable risk to nearby off-Site residents and that ongoing monitoring is sufficient. The Police Credit Union has also agreed to voluntarily collect indoor air samples at select homes adjacent to the Site to determine the indoor air quality. These additional data will further our understanding of the conditions in the area and, based on the data received, DTSC will take the appropriate next steps to ensure the health and safety of the community.

## 10. Topic: Environmental Justice Considerations

**Comment 10.1** Thank you for providing a notice of availability of the draft response plan for the above site. I live in the vicinity of 2550 Irving Street and am submitting these comments on the draft response plan for this site.

I have several concerns about the proposed plan:

1. It does not propose any actual removal of PCE found in soil vapor at the site above acceptable levels for a residential use and fails to convincingly justify the alternative selected. 2. It does not take environmental justice considerations into account even though the site is proposed for families seeking affordable housing and will undoubtedly serve minority populations.

 It does not discuss all proposed potential remedial options for the site.
It does not provide a serious proposal for how it will assure that engineered/institutional controls will be maintained and complied with for the life of the project....

Environmental Justice Considerations Overlooked.

The draft response plan does not discuss environmental justice considerations. While the immediate neighbors have a voice, it is not clear whether the proposed future low-income occupants of the site have a voice too. I understand that the housing will be designed for families. The vast majority of persons with the lowest incomes in San Francisco are nonwhite. It is reasonable to presume that the housing at this site will largely serve a minority population with children. If this was a market rate development, would the developer choose to leave all of the contamination at the site with no effort made to clean it up? How does the proposed plan compare to response plans at market rate housing sites? Some discussion is needed in the plan to demonstrate that the draft plan for this site favorably compares to other housing sites with comparable problems. This affordable housing site should not be treated to a less rigorous cleanup than market rate housing sites.

**Comment 10.2** Who thought it was a good idea to put the poorest people in the city on a toxic site? DTSC has got to say that is no longer acceptable in San Francisco, which has done this many times in the past (in Hunter's Point), unless all the toxics are completely removed. There have been so many businesses at this site that have used toxic chemicals, that it would be irresponsible to put humans on top of this site. Eventually, PCE vapor will rise through the cracks, as the building ages, just as it is rising through the cracks in my home's foundation, and hundreds of people will be affected by your decision to allow humans to live here.

**Comment 10.3** My name is Jeanine and I live 2 blocks from 2550 Irving Street. I participated in the DTSC call back in July and I'm extremely unhappy about TNDC's response plan. I feel that it doesn't make any financial and common sense to put in barriers to temporarily block the toxin from getting into the building. It makes more sense to do a thorough cleanup of the toxin so that occupants of the building will not have to worry about future exposure. I think TNDC's response plan is inadequate, and they should come up with better remedies or solutions.

Just because the building is for low-income people, it doesn't mean that their safety and health are not important. We do not want to send a message that Poor People's Lives DO NOT Matter because they do. Please do not approve

TNDC's response plan until both TNDC and the Police Credit Union agree to clean up the site.

Thank you for hearing my concerns and I look forward to hearing from you.

#### **Response:**

DTSC's mission is to protect California's people, communities, and environment from toxic substances including enhancing economic vitality by restoring contaminated land. This Site is being treated no differently from any other contaminated land and is considerably less contaminated than many properties with the same contaminant (PCE) where we provide oversight. DTSC takes environmental justice considerations very seriously and strives to ensure that lower-income communities receive the same level of protection as more affluent communities. DTSC is part of the California Environmental Protection Agency, a state agency that promotes environmental justice to prevent harm and protect California's most vulnerable and environmentally burdened communities. We work to broaden the transparency of DTSC's programs, support precautionary approaches, and challenge existing inequities. DTSC's Environmental Justice program is part of the Office of Environmental Equity, which includes its Public Participation and Tribal Affairs programs.

Vapor intrusion mitigation systems (VIMS), such as the one proposed by TNDC. are frequently used to provide long-term protection from PCE impacts at development sites throughout the San Francisco Bay Area and United States. VIMSs are used at both affordable housing and market rate housing sites and are a proven engineering control method that allows for the safe redevelopment of brownfield sites. It is common for developers to manage soil vapor contamination in place when conditions underground (for example, soil type, concentrations of contaminants, etc.) do not support contaminant removal as an effective alternative, which is the case for the 2550 Irving Street property. Soil removal was evaluated, and it was found to not be as effective as a vapor intrusion mitigation system. This is because soil removal is effective in addressing soil vapor contamination when that contamination is highly concentrated and localized in soil. PCE in soil was found at the 2550 Irving Street Site in only one out of 66 soil samples collected, and this one detection was below associated screening levels. This Site is not suitable for a soil vapor extraction system because of low concentrations of PCE, lack of a significant source on-Site, and the risk of drawing PCE toward the Site from a potential off-Site source area. Under the California Land Reuse and Revitalization Act, the Responsible Party is only required to propose one method to achieve acceptable conditions for future development. This is why there is no in-depth evaluation of all possible alternatives. For a response to maintenance referenced in the

comment above, please see **Topic 11: Long-term Engineering/Institutional Controls** 

## 11. Topic: Long-term Engineering/Institutional Controls

**Comment 11.1** Thank you for providing a notice of availability of the draft response plan for the above site. I live in the vicinity of 2550 Irving Street and am submitting these comments on the draft response plan for this site.

I have several concerns about the proposed plan:

1. It does not propose any actual removal of PCE found in soil vapor at the site above acceptable levels for a residential use and fails to convincingly justify the alternative selected.

2. It does not take environmental justice considerations into account even though the site is proposed for families seeking affordable housing and will undoubtedly serve minority populations.

3. It does not discuss all proposed potential remedial options for the site.

4. It does not provide a serious proposal for how it will assure that

engineered/institutional controls will be maintained and complied with for the life of the project....

Long-Term Use of Engineering/Institutional Controls Needs Further Analysis. The response plan relies on an installed vapor intrusion mitigation system operating effectively for the life of the project. To be effective, it has to be inspected and maintained adequately. The response plan does not discuss how long the building is expected to remain at the site but residential buildings in the immediately adjacent blocks such as on my block are over 100 years old. The cost estimate for the proposed plan only assumes the filing of 24 annual reports of how the system is operating. Will the soil vapor go away after 24 years or will the building be removed? Alternatively, is longer term inspection, maintenance and reporting going to be needed? Does the proposed cost estimate truly include all of the costs associated with inspection, maintenance and reporting for the life of the building at this site? Affordable housing in San Francisco has a history of failed maintenance. Is it realistic to expect that the engineered controls will truly be maintained for the life of the project and funds will be available to pay for the costs of doing so? The long-term maintenance of the engineered solution and the feasibility of assured funding the required institutional controls should be more thoroughly discussed in the plan.

## **Response:**

The draft Response Plan provides a conceptual overview of the proposed remedy and notes that soil vapor conditions and the vapor intrusion mitigation system will continue to be monitored in perpetuity, and that a land use restriction will be recorded for the property. The land use restriction will only allow occupancy at the Site with a fully functional vapor intrusion mitigation system in place. This will allow DTSC to continue to provide oversight for the vapor intrusion mitigation system even if the building's owner changes. DTSC will also require annual inspections and reports to review the effectiveness of the vapor intrusion mitigation system and require that repairs be made, if needed. As the environmental regulatory oversight agency, DTSC has the authority – separate from the City – to ensure that the annual inspection and any maintenance of the vapor intrusion mitigation system be conducted in a timely manner to ensure the long-term protection of future residents.

As part of land use restrictions, DTSC requires that the Responsible Party provide financial assurance. This is a 30-year agreement to cover all costs associated with the long-term operations and maintenance of the remedy in case the Responsible Party fails to meet its obligations due to financial insolvency or other reasons. The agreement and its associated financial assurance instruments are reviewed and adjusted every five years to ensure that there are sufficient funds in reserve to support the ongoing monitoring and maintenance of the system in perpetuity. This way, DTSC can ensure that human health and the environment are protected without placing a burden upon California taxpayers.

For Items 1-3, please refer to **Topic 4 (Concerns Regarding the Adequacy of the Response Plan)** and **Topic 10 (Environmental Justice Considerations)**.

## 12. Topic: Request for Excavation of Contaminants with Underground Parking

Thank you for the opportunity to comment as both a neighbor and a practicing architect for over 40 years. Very briefly, my professional experience has included most building types, including several types of residential buildings and scales up to one million square feet and up to 30 stories at national, international and statewide sites. These sites have involved a variety of subsurface conditions.

The following are my observations, concerns, and recommendations for remediation of soils contamination at this particular site and with this particular building type. Considering the impact on 100% affordable housing residents, and in particular, families with children requires closer attention to "environmental justice".

This project is controversial in many ways, and a positive outcome for the future residents as well as the community depends upon thoughtful and comprehensive toxic remediation, and this should be the imperative. However under SB 35, without the normal rigors of CEQA, most due process has been bypassed. Therefore, I hope you will accept my comments in this light and will calibrate your criteria to focus on broad-based public health and welfare.

Putting teams of design professionals together to collaborate on complicated projects is critical at the onset and this is one of my specialties. Protecting health, safety, and welfare is also part of an architect's standard of care and is a condition of licensing. The State relies on the architectural profession to overall, be objective and exercise professional judgment, particularly when cost is at competing odds with public health and welfare.

The manner in which the 2550 Irving Street project team has been assembled and structured to "divide and conquer" rather than conduct community outreach has been seriously detrimental and inconsistent with this standard. 2550 Irving is in contrast to similarly contaminated parcels within the Sunset District, such as 3601 Lawton Street, which is an example whose proposed response plan has been handled with common sense and a thorough emphasis on public health and welfare. This has not been the case with 2550 Irving Street and is of significant concern.

#### Excavation

TNDC's Draft Response Plan hastily mischaracterized the excavation option as bad. It argues that digging down 15 feet and then replacing the contaminated soil with good soil does not ensure that new soil does not become re-contaminated from adjacent contaminated soil. This however is telling. The backfill decoy highlights the problem of the vicinity being contaminated, blurring a focus on a holistic solution, which is to simultaneously address the adjacent contaminated soil.

Also, placing an unreasonably high \$4 million price tag on the excavation option unsupported by budget estimates appears to be part of the decoy to make their vapor barrier option under the CLRRA seem more reasonable to DTSC; this however ignores closer scrutiny that the vapor barrier option is inherently a solution overly dependent on perfect workmanship. A vapor barrier would be penetrated by literally hundreds of pipes and conduits, all creating pathways for vapors from contaminated, compacted soil below to enter into the new building. It is likely that the same deficiency caused the Police Credit Union to evacuate 75% of its population on or about March 2019. On top of this, the vapor barrier is an expedient way to save costs allowing the deleterious effects to pass onto working class neighbors. Temporarily inert plumes are not forever inert and there are utilities as pathways to consider.

Excavation is considered one of DTSC's presumptive remedies for addressing chlorinated VOCs in the vadose zone and I would recommend not varying from this tried and trusted remedy. Excavation has the added financial and practical benefit to future residents and neighbors of simultaneously creating underground parking. Unfortunately, Path Forward seems to have biased its analysis against excavation of any type. TNDC's plan further obfuscates the presumptive remedy by dividing remediation into three separate projects, when in reality one

comprehensive solution is needed including the context of the site's foundation system.

*Multiple and reliable benefits of underground parking with excavation* This neighborhood already suffers from substantial traffic gridlock with crammed street parking interrupted by curb cuts in front of largely multi-family structures, which is compounded by prohibited parking times for street cleaning 4 times a month. Public transit, while it flanks Irving Street, is substandard and is getting worse.

In the "Blueprint for the Sunset" a needs assessment document authored by the former District Supervisor's Office and assisted by the Planning Department in 2014, a plan was made for SFMTA to have long overdue improvements in place by 2019. Recently, SFMTA pushed back this projection and is now estimating to be ready to begin a study, two years from today. And yet, besides forcing new residents to be dependent on already substandard public transit, it is entirely reasonable to assume many new residents in this 100-unit family building will need cars to get to their places of employment outside the bounds of public transit.

In contrast, the disparity in the City's policy is demonstrated in two other new affordable housing projects in the vicinity: one with 43 and the other 135 apartment units in the Outer Sunset. Each have been recently approved by the City for 24 and 48 <u>underground</u> parking spaces respectively, but in significantly much less congested areas. Why the lack of parity for these new families?

Closer to 2550 Irving Street, there is also <u>underground</u> parking for a circa 1980 four-story housing structure, one block to the east. For other nearby larger prewar apartment buildings, there is on-site parking. But these buildings do not generate the exponential volume of traffic compared to the 2550 Irving Street building, which is 3.3 times more massive. Finally, for a new market rate, 8-unit, 4 story apartment building project proposed by the Police Credit Union directly across the street from 2550 Irving Street at 2513 Irving Street, onsite parking for 9 spaces is planned. What is environmentally just about this disparity?

#### Flawed and inconsistent City policy and the need for practicality

Though the "Blueprint for the Sunset" in 2014 asked the public to seek alternate means of transport across the district, new bike paths, added approximately five years ago, have not shown a reduction of gridlock, but rather have increased traffic congestion particularly during COVID. Nevertheless, the City still maintains that the 2550 Irving Street project is exempt from parking requirements. Allowing only 11 surface onsite spaces at this time is ignoring the fact that a building for 100 families is <u>a much more traffic-intensive project</u> as compared to the previously mentioned affordability projects. Where is the environmental justice in this position?

In consideration of the need for services such as deliveries to families, multiple destinations for families, pickup and drop off for families, family gatherings, existing substandard public transit, trash removal for 100 families at least twice a week and many other family-related activities, it is additionally reasonable to assume, as mentioned before, that some residents will need vehicles. Many of these above mentioned circumstances of congestion are <u>substantially mitigated</u> by underground parking with a dual purpose of a reliable, long-term contamination remediation scenario through excavation.

Underground parking at 2550 Irving Street could provide 40 spaces conservatively, serving the diversity of the families and reducing the expected severe negative traffic impacts. In contrast, the present design for onsite at grade parking for 11 spaces is constrained by parcel dimensions. The minimum parking dimensions also do not allow the spaces at grade to be located farther away from gridlock at 26th Avenue and Irving Street, as argued by the project architect. But if all the parking is underground, the extremely valuable grade level real estate can be put to higher priority, better uses for the families that will live there.

#### Comprehensive plan to improve outcome for residents

On page 15 of the draft Response Plan and as mentioned before, Path Forward suggests that excavation and backfill could lead to soil recontamination due to the presence of offsite soil vapor. But this would not be an issue with permanent excavation and basement walls with requisite waterproofing. Further, these basement walls would also have much, much fewer pipe penetrations with greater, reliable workmanship. Additionally, as a backup system to any vapor intrusion, the code required ventilation of the basement is another layer of added protection. Lastly, all of the pipe penetrations coming through the first floor slab are no longer in contact with contaminated soil. The underground parking would vastly outperform all other options and be a long lasting reliable solution.

Finally, an excavation with conventional lagging and basement wall solution needs to be understood simultaneously and contrasted with the probable <u>grade</u> <u>foundation systems</u> that TNDC is faced with choosing from: a drilled pier system or a very robust, thick mat slab system at grade. Both of these grade systems already require some excavation, adding another trade's means and method involvement and expense. This is not efficient construction planning. Further, the drilled pier system, which requires slightly less excavation, still is going to unpredictably test the 100-year-old, brittle, unreinforced foundations of adjacent residential neighbors (which I have personally visited) to the North, East and West of the site through its inherent unavoidable ground tremors. Permanent excavation would reallocate the estimated \$539,000 backfill cost to the cost of the basement walls and avoid all the unforeseen costs of a slab-on-grade system, and simultaneously solve the contamination issue in a more observable

way. It creates a permanent, reliable, coordinated and comprehensive design solution for these new families and a grateful community.

Please do not hesitate to contact me if I can clarify anything else.

#### **Response:**

DTSC's mission is to protect California's people, communities and environment from toxic substances including enhancing economic vitality by restoring contaminated land. We do not determine land use plans, nor do we have the authority to require a developer to change its future land use plans such as requiring underground parking. Rather, we ensure that the appropriate measures are taken to address environmental contamination at a property in a manner that provides long-term protection for future site users in accordance with the proposed land use plans for the site. Since underground parking is not being proposed for the 2550 Irving Street property, DTSC concurs with the Draft Response Plan to not proceed with a soil removal option that includes underground parking.

As part of our review of the proposed alternatives in the Response Plan, DTSC concurred with TNDC's determination that soil removal is not the preferred remedial alternative for this Site. This is because PCE was detected in only one out of 66 soil samples collected and well below screening levels. Soil removal is most effective under circumstances where contamination is highly concentrated and localized in soil, which is not the case at this Site. As such, DTSC concurred that a vapor intrusion mitigation system will provide long-term protection of future residents by preventing soil vapor from entering the indoor air of the proposed building. To ensure the workmanship of the sub-slab venting system and vapor barrier will be high guality and effective, DTSC's engineering unit will review the proposed technical design of the vapor intrusion mitigation system and will not approve for the system to be constructed until it concurs that the plans will be effective. After construction, DTSC will also require that tests, such as smoke testing and pre-occupancy indoor air sampling, be conducted to ensure the system has been installed and is operating as designed before allowing residential occupancy of the building. Finally, DTSC will require ongoing monitoring and maintenance of the system through semiannual indoor air and sub-slab soil vapor sampling and annual inspections. Further details on the maintenance and repairs required for the VIMS are explained in greater detail in the Response Plan.

With regards to concerns around a more holistic approach, DTSC is bound by the regulatory agreements established with the Responsible Parties. As such, TNDC is under a CLRRA agreement where TNDC is statutorily only responsible for addressing on-Site contamination to allow for future residential use at the Site. The Draft Response Plan as prepared will provide that level of long-term protection for future residents. However, DTSC is also overseeing the investigation and any potential remediation associated with off-Site impacts to the north of Irving Street that The Police Credit Union is responsible for, and to the south of Irving Street which the owners of the former Albrite Cleaners are responsible for. To ensure a holistic, integrated approach, the same DTSC project manager and support staff will direct work, review data and approve reports associated with those projects to ensure the protection of the larger community. To be clear, the separation of on- and off-Site impacts was not done by or at TNDC's request but reflects the environmental regulations that are currently in place to help restore contaminated land.

It is important to note that The Police Credit Union employees did not vacate the majority of the building in 2019 as a result of the PCE contamination, as stated in comments above. Rather, The Police Credit Union moved a majority of its operations to a new location, and then evaluated selling this property, which led to the discovery of the PCE contamination, and ultimately the work DTSC is now doing to address PCE in soil vapor for future Site residents, and the surrounding community.

In regard to the differences between the DTSC 2550 Irving Street Affordable Housing Development Site and the referenced San Francisco Regional Water Quality Control Board (SFRWQCB) 76 Gas Station site located at 3601 Lawton Street, San Francisco (76 Gas Station), DTSC has performed its oversight in full compliance with the Health and Safety Code Chapter 6.82 §25395.60 -25395.109. The 76 Gas Station site has various innate differences compared to the 2550 Irving Street site such as: historical site use and related contaminants, impacted media (soil, groundwater, and soil vapor vs. solely soil vapor at TNDC), and proposed response actions. The primary contaminants of concern for the 76 Gas Station site are related to petroleum hydrocarbons, including total petroleum hydrocarbons (TPH)-diesel (TPHd), TPH gasoline (TPHg), methyl tert-butyl ether (MTBE), benzene, toluene, ethylbenzene, xylenes, and lead. Based on reports available on the RWQCB's public website, GeoTracker, the media impacted at the 76 Gas Station are soil, groundwater, and soil vapor. The primary contaminant concern with the 2550 Irving Street site, PCE, is associated with the former clothing cleaner, and has impacted only the soil vapor media at the Site. The 76 Gas Station site was closed by the SFRWQCB in 2014 following a remedial soil excavation. However, on November 14, 2019, the San Francisco Watershed Protection Alliance issued Appeal No.: 20-053 at 3601 Lawton Street stating that leaking underground storage tanks and unmitigated contaminated soil and groundwater are located at the proposed development site at 3601 Lawton Street. Environmental investigations confirmed that a largely uncharacterized plume of contaminants exists beneath the site and adjacent properties. The San Francisco Planning Commission approved plans for a proposed development at the site without conducting additional investigations and no response actions are proposed for the development. In comparison,

DTSC is currently providing oversight for the proposed 2550 Irving Street development, which includes a DTSC-approved response action, and continuing to evaluate impacts to the properties outside of the 2550 Irving Street parcel.

In Topic 2 above, DTSC mentioned a site under DTSC oversight where a vapor intrusion mitigation system was implemented as a response action to PCE concentrations 1000 times greater than what are present at the 2550 Irving Street Affordable Housing Development Site. Hotel Abri is a 3-star hotel located in the Tenderloin neighborhood of San Francisco. A Phase I Environmental Site Assessment (ESA) Report was prepared for the property in 2018 and concluded that various types of cleaners, including dry cleaners, operated at a portion of the site from 1915 to 1983. An environmental investigation occurred on site following the Phase I ESA and found PCE in soil and soil vapor within the sandy lithology beneath the site. Groundwater was not encountered during the investigation at the site. PCE concentrations in soil ranged from 0.0695 to 11.1 milligrams per kilogram (mg/kg), exceeding the DTSC commercial/industrial soil screening level of 2.77 mg/kg. Soil vapor samples collected showed PCE concentrations ranging from 910,000 to 170,000,000 micrograms per cubic meter ( $\mu$ g/m<sup>3</sup>), exceeding the DTSC-recommended commercial/industrial soil vapor screening level of 67  $\mu$ g/m<sup>3</sup>. Indoor air samples were collected from within the site and PCE concentrations ranged from 24 to 295 µg/m<sup>3</sup> exceeding the DTSC indoor air screening level of 2.0 µg/m<sup>3</sup>. Mitigation measures were evaluated, and a subslab depressurization system (SSDS) was selected to protect the occupants of Hotel Abri. The SSDS includes piping installed within various points in the foundation of the building, situated at the surface of the soil column. These points were connected to a pump to apply negative pressure, drew vapor beneath the building into vapor treatment vessels, and discharged vapors above the building's roofline. While the proposed mitigation system at the 2550 Irving Street Site is similar to the Hotel Abri SSDS, the 2550 Irving system is not expected to employ active, mechanical venting due to the comparatively low PCE concentrations at the Site. The system is designed to be convertible to active, mechanical venting as a contingency, if on-Site, post-construction monitoring results exceed remedial action objectives discussed in the Response Plan.

Finally, environmental justice considerations are core to DTSC's mission. We hold this project to the same environmental standards we would hold any oversight project, whether for an affordable housing development, or for market-rate development. Vapor intrusion mitigation systems (VIMS) are a common and proven method used throughout the Bay Area and United States and this VIMS will provide long-term protection of health and safety for future on-Site residents. One example of a VIMS overseen by DTSC in San Francisco is 1598 Bay Street (www.1598bay.com), which is a high-end residential property. The EnviroStor link to 1598 Bay Street is as follows, for public reference: https://www.envirostor.dtsc.ca.gov/public/profile report?global id=60002282.

In regard to community outreach, DTSC is committed to tailoring community engagement efforts to community interest. As such, we have gone beyond the requirements set forth by the California Land Reuse and Revitalization Act. Examples of community outreach that we have conducted include: mailout of Community Letter and Survey prior to public comment period, briefings with neighborhood groups, interviews with interested individuals, Community Update mailed to the neighborhood to announce public comment period, Public Notice in SF Chronicle and Sing Tao, public meeting during comment period, and ongoing communications between project manager and interested community members, and elected officials. We are open to suggestions from the community for additional community outreach and will continue to provide updates on continued investigations in the area.

## 10. Topic: Mid-Sunset Neighborhood Association Comments

The Mid-Sunset Neighborhood Association (MSNA) calls on the Department of Toxic Substances Control (DTSC) to reject the Tenderloin Neighborhood Development Corporation's (TNDC) draft Response Plan as faulty and inadequate in large part because it fails to address our community's health and safety concerns.

The MSNA is an organization of over 170 individuals and families many of whom live in the immediate vicinity to the 2500 block of Irving Street. This is the area where a series of environmental assessments have found tetrachloroethene (PCE) contamination in soil gas at levels that are an unreasonable risk to our health. Long-term residents have been unknowingly exposed to PCE for decades—likely at higher levels than exist today. They live in houses with old foundations that are particularly susceptible to the PCE vapor intrusion from the subsurface.

PCE exposure is likely to increase the risk of Parkinson's disease, birth defects, and multiple forms of cancer. The CDC reports, "Studies in humans suggest that exposure to tetrachloroethylene might lead to a higher risk of getting bladder cancer, multiple myeloma, or non-Hodgkin's lymphoma. In animals, tetrachloroethylene has been shown to cause cancers of the liver, kidney, and blood system." <sup>1</sup>

Rather than accepting the TNDC draft Response Plan as is, we, the neighbors, want the PCE cleaned up. The need for the timely construction of affordable housing should not override the requirement that future residents not be at an unacceptable risk from the contamination. In fact, construction without remediation would be environmental injustice.

Working with expert advisors<sup>2</sup>, MSNA has identified five major areas of concern that must be further investigated and resolved before an effective response plan

can be evaluated. In the following comments we will also outline four different solutions requiring evaluation that will protect both the current community and the future residents of the 2550 Irving Street affordable housing building in ways the draft Response Plan's recommended "band aid" solution does not. These alternatives are more technically effective and would reduce risk for all affected parties. Some of these alternatives are less expensive than the alternatives evaluated in the draft Response Plan.

The Irving Street PCE contamination is not isolated. It is part of at least two soil gas plumes related to historic dry cleaner operations and leaky city sewer lines that have been identified and are now co-mingled beneath Irving Street. The plumes have spread into the neighborhood in all directions – most concerningly to the north and south into single-family residential areas – and they are not stable based on the most recent data. The PCE plumes—which have not yet been fully mapped to DTSC's own residential screening levels—exist beneath numerous homes presenting a clear and unacceptable risk to their occupants.

The MSNA's major areas of concern are:

## 1) Incomplete site modeling and community safety:

Sewer line-related leaks and associated hotspots have not yet been identified. These are referenced in the draft Response Plan as potential PCE sources. Adequate characterization might need to wait until after demolition to complete this investigation. We argue that the long-term safety of the neighborhood depends on having confidence there is an accurate model of PCE sources, pathways, and receptors. The draft Response Plan does nothing to address the safety of the current community and will likely hinder efforts to do this by ignoring it now.

## 2) Faulty risk assessment and incomplete data:

Path Forward consistently downplays health risks to the future affordable housing residents and essentially ignores the risk to the surrounding community, some of whom have been exposed to PCE vapors for decades. Risk underestimation can be seen in Path Forward's use of a misleading attenuation factor as well as in their callous "acceptable risk" assumption that asks the future low-income residents to accept a 100 times greater cancer risk. Accepting more risk for low-income people is all too frequent a pattern. This assertion that future vapor intrusion risk will be acceptable is being used to justify TNDC proposing mitigation instead of permanent remediation, as called for in DTSC guidance documents.

In addition, Path Forward seems unconcerned or unaware that new data will be forthcoming over the next year from an off-site PCE vapor intrusion investigation

that will begin in September 2021. The Police Credit Union (TPCU) off-site investigation is directly related to remaining on-site sources; indoor air testing is planned but not yet conducted. This important data and vapor intrusion evaluation won't be fully available for another year. This is one of the reasons why coordination of multiple responsible parties (including the city) is important. The California Land Reuse and Revitalization Act (CLRRA) agreement calls for a health risk assessment (HRA) and allows for TNDC, TPCU and City of San Francisco (City) to come together and do the right thing under DTSC guidance and conduct an actual cleanup.

# 3) The PCE soil gas plumes must be delineated to protect the community's health.

To date, the full extent of the PCE plumes is unknown. The Irving Street PCE soil gas plumes need further delineation in all directions to DTSC's own stated residential screening levels. There should be a unified conceptual site model that shows the sources, pathways and receptors for the combined sites.

# 4) Insufficient and unfunded cost estimates for the Vapor Intrusion Mitigation System and O&M Plan.

It is difficult to discern how both the VIMS and the ongoing 30-year O&M plan are going to be financed. While the draft Response Plan includes an O&M plan, it is important to note there is insufficient detail in the Plan to know how this will be funded and monitored over time. The same is true for the VIMS—the Plan contains no cost detail for VIMS installation. There is no contingency cost estimate in the event the VIMS system needs to be converted to an active system. One of the weaknesses of this part of the draft Response Plan is that there are no financial bonds or assurances in place—especially for the on-going yearly costs.

# 5) The draft Response Plan ignores the most applicable cleanup alternatives.

For a site like 2550 Irving Street, with the known amount of contamination and potential risk, DTSC's *Supplemental Guidance for Screening and Evaluating Vapor Intrusion* states that "remediation should be the preferred response action to reduce VI risk by permanent reduction of contaminants. Mitigation is considered an interim response action until VFCs in soil, soil gas, or groundwater are confirmed to be at acceptable levels." <sup>3</sup> The Path Forward remedial alternative evaluation is an incomplete and faulty analysis because they omitted the clear presumptive remedy (Soil Vapor Extraction or SVE.<sup>4</sup>

Additionally Path Forward rejected a soil removal alternative on the basis of expense, but entirely missed how it could be a cost effective and better alternative than mitigation. Removing contaminated soil for an underground parking garage/foundation could solve many of the ongoing contentious issues around this building, e.g., neighborhood traffic congestion, pedestrian safety, residential parking, and negative effects of a grade-level foundation on the neighbor's brittle 100-year old foundations.

The MSNA has identified the following alternatives that require consideration by Path Forward and TNDC that are actual cleanup solutions to remediate the PCE and address the concerns of the existing community:

- Soil Vapor Extraction before demolition
- Soil Vapor Extraction after demolition
- Excavation targeted to remove hot spot source material
- Excavation full soil removal with potential parking component

The attached *Draft Response Plan Addendum* dated August 3, 2021, prepared by Environmental Risk Solutions, Inc. (ERS), signed and stamped by a California Professional Geologist, highlights the faulty alternative evaluation by Path Forward and omission of the SVE technology. The Addendum is supported by cost detail from RMD Environmental Solutions, which is prepared to implement the SVE technology at a lower cost than the TNDC mitigation approach with its potential future hidden contingency costs and unfunded O&M costs as highlighted above. The ERS Addendum also calls into question Path Forward's evaluation of the soil excavation alternative, thus supporting the MSNA's position on inadequate alternative evaluation.

Our experts have also prepared the attached technical comments that support and add detail to the MSNA's statements and positions outline above.

While our comments in this document have been focused on the narrow scope of the TNDC/Path Forward *Draft Response Plan*, they also demonstrate the need for a more holistic way to address the problem of the carcinogenic PCE contamination in our neighborhood. We ask DTSC to coordinate TNDC's investigation and remediation with any investigation and remediation conducted by the other responsible parties including TPCU and the City. The CLRRA agreement may have some protections, but the individual goals of the responsible parties cannot allow community concerns to slip through the cracks— like the PCE vapors may be slipping up through the cracks of our 100-year old foundations and into our homes. That would include full delineation of the soil gas plume, identification of all sources of PCE, and implementation of an SVE or soil removal alternative. To be clear, the only responsible party for the PCE contamination north of Irving Street at this time is TPCU – this is the case until the property is transferred. The MSNA insists that the property transaction

be put on hold until TPCU and TNDC come together and prepare an actual cleanup plan that is acceptable to all parties. DTSC has the power to do that and it is written into the Board of Supervisors' loan agreement as an amendment that Supervisor Mar made to that agreement.

The MSNA is deeply appreciative of this comment period at a time when we know there is intense pressure by the City, its agencies and the developer to rush past these environmental issues so that financing for this project can speed ahead. This was recently highlighted by the Mayor's Office of Housing and Community Development's (MOHCD's) Amy Chan in her answer to Supervisor Mar when he asked at a San Francisco Board of Supervisors (BOS) meeting why it was necessary to approve the TNDC predevelopment loan before the DTSC comment period is complete. In response, Ms. Chan said they wanted to act quickly because there was a purchasing agreement deadline in August, the BOS was soon going on vacation, and MOHCD didn't feel they needed to wait for the DTSC comment period because:

"We don't believe that there would be any new information coming from DTSC. As Jacob [Noonan of MOHCD] has mentioned the *Draft Response Plan* has already been reviewed and preliminarily approved. And there won't be any new information coming from that process, which will conclude in mid-August."<sup>5</sup>

Ms. Chan is wrong to assume this and we would expect you to concur. A draft plan is a draft plan. The comment period is a chance to evaluate new information. We ask DTSC to see the long-range picture, use a wider focus and to look carefully at the faults and omissions in TNDC's *Draft Response Plan*. The MSNA's concerns are justified and must be addressed before any approval to this plan is given. Our community's concerns have been ignored by this faulty plan that should be designed to protect all people who live in the neighborhood now and in the future. We thank you for your consideration and look forward to engaging with you in a discussion around these issues.

#### **Response:**

Thank you for your thorough review and comments on the Draft Response Plan for the 2550 Irving Street property (Site). After a review of the comments and supplemental documents provided, DTSC has determined that the vapor intrusion mitigation system, or VIMS, is still the appropriate and preferred remedy for the Site. The following points summarize DTSC's reasoning and responses to the comments provided in your letter.

1) DTSC is providing oversight for three separate projects associated with PCE contamination both at 2550 Irving and in the larger neighborhood. We are committed to ensuring the short- and long-term protection of public health as it

relates to this contamination. We believe that the Site has been adequately characterized, and that sufficient investigation has been done to move forward with the response action. We will continue to work towards monitoring the areas north and south of Irving and are committed to adequate characterization of those areas. We are committed to working with you to ensure the long-term safety of the neighborhood. Going forward with the remediation for the Site will not hinder efforts to characterize PCE sources, exposure pathways, and risks to receptors.

DTSC must follow environmental regulations set forth by USEPA and DTSC that establish agreements with the parties responsible for addressing the contamination. Under CLRRA statute, TNDC, as the developer of future housing at the Site, is responsible for only the on-Site contamination. The CLRRA framework encourages the revitalization of contaminated properties across California by providing liability protection to innocent and prospective landowners. Under CLRRA, TNDC is responsible for conducting an environmental assessment and developing a response action only for the Site, which allows for safe redevelopment of the property under the proposed future land use.

2) As the draft Response Plan focuses on risks to future residents, as discussed above, the Response Plan does not address the surrounding community. consistent with the CLRRA statute. Comments from the Mid-Sunset Neighborhood Association, including those by their consultants, suggest that the risk evaluation allows for higher level of risk for the future occupants of the building than would be considered under a different land use. This is not correct; the objective of the Draft Response Plan is to reduce the vapor intrusion risk to building occupants to less than 1 per million incremental lifetime cancer risk (Section 5.3, Remedial Goals), independent of the financial status of the occupants. The risk evaluation was performed in accordance with guidance by the United States Environmental Protection Agency (USEPA), Department of Toxic Substances Control (DTSC), and the State Water Resources Control Board (SWRCB) (USEPA 1989, USEPA 1991, DTSC 2011, DTSC and SWRCB) 2020). The potential vapor intrusion risk associated with Site soil gas conditions was assessed using both historical and current recommended attenuation factors (DTSC 2011 and DTSC and SWRCB 2020). Using the DTSC 2011 default screening attenuation factor of 0.001 resulted in the evaluation that remediation was not necessary as the estimated risk was calculated to be less than 1 per million. Using the revised default attenuation factor included in DTSC and SWRCB 2020 draft guidance resulted in an estimated risk within the riskmanagement range (i.e., between 1 and 100 per million). It is noted that this risk evaluation was performed for future building users in the absence of any

response action, to determine if action was necessary. Based on the findings of this evaluation using the new draft guidance, the Draft Response Plan recommended that a response action be performed to ensure the protection of the building users (i.e., to mitigate the vapor intrusion risk to less than 1 per million). Following implementation of the mitigation measure, the building will be protective for all receptors including potential ground floor residents and/or daycare that may be included in the building design. We concur that it is critical that there is coordination of the multiple responsible parties, including the City, and are committed to doing so and keeping the neighborhood informed as well.

3) We concur that the PCE in soil vapor needs to continue to be evaluated to protect the community's health. We will provide ongoing oversight for this work, but as stated above, this work is not part of the Draft Response Plan for this Site. We concur that there should be a unified conceptual site model for this area of the neighborhood that shows the sources, pathways and receptors for the combined sites; again, this will not be part of the Draft Response Plan for this Site and will be pursued as a separate effort. Off-Site investigations will be performed by TPCU and others, as necessary, to refine the delineation of PCE impacts north and south of Irving Street. DTSC will continue to keep you informed of our progress on this effort.

Several rounds of investigation have been performed by both AllWest and Path Forward to adequately characterize PCE impacts to on-Site soil, groundwater, and soil gas. Based on the findings of these investigations, a significant source of PCE was not identified on Site, and the results of the soil gas sampling suggest a significant source is not present. The MSNA's experts opined that a surface release may have occurred and refer to location SVP-20A/B, which is located off Site, to the south. Samples collected on Site generally indicated similar PCE concentrations between the 5- and 15-foot-deep sample interval, suggesting that Site conditions represent diffuse migration from an off-Site source, rather than a source associated with a localized surface spill or release from on-Site sewer lines. It is noted that during redevelopment of the property, the on-Site utilities will be replaced to service the new building. Utility seals are also proposed on-Site in the Draft Response Plan to prevent migration from potential off-Site source via new sewer laterals, storm drains, or other new underground utilities.

4) While not specifically stated in the Draft Response Plan, a Financial Assurance mechanism is required for the Site. Proponents working with the DTSC under voluntary agreements, such as CLRRA, are required by statute and regulation to provide adequate financial resources to pay for the long-term operation of certain types of cleanup systems. These financial resources, and the associated legal instrument controlling the financial resources, are known as financial assurance mechanisms. These mechanisms ensure that financial resources are available for DTSC to take over the management and stewardship of a cleanup, in case a Proponent fails to meet its obligations due to financial insolvency or other reasons. Through use of financial assurance, DTSC can ensure that human health and the environment are protected without placing a burden upon California taxpayers. DTSC reviews and approves the Proponent's financial assurance estimates for each particular project. The estimate must include costs associated with managing, operating, inspecting, and maintaining long-term systems, including Land Use Covenants, for a minimum of 30 years and/or until the remedial goals are met, as described in the cleanup plan and in coordination with the Responsible Party's technical team and DTSC staff.

5) Certain Proponents are exempt from Financial Assurance under Health and Safety Code 25355.2(c)(4):

"(c) The department or the regional board shall waive the financial assurance required by subdivision (a) if the department or the regional board makes one of the following determinations:

(4) The responsible party is a federal, state, or local government entity." However, TNDC is not exempt from Financial Assurance and would be required to comply with this regulation until DTSC determines that cleanup is completed, and the system is no longer required for the protection of human health and the environment. As a matter of practice, long-term cleanup systems are reviewed by DTSC every five years to confirm continuing protectiveness of human health.

6) Under CLRRA, the Responsible Party is only required to propose one method to achieve acceptable conditions for future development. This is why there is no indepth evaluation of all possible alternatives. However, TNDC voluntarily evaluated soil removal as an alternative, even though it was determined that soil contamination was minimal. Based on this evaluation, DTSC concurs with the findings that soil removal is not an effective remedy for this Site. The MSNA states that including a vapor intrusion mitigation system (VIMS) beneath the building is not a permanent and/or appropriate remedy. Based on the concentrations observed, utilizing a VIMS was found to be an appropriate alternative for implementation at the Site to protect the future on-Site residents. Mitigation is a commonly employed approach by the DTSC, is consistent with current guidance (DTSC and SWRCB 2020), is used on sites with significantly higher potential risk that at this Site, and the selection of this particular mitigation is independent of the financial status of the occupants.

While SVE systems success are partially based on the geology, the nature and

extent of the contamination and the design and implementation of the system have a greater influence on successful implementation. Based on results of sampling performed to date, the observed concentrations do not suggest a significant source of PCE to soil gas is present on-Site that would warrant operation of a SVE system. The system, as conceptually designed by Environmental Risk Solutions, is unlikely to successfully remediate soil gas concentrations within the proposed timeframe and has the potential to exacerbate soil gas concentrations on Site and off Site. As a source of PCE in soil gas, including the highest observed PCE concentrations in soil gas, is located off Site to the South, on-Site operation of an SVE system has the potential to induce northward migration of a more concentrated soil gas plume onto the Site, and toward some off-Site residences.

Soil removal is an effective way to address PCE in soil vapor in circumstances where the contamination is concentrated and localized in soil. Based on the concentrations of soil vapor observed, it is highly unlikely that significant sources of soil contamination are present on-Site. Of all the soil samples collected on-Site, only one was found to contain PCE. That one PCE detection was at a concentration well below applicable screening levels. While cost was a factor that was evaluated for both options, ensuring the long-term health and safety of future residents from current and potential future impacts is one of the primary criteria of DTSC's remedy evaluation process. DTSC has determined that the VIMS better met selection criteria than did soil excavation. It appears that MSNA's experts agree with the position that it is unlikely that there are significant sources of soil contamination on Site, as they state:

"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."

By virtue of the Site's location and historical uses, the project is required to comply with San Francisco Health Code Article 22A, known as the Maher Ordinance. The Maher Ordinance defines a process for characterization and mitigation of soil and groundwater contamination, for the protection of public health and safety during and after Site redevelopment. The City of San Francisco has deferred the oversight of mitigation measures for the contaminants onsite to the DTSC. Historical investigations and DTSC oversight related to historical Site use would likely satisfy the Maher requirements and further testing and mitigation beyond the DTSC requirements discussed in the Response Plan is unlikely to be

required by the SFDPH. While the Site is exempt from San Francisco Health Code Article 22B, the San Francisco Dust Ordinance, due to parcel size being less than one acre, as a conservative measure the Tenderloin Neighborhood Development Corporation (TNDC) will prepare a Site Management Plan which will include dust control and monitoring measures during construction activities.

#### <u>References</u>

DTSC. 2011. Guidance for The Evaluation and Mitigation of Subsurface Vapor Intrusion to Indoor Air (Vapor Intrusion Guidance).

DTSC and SWRCB. 2020. Supplemental Guidance: Screening and Evaluating Vapor Intrusion. Public Draft. February.

USEPA. 1989. Risk Assessment Guidance for Superfund Volume I: Human Health Evaluation Manual (Part A). Interim Final. Office of Emergency and Remedial Response. December.

USEPA. 1991. Risk Assessment Guidance for Superfund. Volume I: Human Health Evaluation Manual (Part B, Development of Risk-based Preliminary Remediation Goals). Interim. Office of Emergency and Remedial Response. EPA/540/R-92/003. December.

#### 11. Topic: Other

**Comment 11.1** [Mr Machado], your name is given as the contact person concerning the decision of whether to clean up the site at 2550 Irving St San Francisco, or to cover it with a barrier for 30 years and then clean it up.

Are you working on such a decision? Have you formulated a plan yet?

In my view, a prompt cleanup would seem to be desirable since the polluter was evidently a known dry cleaner who elected to leak toxic tetrachloroethylene into the soil, and who is obligated to clean it up.

Hoping to hear of your decision and decision process.

**Response:** Thank you for your interest in this site and perspective. Yes, DTSC is providing regulatory oversight at 2550 Irving Street in San Francisco. There are two Proponents associated with the 2550 Irving Street property: The Police Credit Union and TNDC. Under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) the current landowner during the time of the discovered release is responsible for the contamination originating on-Site and its extent off-Site. TPCU, as the current landowner, is responsible for the impacts of PCE off-Site and has been monitoring soil vapor adjacent to residences north of Irving Street. TNDC on the other hand, has entered into a

California Land Reuse and Revitalization Act (CLRRA) agreement which grants the prospective purchaser immunity to any off-Site responsibilities to contamination originating on-Site. TNDC, however, is still responsible for contamination on-Site and any response actions necessary to protect future on-Site users (residents).

TNDC has submitted a draft Response Plan that proposes to install a vapor intrusion mitigation system underneath the foundation of the proposed building which will prevent PCE from entering indoor air of the new building. DTSC has reviewed and provided comments, which have been incorporated into the current version of the draft Response Plan that can be found here: https://www.envirostor.dtsc.ca.gov/public/community\_involvement/4489225089/D RAFT%20Response%20plan\_051121.pdf

DTSC has determined that a vapor intrusion mitigation system provides effective long-term protection of the health of future residents as required under CLRRA. We will be working with The Police Credit Union and neighboring Responsible Party, former Albrite Cleaners, to address PCE contamination in off-Site areas. For both of these sites we are currently working to collect additional data and with that information will work with both parties to determine appropriate actions to ensure the long-term protection of the health of neighboring residents. We will share additional information with the community as we learn more.

**Comment 11.2** Personally, I think that references to killings and death by laborers with little construction jobs at my neighbors' homes preceding this large construction job down at 2550 Irving St. might only be a peculiar coincidence. And considering the torment my family went through at the same time (please refer to the enclosures), it is probably all just a very peculiar coincidence.

Never mind that one neighbor put up stairs in his backyard up to his second story that go right up just a few feet from my daughter's bedroom window and that atop the Cyclone fence partitioning our backyards, where the ends of the wires turn and hook down so there aren't any pointy tips, in several spots those wires are undone, in two instances right beneath the added stairs in the backyard and in a third instance right above two 12x1 boards that are stacked width-wise and braced with a 2x4 to make what would otherwise be a 6-foot Cyclone fence a 4-foot Cyclone fence; or another neighbor that added a room and raised his backyard several feet such that people from the room or backyard can look right into my bedroom and through a walk-through closet and into the bathroom where I brush my teeth; or another neighbor that extended his home in the backyard and added stairs that see into my bedroom and that of my daughter's bedroom; or another neighbor Robert that had a laborer that I could hear through an open window scraping away at something on the roof near my light well, even though the laborer parked two doors down at Ricky the plumber's house. It was a nice

sunny day and when I ran the faucet, I heard the scraping immediately stop. I turned off the water and listened to the silence in silence for a long time.

**Response:** We are sorry to hear about the disruptions to your home life. DTSC will provide oversight during the construction of the vapor intrusion mitigation system to ensure that it is constructed safely and to standards that will allow for the long-term protection of human health and the environment. However, we do not have oversight for the development itself.

**Comment 11.3** FYI, I mentioned in my PCE mitigation plan by TNDC that we have a 76-year old oncology patient who is at high risk. This email is serve as supporting documentation that we indeed have someone immunocompromised and high risk living next to 2550 Irving St, SF.

FYI, yesterday (6/12/2021, 11:30-13:00) I attended the shadow study presentation (of proposed 7-story building at 2550 Irving Street, SF) at the Church located at 1370 19th Ave, SF. I raised the question of home-bound highrisk hematological oncology patient (my mom- in-law) who needs sunshine for her health, since the simulation shows 3 seasons out of 4 seasons per year, my house is completely covered by the proposed building's shadow. The Pyatok architect Adrean said perhaps they can offer my mom-in-law the right to use their yard as a compensation, and everyone else was booing her. Obviously, that is not an acceptable solution for us.

Our family members all think high-risk patient's lives matter. Please put this on your file.

**Response:** We empathize with your concerns about the effect of the proposed building on your home and how it will affect your mother-in-law. DTSC does not have the authority to require changes in the building plans to address height and shadow concerns. We will pass this on to TNDC for consideration.

**Comment 11.4** The subject Plan's proposed responses may also harm the property values etc. of nearby buildings and housing. I wonder if sellers of these properties will have to put covenants in their sales agreements besides informing potential buyers of their perc situation. I believe they will have to declare in the Natural Hazardous Disclosure (NHD) when they list their properties for sale that their property and/or nearby properties are contaminated. Also, will there be a reserve fund if it proves necessary for neighbors to do some sort of remediation as a result of perc intrusion?

**Response:** Properties that have contamination above screening levels that remains in place require Land Use Covenants to be recorded with the County, as is the case for 2550 Irving. Tenants signing leases would also need to be notified in writing through a disclosure by the property owner/leasing agent. DTSC will require that the Responsible Parties cover the cost of any remediation activities

associated with PCE contamination in the neighborhood. TNDC will be responsible for on-Site impacts, The Police Credit Union is responsible for off-Site impacts north of Irving Street, and the owners of the former Albrite Cleaners are responsible for impacts south of Irving Street.

With regards to covenants in sales agreements or other forms of disclosures associated with the sale of a property, the Natural Hazard Disclosure (NHD) applies to properties within a natural hazard zone, unrelated to man-made pollutants such as PCE. Natural hazards include earthquakes, tornados, wildfires, hurricanes, etc. It is likely earthquakes were included in a NHD report, however DTSC recommends consulting with a real estate agent on the appropriate disclosure that would be required to include to the NHD.

**Comment 11.5** After all is said and done, I would appreciate it very much if you could furnish us the names of the person/s who approve of this project, what department they are working for and the name/s of their department head/s. We in the community want proper accountability of this project.

## **Response:**

DTSC is only involved in the environmental oversight of the 2550 Irving Street project and not the development efforts. DTSC has a thorough review process for all draft remediation plans including this Response Plan. This plan was reviewed by the following individuals:

- Arthur Machado/DTSC Project Manager, Berkeley Office
- Whitney Smith/DTSC Unit Supervisor, Berkeley Office
- Julie Pettijohn/DTSC Branch Chief, Berkeley Office

#### **Response Plan – Questions/Comments Received During the Public Meeting**

#### 1. Commenter: Anonymous Attendee

**Comment 1.1** Would the DTSC have initiated indoor testing if the community had not demanded it? Why was this not done earlier in the assessment process?

**Response:** DTSC became involved in mid-2020 after signing a voluntary cleanup agreement with the Police Credit Union which is responsible for any offsite impacts north of Irving Street. DTSC first collected soil vapor samples to better understand the extent of the current soil vapor plume and what the concentrations are off-Site. We also requested that the Credit Union do the first and second soil vapor monitoring sampling events, one in September 2020 and one in March 2021. The March 2021 report was provided to DTSC in May. Based on the concentrations, DTSC did not see potential unacceptable or imminent risk, so indoor air testing was not warranted immediately. Instead, we needed to collect data to establish a baseline to then come up with a plan on what's the next step in evaluating the area. At the same time, there was a lot of community interest and community push, and DTSC in discussions with the Credit Union both decided to then do indoor air sampling because that additional data will help us evaluate if vapor intrusion is occurring.

## 2. Commenter: Anonymous Attendee

**Comment 2.1** Would you please explain how construction at the site will impact the PCE vapors?

**Response:** What DTSC has noticed is that construction typically helps reduce concentrations of soil vapor contaminants because you give the contaminants a pathway to the atmosphere where they naturally attenuate and dissipate.

Based on the low concentrations observed, there does not appear to be high enough concentrations to create an outdoor air concern during construction. Although not required by DTSC and/or San Francisco Building Code and San Francisco Health Code (SFHC), Article 22B, TNDC has voluntarily offered to prepare a Dust Control Plan that includes a perimeter air monitoring program that will be submitted to the San Francisco Department of Health and DTSC prior to starting construction. This Dust Control Plan will lay out details of how they will monitor air for airborne dust and volatile organic compounds during construction to ensure the protection of the surrounding community. This will include stringent, health protective action levels and if these levels are exceeded, prescribed additional measures to be implemented to decrease concentrations to acceptable levels.

From what we understand, the construction will not increase concentrations or pose more of a risk for the community. Again, we'd actually expect it to actually lessen the concentrations on-Site and since our understanding is the site is one of the source areas in the Irving Street vicinity, that would also better the impact to the outside.

## 3. Commenter: Chuck Kwan

**Comment 3.1** Are you just going to be air sampling and analyzing for PCE or other chemicals as well?

**Response:** When the Credit Union was first investigating the property in 2019/2020, they did the full suite of analysis for TO-15, which is the analysis for the majority of contaminants in the environment that are detectable, and from

there, PCE was the only contaminant concern identified. Everything else was not detected or detected below screening criteria, so now our analysis is focused on PCE and its breakdown products: TCE, cis-/trans-DCE, and vinyl chloride. That is the suite of analyses that we've narrowed it down to since PCE is the only contaminant of concern related to the Site.

**Comment 3.2** Have you done any health surveys, around the Site, of people to see if they've had health effects that could be associated with PCE exposures?

**Response:** It is not in DTSC's jurisdiction to conduct health surveys as we do not specialize in clinical toxicology. Instead, we focus on the contaminants found underground so that we can ensure the long-term protection of public health and the environment. We do take into consideration all information shared with us including information from the community such as the types of impacts and diseases experienced.

**Comment 3.3** Are you using exposure limits from EPA or using something more stringent from your own program?

**Response:** The State of California approaches PCE more conservatively than the federal EPA does, so our screening level, compared to EPA's screening level for inhalation, is actually 25 times more stringent because of the difference in the assumed toxicity. The default exposure assumptions for a residential scenario are the same.

But it's the toxicity value that we ascribe to PCE specifically that makes us act on it and identify it as a contaminant of concern at 25-fold lower than what federal EPA would.

**Comment 3.4** Is there a groundwater system underneath the site that could be used as drinking water?

**Response:** The Site is located within the North Westside Groundwater Basin which is considered a drinking water resource. PCE was not detected above maximum contaminant levels or environmental screening levels in groundwater, and it was not listed as a contaminant of concern in that media either. Maximum contaminant levels are the highest level of a contaminant that is allowed in drinking water.

## 4. Commenter: Anonymous Attendee

**Comment 4.1** What are the remediation solutions for the off-site neighbors in the future?

**Response:** That's a very good question. DTSC is at the early stages of this investigation, and we need to conduct various types of sampling to have enough data to go back to a Responsible Party or proponent and say we are now at the stage where remedies should be developed.

For this area, it's difficult to say at this time because there are so many different types of remedies that you can choose, and it is hard to just pinpoint one in this area. However, we will select one when we are the point where a remedy will be necessary, and the remedy will benefit the community as a whole. But right now, we are evaluating if vapor intrusion is happening in the homes off-Site. We need to figure out what that looks like before we can determine what the potential remedy should be. We will keep you updated.

#### 5. Commenter: 'stokesimac'

**Comment 5.1** Is a typical Vapor Intrusion System cheaper than Soil Excavation?

**Response:** There is a cost analysis that is presented in the Response Plan, and I believe that soil excavation was more expensive in the short-term than a vapor intrusion mitigation system. However, it depends on the scope of the soil excavation and the size of the building that would have the vapor intrusion mitigation system so the cost can vary. But there is a cost outline for both of those remedial alternatives in the draft Response Plan.

**Comment 5.2** Does the lifetime of a Vapor Intrusion System outlast the time these contaminants typically persist in soil?

**Response:** That's an interesting question. I don't think there has been a system that has outlived us yet. But when DTSC is involved, and when we attach a land use covenant and engineering controls, we are going through and reviewing these and assuming that they will exist for the building's lifetime and that they have to be as effective as when they are first built throughout the building's lifetime.

So, to answer your question, if the material or the system doesn't survive the building's lifetime and resources start to deteriorate, that will be known through the monitoring that's a part of its operation, and at that point, repairs can be made to ensure that it stays effective throughout its lifetime and the building's lifetime.

**Comment 5.3** In your professional opinion, do you think potential outcomes for mitigation or remediation would be different if this Site were to undergo a full CEQA investigation?
**Response:** A vapor intrusion mitigation system would still likely be the preferred alternative even if this project were to undergo a full CEQA review. However, this project is exempt under SB-35. DTSC will still file a Notice of Exemption once the Response Plan has been approved, as is our process with sites like this. We have to abide by SB-35 as this project is exempt.

**Comment 5.4** For the record, there are many of us who are deeply concerned at sidestepping the CEQA process is not in the best interest to the future residents of this Site, as well as the surrounding neighbors. Who will be held accountable years from now, if issues arise with health impacts to residents, because a thorough process was not followed at this point?

**Response:** While this Site is exempt from CEQA, DTSC is under a voluntary cleanup agreement with The Police Credit Union and the owners of the former Albrite Cleaners and any remediation associated with impacts they are responsible for will undergo a full CEQA process. The vapor intrusion mitigation system and required monitoring will also provide long-term protection for Site residents.

#### 6. Commenter: Deborah Murphy

**Comment 6.1** I live on 26th Avenue, and all this talk of waiting and seeing what's going to happen, I know for a fact that a lot of my neighbors have cancer. Long-term residents have cancer. I've lived here since 1976. I think it should just be cleaned up. Get rid of the toxins now. I don't see... I know there might be some cost benefit for living here. For peace of mind, I would feel much safer, if you just got rid of these toxins. I don't want to have you monitor for the next few years to see if I'm going to be the next one getting cancer.

**Response:** DTSC takes your concerns very seriously. The same project manager will be in charge of the investigations and any related cleanup that are happening for the three different properties: the 2550 Irving Site with TNDC, off-Site areas north of Irving Street with The Police Credit Union and off-Site areas south of Irving Street with the owners of the former Albrite Cleaners. What is being proposed here by TNDC was to just address contamination found on-Site to ensure the protection of future residents. We do not have enough data yet to propose a cleanup plan for the off-Site impacts, which is why we are overseeing indoor air sampling being conducted by The Police Credit Union and further investigations by Albrite Cleaners. We are looking at the indoor air in homes closest to the source area as these are the homes where we would expect to see impacts, if any.

DTSC will stay in touch with the community and make sure you are informed of everything we are doing. We will update you when we have new information to

share. We absolutely take your concerns very seriously, so thank you for your comment.

#### 7. Commenter: 'adammichels'

**Comment 7.1** Why are you not considering vapor extraction as one possible response? Doesn't it make more sense than excavation? Also it would protect neighboring properties from a plume, wouldn't it?

**Response:** At the time of the public meeting DTSC did not have a formal evaluation to say whether or not soil vapor extraction would be successful at this Site. Under the CLRRA process, we reviewed the response alternatives presented in DTSC's draft Response Plan and concurred that the vapor intrusion mitigation system would protect the health of future residents. However, after hearing from the community extensively that their preference was for soil vapor extraction at this Site, DTSC conducted an evaluation of that as a possible remedial alternative. Our evaluation determined that a vapor intrusion mitigation system was still a more appropriate choice for this Site than soil vapor extraction because, based on the sampling performed to date, the observed concentrations do not suggest a significant source of PCE in soil vapor is present on-Site that would warrant the operation of a soil vapor extraction system. Such a system also has the potential to exacerbate conditions on-Site by encouraging the northward migration of the soil vapor plume onto the Site from the south. Instead, the vapor intrusion mitigation system is appropriate because it will prevent vapors from entering into the building entirely. We can then address the soil vapor plumes off-Site after further investigation work is conducted by The Police Credit Union and the former owners of the Albrite Cleaners.

#### **Comment 7.2** How long would vapor extraction take?

**Response:** That's difficult to estimate because typically you would conduct a pilot study first to see if a soil vapor extraction system would be effective and what rate it would pull contaminants out of the ground. However, based on the geology, distribution of concentrations and a typical system, it is unlikely that a soil vapor extraction system would be effective at cleaning up the property in a time frame that would allow for the proposed redevelopment project to move forward.

**Comment 7.3** How do you know both plumes did not originate with Albright?

**Response:** That was the original hypothesis when DTSC was first involved. However, while DTSC was reviewing soil data collected at the Credit Union Site, there was 66 soil samples collected at various steps, and there was one detection of PCE, below screening levels, at the location of a former on-Site dry cleaner. The data showed a high concentration south of Irving Street, a slight dip as you went north, and then the concentration increased again. And that's when DTSC noticed the detection of PCE in soil and realized there seems to be two PCE plumes instead of just one."

**Comment 7.4** Is this situation common or unique? (2 plumes etc)

**Response:** It is a pretty common phenomenon to have separate released sources, depending on the site history use. There are many contaminated sites with chemical plumes with various different types of contaminants that can overlap each other.

**Comment 7.5** Why do we have to leave our house during the testing of indoor air?

**Response:** In-home activities like opening doors and windows, using personal care products and household cleaners, can interfere with the results of an indoor air evaluation.

**Comment 7.6** Is Vapor Extraction the only remedy that would protect the surrounding homes from potential plume movement?

**Response:** That's hard to say because we would need a more thorough evaluation of off-Site impacts and of soil vapor extraction to be completed. Without the proper evaluation and data, it would be wrong to opine on this right now.

**Comment 7.7** If the same person comments more than once, does that make a stronger case?

**Response:** DTSC takes all comments into consideration, and it is helpful for us to know how the community feels. When we receive a large volume of comments for a site, we take additional steps for community outreach. We will evaluate the science behind any comments or suggestions made and how such a comment or suggestion would affect the Site and then respond accordingly.

**Comment 7.8** If I spoke today, should I send in a letter saying the same thing?

**Response:** Comments shared today will be included in the Responsiveness Summary that will be finalized after the close of the comment period. However, you are more than welcome to also submit comments in writing. Both would be included in some form in the Responsiveness Summary if you do.

#### 8. Commenter: John and Joan Barkan

**Comment 5.1** What was the site usage from 1947-1965 (not included in presentation)?

**Response:** DTSC apologizes for not including that in the public meeting presentation. According to The Police Credit Union's Phase I Environmental Site Assessment the property gas stations operated at the corner of 26<sup>th</sup> and Irving and 27<sup>th</sup> and Irving during this time. You can find this information on page 8 at the following link:

https://www.envirostor.dtsc.ca.gov/regulators/deliverable\_documents/742252051 8/18190.20\_2550IrvingSt-ESA.pdf

**Comment 5.2** Is the PCU required to disclose any health impacts on both current (mentioned in presentation) and past employees which may be related to site toxics?

**Response:** This is outside of our jurisdiction.

**Comment 5.3** Following on the question above, shouldn't you know if the PCU closed its second floor offices due to toxics, and moved to other locations to unload an unsafe building on the taxpayers?

**Response:** Based off DTSC's evaluation of the indoor air data, and based on discussions with the Credit Union, the Credit Union moved to a new headquarters, and that is why there were rooms in that area of the building that were not occupied. But based off the indoor air data that was collected in the areas that were occupied, actively used, and ventilated, the concentrations were below screening levels. And, even with the samples taken in the building of the areas that were unoccupied, they were slightly above screening criteria, but they were not at the point where there was a health risk or a potential unacceptable health risk either.

#### 9. Commenter: Doreen Silk

**Comment 9.1** Hi, I have been living in the neighborhood, like many of our other senior residents, for over 50 years, and we have been living across the street from these dangerous chemicals for years. And I understand that I am in close proximity and, as a matter of fact, my husband is undergoing a test and a study through UCSF, because he did contract Parkinson's. And so, you're telling me, and we are north of this project, but you have limited it to the houses across the street, when a gas plume is a gas plume, you can't say which side of the street it's going to go, and I am hoping that, despite the fact that I think they should reach farther than these building confines, which is a square block, that

they should consider these immediate neighbors and clean it up and just, you know, mitigating it is one thing, but if you have to follow it for 10 years... who knows if I'll be around in 10 years?

**Response:** DTSC hears your concerns and has taken that into consideration. While we have determined that the vapor intrusion mitigation system will be effective at protecting the health of future on-Site residents, we are still overseeing ongoing investigations in off-Site areas being conducted by The Police Credit Union and the owners of the former Albrite Cleaners. We are planning to conduct an indoor air investigation of the homes closest to the Site to the north of Irving Street. Should results show vapor intrusion is occurring, we will require that The Police Credit Union take additional steps to ensure the protection of the community, which could include expanding the indoor air investigation and/or cleanup measures.

#### **10.**Commenter: Anonymous Attendee

**Comment 10.1** Why is no indoor testing being done on the south side of Irving Street?

**Response:** That's a very good question. When the Credit Union was first doing their investigation, they investigated both the southern property and their northern current property. While investigating the southern property, they saw that there was higher concentrations adjacent to the former Albrite Cleaners at 2511 Irving Street.

DTSC looked through this data and determined that it was possible that there was another release associated with the operation of Albrite Cleaners. So, DTSC went through a detailed search, and found hazardous waste manifests that showed that PCE was used at Albrite in the late 1980s, before they stopped using it in 1990.

This confirmed DTSC's belief that there was another source, being Albrite Cleaners, that may have contributed to the PCE contamination, making them responsible for any impact south of Irving Street. DTSC is now getting involved with them to conduct investigations and whatever else will be necessary to address the soil vapor PCE impacts south of Irving Street.

#### **11. Commenter: Anonymous Attendee**

**Comment 11.1** Excavation sounds like a better path to clean up this Site as it would reduce the PCE plume for the benefit of the new residents as well as existing ones. Is that correct? Why was the vapor intrusion mitigation chosen instead? And why doesn't DTSC push for the best possible remediation option

for this Site so that it benefits existing residents as well as new ones at 2550 Irving?

**Response:** I believe it's very difficult to choose soil excavation as its proposed in the Response Plan because it was intended to excavate across the site down to 15 feet below ground surface, which would be very difficult to achieve, because logistically it would require 650 plus truckloads.

Logistics and its impact on the community, as in the amount of construction it would need and the nuisance it would cause to the community makes it difficult for DTSC to select this as the preferred alternative for the Site. In addition, the effectiveness of excavation as a remedy for the soil vapor plume was fairly low based off the evaluation.

There is, like I mentioned, a secondary release at Albrite that has stayed fairly stagnant, but we are still seeing some off-gassing and potential off-gassing into the 2550 Irving Street property. So, even if soil excavation were to occur at the 2550 Irving Street property, there may be a chance of potential recontamination. Since the Response Plan proposed soil excavation with no vapor intrusion mitigation system, then that would also put the future residents at potential risk from this recontamination. So, the uncertainty, cost, difficulties in logistics, and impacts on the community posed by excavation led us to choose the vapor intrusion mitigation system as the remedy, which is more effective in the long run.

#### 12. Commenter: Kathleen

**Comment 12.1** In regard to effects of construction, do you know what foundation system TNDC expects to use and its effect on the spread of contamination?

**Response:** At this time, TNDC is still finalizing its development plans so we do not know what foundation system they expect to use for sure, yet. The construction of the building at 2550 Irving Street actually has the potential to help reduce PCE contamination in soil vapor. By removing the existing on-Site building structures and pavement, PCE will have another pathway to escape into the outdoor air where it naturally dissipates. Following construction, the vapor intrusion mitigation system includes venting which will ensure that concentrations of PCE are unable to build-up beneath the building slab. See the Response to **Comment 12.2** for a discussion of foundation design.

**Comment 12.2** For example, what does soil compaction do to the contamination and if they use a drilled pier foundation will it push the soil contamination down with that foundation system? This site will have to be excavated a minimum of three feet, depending on the foundation system that they choose. That material, once it's excavated down a minimum of three feet,

will have to be compacted with machinery that forces the plume downwards towards the groundwater table, and so... what is your experience with that construction technique, as it relates to soil contamination?

**Response:** Right, I have seen that on other sites where you have a shallower groundwater table and in those cases the drilling down of the foundations could create a potential risk of contaminating groundwater with contaminated soil or soil vapor. But in this case, the groundwater table is at around 80 feet below the ground surface. In terms of soil contamination, there was no soil contamination found on-site directly. There was one sample of PCE that was detected at a very, very low concentration, almost 0.002 milligrams per kilogram above the laboratory reporting limit, which significantly lower than the screening levels. So, we would not expect any type of soil contamination to then go with the foundation to the groundwater table.

And in terms of the PCE soil vapor plume, PCE seems to be confined in the upper 15 feet of the soil column, so if there were to be excavation or drilling, it would attenuate. But I would not expect the soil vapor plume to then recontaminate the groundwater. However, we will discuss and review this further with TNDC to ensure this will be the case before any kind of proposed development occurs.

**Comment 12.3** It sounds like with a mitigation approach you are over reliant on your trust in vapor intrusion prevention.

**Response:** These go through our engineering and special projects office. These chemically-rated barriers and mitigation measures have various studies, are used at various sites, and have different efficacy and efficiency depending on the situation. Their effectiveness is tested and observed to be very effective in preventing vapor intrusion.

And we'll also be gathering Site-specific data too to validate that the vapor mitigation system is effective if that is the remedy chosen for the Site.

**Comment 12.4** Has it occurred to DTSC that TNDC lawyers have invented 3 projects to obfuscate and confound responsibilities of the vicinity?

**Response:** TNDC did not set up three separate projects to address the PCE contamination. That was established by DTSC based on the agreements established between TNDC, The Police Credit Union and the owners of the former Albrite Cleaners. TNDC is under a California Land Reuse and Revitalization Act (CLRRA) agreement which makes it responsible for addressing on-Site contamination in a manner that will provide long-term protection of the health and safety of future Site users. Under this type of agreement, TNDC's liability stops there, and this has been set up under regulatory legislation to help

promote the safe and successful cleanup of contaminated properties to ensure they continue in their best possible use. Since there is still off-Site PCE contamination, The Police Credit Union has signed a voluntary cleanup agreement with DTSC that makes it responsible for all off-Site contamination north of Irving Street. DTSC has also established a similar agreement with the owners of the former Albrite Cleaners for contamination south of Irving Street. While responsibility is split between three separate parties, DTSC will ensure the same staff and management are responsible for providing oversight for all onand off-Site activities to ensure a holistic approach to address PCE contamination in the neighborhood.

**Comment 12.5** What if the monitoring system detects vapor intrusion failure after the floor slab is poured? Do you have you have to jackhammer the concrete out to correct the failed vapor barrier?

**Response:** Yes, there may need to be saw cutting to access and fix any issues with the vapor barrier itself if it is found to have been compromised. However, DTSC provides oversight throughout the construction process and ongoing monitoring after the system is operational to ensure that the system continues to be effective. Mistakes can happen when a contractor potentially is not aware that a vapor barrier is there and in which case, we would ensure any issue was rectified as quickly as possible. However, these situations are rare and DTSC has a thorough process to ensure successful monitoring and maintenance of the vapor mitigation system once operational.

#### 13. Commenter: Mid Sunset Neighborhood Association

**Comment 13.1** Hello, my name is Remasia. I live on 26th Avenue, and my question is all of the remediation or risk mitigation that's being discussed so far is limited to the 2550 Irving property. My understanding is the DTSC should protect all the residents of the State of California and not just the residents of a specific parcel of property. So, why are we not thinking more broadly about this? And I understand there's the legal obligation to the TNDC and the document that you referred to earlier, which just limits their obligation to the property, but the DTSC has a broader obligation to the residents of the State of California.

**Response:** In the agreement that DTSC is under, TNDC is only responsible for the on-Site contamination and how to protect their future residents. However, DTSC is also working with the current landowner, the Credit Union, who is responsible for the off-Site impacts north of Irving Street.

That is something we're not going to abandon or stop being involved with until we know that there's no risk to the community outside of the 2550 Irving Street project. This presentation is really just focused on the response actions that TNDC presented to DTSC as that is the topic of tonight's meeting.

**Comment 13.2** I keep hearing mitigation as something that's being considered, but why are we not just focusing on remediation? I guess funding is always an issue, but it doesn't seem to be an issue for this particular project at a million dollars per unit, there seems to be lots of money flowing around in support of it, so if we're going to do it right, why not just do it, above and beyond, and ensure that there's no issues for the future residents of the community at 2550 or elsewhere?

**Response:** DTSC reviewed the alternatives proposed in TNDC's draft Response Plan and determined that the vapor intrusion mitigation system would provide adequate protection for future on-Site residents. These systems are a very, very common mitigation measure, and based on our review of the impacts at the Site DTSC concurs that this will be effective in preventing any kind of risk to the on-Site residents. Please include your preference for remediation as a written comment so we can consider it and bring it back to TNDC (see the Response to **Topic 5: Preference for Soil Vapor Extraction (SVE) and Cleanup over Mitigation** for DTSC's analysis of remediation measures over mitigation measures).

**Comment 13.3** Why does the TNDC have to propose the solutions? Why can't DTSC propose solutions? Isn't that like your area of expertise?

**Response:** We work closely with Responsible Parties to discuss, recommend and review potential cleanup options for sites where we provide oversight. Based on the review of the alternatives proposed by TNDC, we concurred that a vapor intrusion mitigation system was an appropriate on-Site measure. After the close of the comment period and based on the comments received, DTSC also reviewed alternate cleanup methods such as soil vapor extraction and still determined that the vapor intrusion mitigation system was appropriate for the Site (see the Response to **Topic 5: Preference for Soil Vapor Extraction (SVE) and Cleanup over Mitigation**).

**Comment 13.4** What would be helpful, is to understand why the residents, the community, would have to rely on TNDC to provide solutions. And to Arthur's former point, even if the DTSC made a recommendation that this is the best course of action, the TNDC can just override it and propose something that is say, less costly or just impacts them and doesn't impact the community broadly? Like, I'm trying to understand why a government agency doesn't have more oversight of this issue, and it seems to me, is bowing to the demands and requirements of a private developer?

**Response:** I misspoke earlier, and I am sorry, but we are not bowing down to the developer. When we evaluated the situation, we knew we had another proponent who was responsible for off-Site conditions. With this knowledge, we reviewed

the draft Response Plan prepared by TNDC that proposed a vapor intrusion mitigation system. Our engineering department reviewed the proposal and did not find it necessary for soil vapor extraction to be a remedy for this Site and that the remedy that they proposed was adequate. So that's why it's up for public comment right now.

Clearly DTSC has a responsibility to protect public health in the neighborhood, so we're not confining our attention to a single alternative proposed by a developer. We have three projects going on in the area, the project that we're talking about tonight is one of three and it's focused on making sure that we can do the redevelopment safely. There are two other projects that are going to be looking at the contamination in the neighborhood more broadly, and to make sure that we are adequately protecting the surrounding community.

So, I hear what you're saying, and I just want to make it really clear that DTSC is committed to protecting the entire community.

I should just mention, too, that our department is receiving funding to be able to do investigations without you know, waiting for a developer, a proponent to come to us to engage in a voluntary cleanup agreement or a response plan. We have more funding coming our way so we can more proactively investigate properties throughout the State. So, look to hear from us more as we continue our investigations around the State.

**Comment 13.5** I would recommend DTSC host another session that doesn't directly conflict with weekday dinner schedule. Perhaps, a Saturday morning session when more of the community can be available to understand these impacts?

**Response:** We do take into consideration what the best availability is for the community. And what we did find when we sent out the community letter and survey is that weekday evenings would be best. But we're happy to supplement with a Saturday morning session. We are available for briefings to any interested parties, so please do get in touch with us if you have a group that would like to participate in a Saturday morning session. Also, we're recording this meeting, so this will be posted and available to anyone who missed it. We do hope that folks who weren't able to join us view the recording and provide us with any feedback they have after viewing the recording.

#### 14. Commenter: Anonymous Attendee

**Comment 14.1** 2550 on a very windy corner. What will they do to lessen the dust blowing into neighboring houses and yards?

**Response:** Although not required by DTSC and/or San Francisco Building Code and San Francisco Health Code (SFHC), Article 22B, TNDC has voluntarily offered to prepare a Dust Control Plan that includes a perimeter air monitoring program that will be submitted to the San Francisco Department of Health and DTSC prior to starting construction. This Dust Control Plan will lay out details of how they will monitor air for airborne dust and volatile organic compounds during construction to ensure the protection of the surrounding community. This will include stringent, health protective action levels and if these levels are exceeded, prescribed additional measures will be implemented to decrease concentrations to acceptable levels.

Once we have the details, we're happy to share information. And we can post another meeting to provide you with the details of what that plan looks like and how we're protecting the community. We understand that is of utmost importance to you.

#### 15. Commenter: Helena

**Comment 15.1** I'm afraid the current plume will continue flowing in the next two years before plugging is done when building is constructed. If it's tested and deemed not dangerous later in 2021, won't that change by 2023? So should the indoor be tested again in two years in 2023? It's continuously flowing. So testing today would be just this years info. What about in two years time?

**Response:** That's a good question. We had the Credit Union install and monitor the soil vapor wells north of Irving Street to monitor the PCE plume's off-Site impacts. We just established what we call a baseline dataset to measure this data against. We also had one sampling event in September and another sampling event in March to account for the seasonal variations that can occur.

Once we get this soil vapor sample again in September, which will also be at the same time as the indoor air, then we will understand if the concentrations are increasing, remaining the same, or decreasing. That will tell us the spatial distribution of this plume, because if the concentrations are increasing, then we'll know the plume is moving and in what direction.

So, right now, based on what we've seen in the preliminary data, it seems to be very stable. However, we still need the September data to confirm how this plume is moving. Right now it's not moving at an alarming rate, because at an alarming rate, you would see the concentrations increase greatly from September to March. But DTSC needs to confirm this with additional sampling. And depending on the data we receive in September, we may likely require additional monitoring of the situation again the following March. But again, September will be very telling of what the off-Site conditions are like. **Comment 15.2** Do indoor air cleaners help filter out PCE?

**Response:** Active carbon filtration can absorb PCE, yes.

#### 16. Commenter: Anonymous Attendee

**Comment 16.1** Could you discuss exposure levels and how long term exposure is taken into your risk analysis?

**Response:** The screening levels that we apply for our decision framework for risk management address chronic exposure scenarios, so over a lifetime. A basic principle of toxicology is the longer the exposure term, the lower the concentration is tolerated over that long term. Whereas in a very short period, a higher concentration would be tolerated for the same chemical. That's just a basic concept of toxicology, of a dose-response relationship and dose-exposure relationship. That being said, exposure in this case is measured by indoor air and outdoor air samples, because that is what we call an exposure point concentration. That is available for inhalation to extrapolate from soil vapor samples, while we have screening levels for those soil vapor concentrations in the neighborhood.

We are assuming a model, and we are taking a very health protective and stringent approach to the model to inform whether we act on it or not, and in this case because the soil vapor concentrations exceed those screening levels, further action is needed. We cannot dismiss PCE as a contaminant of potential concern.

#### 17. Commenter: Anonymous Caller

**Comment 17.1** Arthur, I think I heard you say that indoor air concentrations for PCE are different... are rated differently... I'm not sure if I'm using the correct terminology... for commercial as opposed to residential air. Is that correct? And if they are, can you explain what the difference is and why?

**Response:** Thank you for the question. It's actually based on the exposure time and exposure duration that is assumed to come up with the screening level. So, under a residential scenario, we assume that someone is breathing the concentration 24 hours a day, seven days a week, for 26 years, over a lifetime of 70 years, from age zero, so from birth, through sensitive developmental milestones, through age 26. So that's a 26-year duration, acknowledging that specific to this community, there are people who have lived in the community longer.

Whereas in a commercial scenario, we do not assume that a commercial worker is there 24 hours. We assume eight hours a day, five days a week, 250 days a

year for 25 years of work tenure. And those are the default assumptions of exposure time and duration that go into the math that come up with the calculation of a screening level for a residential scenario and commercial scenario respectively.

**Comment 17.2** Okay, so, given that information, why would the wells outside of these six homes be monitored without monitoring the indoor air quality of those potential residences and the residents living there, and, as you said, 24 hours a day X number of years? Why would it take the community pushing for indoor air quality monitoring before anybody would do that? Because it seems to me, if you put the wells in front of these six homes, you... someone, not necessarily the DTSC, but someone, suspected that there might be a problem inside these six homes? So why wouldn't you just be proactive, monitor the air, be done with the issue?

**Response:** Well, DTSC follows a stepwise process which is typical with our investigations of vapor intrusion. We try to follow the vapor intrusion pathway, which is measure concentrations in the subsurface, and if the concentration warrant, move to indoor air to evaluate the pathway further. So, it is a stepwise process.

These external soil vapor samples outside of the residences to the north, that was the first step in seeing whether the plume was actually encroaching that far north. We have data for that, and that data informed us that there is a potential, I would say, a small potential, but still a potential because it exceeds our screening level, for there to be a vapor intrusion pathway. Those concentrations do not mean necessarily that PCE will be detected, but we are charged with going to see.

With community engagement and community feedback about the condition of the buildings and the age of the buildings, we determined that it is a good idea to go and look at indoor air, because the attenuation might be less than what we would normally expect it to be.

**Comment 17.3** So, then, the numbers generated that you guys are going off of for acceptable or unacceptable levels, are they generated by you guys at DTSC, or is that state or federal?

**Response:** They're generated under a federal process, so the equations that inform or allow us to calculate screening levels are from the risk assessment guidance for superfund sites from US EPA. However, the toxicity value, as I said earlier, we consider in California PCE to be 25 times more toxic than EPA does, as a health-protective assumption to guide our investigation process. For the levels that we have measured outside of the residents, if US EPA had

jurisdiction, we would not be looking at indoor air because they would have screened out.

#### 18. Commenter: Anonymous Attendee

**Comment 18.1** You are our last resort. TNDC, the Police Credit Union have only showed they care about themselves. We need your help. As a government agency, funded by us taxpayers, in finding a solution that cleans up this site and removes our worst health fears about what PCE's can do to us. Don't forget us.

**Response:** Thank you for your comment and we take your concerns very seriously.

#### 19. Commenter: Diana Lau

**Comment 19.1** Is there a remediation plan for excavation to get rid of the PCE?

**Response:** There was soil excavation proposed in the Response Plan, however, that evaluation was not deemed as effective as the vapor intrusion mitigation system with the land use restrictions and engineering controls.

**Comment 19.2** How big is the area of PCE invasion? Is there a map outlying the area and depth?

**Response:** DTSC will learn more information about off-Site conditions, how the plume is migrating, and what the concentrations are like after the next sampling event. When we have a very robust dataset of three sampling events at that point, DTSC will make sure to map out the soil vapor plume as it relates to the south of Irving Street and north of Irving Street.

This will be available on EnviroStor as part of the next monitoring plan, which will be taking place in September. So, the report may be available in October, or early November at the latest.

**Comment 19.3** In the use of the site as a mortuary, did you look into the commonly used preservatives such as formaldehyde for corpses and if these chemicals also caused any site contamination?

**Response:** Yes, that was something that we looked at, but it degrades very quickly in the environment. However, DTSC will include in our comments to TNDC as part of their evaluation, that while they are monitoring the soil vapor mitigation system, they will have to include formaldehyde on their suite of analyses, to ensure that it is not impacting the building.

#### **Comment 19.4** What about the East and West sides of Albrite?

**Response:** The east and west of Albrite Cleaners will definitely be investigated. That's absolutely a part of the preempted plans already. And DTSC's plans for having Albrite involved in the project and evaluating those areas are just so we have an understanding of what the conditions are like there. So, it's on the radar. It's coming. We just don't have definitive times yet. But of course, we will keep the community updated as Site activities continue.

**Comment 19.5** The TDNC indicated that the PCE was a common neighborhood contamination. But PCE comes from dry cleaners and not general household cleaners. Is this organization trying to misinform and try to make the contamination like a common thing that happens in all urban areas??

**Response:** Several craft glues and household cleaners continue to use trace amounts of PCE. This is why a survey of household products is conducted to identify sources other than vapor intrusion before measuring indoor air.

#### 20. Commenter: Joan Klau

**Comment 20.1** Given the high concentration at the center of the site that got flagged as unacceptable for residential use, and knowing the plume is likely flowing north/northwest, will you be measuring the soil vapors in the backyards to the north/northwest?

**Response:** That's a good question. I would not rule that out. It will depend on what we see in indoor air and the monitoring wells in the street in September. Results may warrant an additional investigation in backyards with more vapor wells. This is definitely something to consider, for sure, as we continue to evaluate the off-Site impacts.

**Comment 20.2** Given the sandy soil of this site, can the plume migrate beyond the VIMS?

**Response:** The vapor mitigation system will be beneath the foundation of the entire Site, so the system will cover the building in its entirety. That is part of the Design Plan. In terms of its migration, this is why we are monitoring the soil vapor off-Site. We do not have definitive data yet to see how it's behaving spatially, but this September 2021 data will clearly show what the plume's behavior is like in terms of its mobility.

However, we already know it is not moving at a rapid pace because you would see that after the first two monitoring events that have been completed, and right now, it does not seem to be moving at a rapid pace. But again, we can definitely confirm and speak more about this plume's migration behavior after this next sampling event in September.

**Comment 20.3** Given the chance of recontamination of the northern lot by the more contaminated southern lot, why not come up with a remediation plan that covers BOTH lots?

**Response:** That's a good point. It has to do with liability. So, the Albrite Cleaners is going to be liable for the southern impacts, once more investigations have taken place on their site and south of Irving Street. We are still in the very early process of DTSC being involved, so we are still in that evaluation phase where there are a lot more questions than answers.

But in terms of this project with TNDC, there was enough data collected on the Site to determine an appropriate response action. This is what's being proposed here as a plan, but there's still much more work to be done in terms of the off-Site impact with south of Irving Street before we can effectively prepare a remedy selection document for those impacts.

One of the best ways that DTSC can look at the area holistically is having the same project manager to work on these three projects, because Arthur is very well versed in the data that's been collected so far and he'll be looking at all three projects overlapping. So, I think that's probably one of our best ways of ensuring a holistic approach.

**Comment 20.4** Does PCE contamination show up in edible vegetation? I.e., is it safe to eat fruits & veg grown in contaminated soil?

**Response:** The soils in the vicinity have not shown PCE detections, likely due to its volatile nature and relative low concentrations at the site. Studies have shown that these solvents transpire out and are usually not detected in vegetables or fruits grown in soil contaminated with chlorinated solvents like PCE.

**Comment 20.5** You know that the plume's levels to the east and west (measured at the street curb) are lower, but the plume is rolling north and you have not measured north of the site, correct? So do we know the levels to the north, and how far north before they drop off to an acceptable level?

**Response:** We do have sampling locations north of the 2550 Irving Street property. As I mentioned, they do exceed a screening level, but they're not at the potential unacceptable risk level. So, again, once you exceed the screening level, it means more evaluations are necessary. We're proposing indoor air and we cannot rule out further investigations to the north, depending on how those results come back. But yes, they're not at a level where there's a potential unacceptable risk for residential land use. That's based off soil vapor, but again,

we're evaluating indoor air because we want to be extra sure and extra protective.

**Comment 20.6** Yes, it's insufficient to mitigate and protect just the 2550 parcel/residents. If the contamination goes beyond the border of the parcel, either emanating from 2550 or flowing under it from the southern lot, then the best solution would be to protect all the affected residents – not just those at 2550 Irving Street. And as someone who is raising babies and children across the street from a monitoring well for most of their first 26 years, I'd like to know the plumes beyond the borders of 2550 are removed, not just monitored for 1/26<sup>th</sup> of their life, or mitigated just for 2550.

Response: Thank you for your comment.

#### 21. Commenter: Anonymous Attendee

**Comment 21.1** Your mission is to protect our health from toxic harm. You must require a clean up of the site!!!!

**Response:** Thank you for your comment.

#### 22. Commenter: Anonymous Attendee

**Comment 22.1** Why wasn't Soil Vapor Extraction considered as an alternative by TNDC?

**Response:** As I mentioned, with the CLRRA process, TNDC does not have to evaluate alternatives. They can propose an alternative, but in this case, they just proposed soil excavation as the other remedial alternative to the vapor intrusion mitigation system. When DTSC reviewed the mitigation system internally, we deemed it an appropriate action for the site. However, as a result of the comments received during the comment period, DTSC also evaluated soil vapor extraction as a possible alternative but determined that the vapor intrusion mitigation system would still be the most protective option for the Site. Please see the Response to Topic 5: Preference for Soil Vapor Extraction (SVE) and Cleanup over Mitigation.

#### 23. Commenter: Anonymous Caller

**Comment 23.1** With your knowledge and expertise, knowing what you know, I'm wondering how comfortable you guys would feel with soil vapor extraction, as opposed to the mitigation of a vapor barrier if you were living in this building or this neighborhood. Would you feel safe? Which would make you feel safer or more comfortable?

**Response:** So, the way that I would look at that is, it depends on the data that we generate. Right? Both systems are monitored to make sure that they're protective, so obviously if a system fails, we are not going to be comfortable with it. We would not be comfortable with it for the community, we would not be comfortable with it for the community, we would not be comfortable with it for ourselves. So, it really depends on what the data show us on the operation of these systems.

#### 24. Commenter: Robert Ho

**Comment 24.1** Do you really have a good grasp of how much toxins are in the ground and how widespread the problem is?

**Response:** Based off the data that we have so far, we feel like we have an understanding of the plume's extent. However, we are still evaluating, and especially on the south side of Irving Street, there's still much more work to be done. I want you all to know... these sites are very much on the front of our radar. It is very much a part of my life, and so I am very much going to continue evaluating, investigating, and doing whatever is needed to make sure that the community is protected.

#### 25. Commenter: Anonymous Attendee

**Comment 25.1** As a tax payer funded agency, why doesn't DTSC push for the best possible remediation option for this site so that it benefits existing residents as well as new ones at 2550 Irving? For example, push for extraction as opposed to the vapor intrusion

**Response:** Yes, we are in this agreement with this particular proponent at this Site. When DTSC evaluated the Response Plan, it was limited to the Site itself. However, as a result of the comments received throughout the comment period DTSC also evaluated soil vapor extraction as a possible remedial alternative for the Site. However, it was determined that a vapor intrusion mitigation system would still be the best alternative for the Site. For more details, please see the Response to Topic 5: Preference for Soil Vapor Extraction (SVE) and Cleanup over Mitigation.

DTSC is a cost recovery organization, not everything is funded by taxpayers. We do see cost recovery from our proponents and responsible parties. That means we are largely funded by the entities that come to us either proposing a redevelopment and wanting our oversight for the redevelopment, or a responsible party responsible for contamination of a site. So, a large proportion of our funding comes directly from what the community might call the polluters.

#### 26. Commenter: Yi-Kuan Lee

**Comment 26.1** Does public comment determine the appropriate response plan? Why? If the public wants vapor extraction, will that be considered?

**Response:** Yes, we will definitely consider these comments. We have the public comment period to hear from the public because we consider your comments with a lot of weight.

#### 27. Commenter: Anonymous Attendee

**Comment 27.1** Then why not do both, excavation and vapor intrusion?

**Response:** I believe that it has to do with more of a cost analysis and the costs would be pretty exorbitant from my understanding. After further review DTSC has determined that the vapor intrusion mitigation system will be sufficient to provide long-term protection of on-Site residents meeting the cleanup goals of the Response Plan.

#### 28. Commenter: Anonymous Attendee

**Comment 28.1** What information do you currently have that the north and south plumes may have come together. How do you assign responsibility at that point? Will there be more investigation needed to determine this?

**Response**: If that were the case, and the data can prove that they both are commingled on Irving Street, then that could be the responsibility of both proponents, the Credit Union and Albrite Cleaners. As we investigate more, as we have more understanding of the plumes, then we can start to understand what the best course of action is and who is responsible for it.

#### 29. Commenter: Richard

**Comment 29.1** Would an immunocompromised patient (with autoimmune hemolytic anemia) living next to the proposed site be more susceptible to lower threshold of PCE level?

**Response:** Concentrations at or near the screening level are intended to be protective of sensitive populations, which are evaluated in the toxicity assessment of the chemical.

#### 30. Commenter : Mei

**Comment 30.1** We want remediation of the block not just mitigation of 2550. That hurts the neighborhood and it will damage the relations between the people who live in the protected building and the rest of us.

**Response:** DTSC is very interested in the larger PCE contamination issue in the neighborhood, not just the on-Site residents. It may appear to be a piecemeal approach, but DTSC's project manager will be look at all of these projects and how they come together. This meeting is for the public comment period for this particular Site within these particular boundaries. But in future meetings, we will do our best to share the intersection of all these investigations and provide a more holistic approach. Thank you for that comment.

#### 31. Commenter : Leyla Alieva

**Comment 31.1** As I understand, TNDC's loan for 2550 Irving is contingent on the fact that DTSC is happy with and approves the mitigation plan. So it seems like DTSC has the power to push for the best possible solution here. Why doesn't DTSC push for the best possible solution then?

**Response:** You know, the best possible solution is very subjective in this case because while we have enough information to determine an appropriate on-Site response action to allow for the development, we do not have enough data to conclude what the best possible solution will be to address off-Site contamination. I'm assuming you're saying soil vapor extraction is the best possible solution...that is an unknown in this. Under the agreement TNDC has with DTSC, they only had to propose one response action. They did two.

When DTSC evaluated their Response Plan, we could only evaluate the data we were provided with and we determined that the vapor intrusion mitigation system would be effective at addressing the contamination TNDC is responsible for addressing, which is solely within their property boundaries. And I know it's difficult to hear, but that's where TNDC is and that's where this Response Plan is geared towards.

DTSC would not accept a response, a proposed response, that wasn't fully protective of human health, so that threshold has to be met by any alternative or any remedy that is proposed. So, then, a number of other criteria might come into play and community acceptance is one of those criteria. And that's why we're here tonight, to take the community's input.

**Comment 31.2** For example, push for both extraction and vapor intrusion

**Response:** Thank you for your comment.

#### 32. Commenter: YY

**Comment 32.1** Has there been class action lawsuit in the past regarding insufficient PCE mitigation plan from a developer of a piece of land?

**Response:** I'm not sure actually. I have not heard of one, but I don't know. It's possible.

#### 33. Commenter: Anonymous Attendee

**Comment 33.1** So if you are a cost-recovery agency, then does TNDC directly pay to DTSC for this process?

**Response:** Yes, they cover the cost of the project that they bring to us for oversight. That does not mean that they have the ability to control the way that we conduct our oversight, or the types of comments we might make, or the input that we have to the project. That's based on science, and engineering, and our commitment to protect public health.

#### 34. Commenter: Anonymous Attendee

**Comment 34.1** I am sending a +1 for vapor intrusion mitigation and extraction as my community response. I am one of the immediate neighbors that are heavily impacted by the development and contamination.

**Response:** Thank you for your comment.

#### 35. Commenter: Anonymous Attendee

**Comment 35.1** How difficult is it to clean up the toxin completely?

**Response:** That's a tough question to answer. I can't speak to that just yet, because you would have to evaluate a remedy and we would have to see how effective that remedy would be, given the Site conditions and the contamination. It's tough to say right now.

We will have more information to share as we continue to do the other investigations. As the project progresses and remedies become more realized, we will absolutely keep the public involved. And you will have more information on how effective this will be, and how it will impact the community. We are just getting started here.

#### 36. Commenter: Anonymous Attendee

**Comment 36.1** This development will span the whole block and come with a massive amount of funding from the city, state and federal levels. This seems like a perfect opportunity for the DTSC to demand now that the TNDC's plan include both extraction and vapor intrusion mitigation for the best benefit for the neighborhood as there might not be another opportunity like this for this community.

**Response:** Thank you, we'll take that as a comment.

#### 37. Commenter: Jean

**Comment 37.1** Does it make more sense to clean it up completely before you actually start building anything on it?

**Response:** Again, you have to evaluate the proposed remedy and everything, but based off what our engineers and what we at DTSC reviewed in the Response Plan, the vapor intrusion mitigation system as proposed is very protective. And, of course, we have you know caveats tied with how to sample, monitor, and everything tied to it, to make sure that it is protective and the people and the future residents will be protected.

**Comment 37.2** Hi, I asked questions earlier because... about how difficult it is to clean up the toxin, because I heard like you say, "Well we're going to do all these monitoring, we're going to do all that, while we're working on it." That just seems so dangerous. What if there's something slip through the crack and then...

Because from my standpoint, is always to clean up, thorough clean up of everything, then you build on it. It will be safer to say, "Hey let's build on toxic land first and then increase, like put on these barriers and then let's hope that nothing happens..." I mean, what's going to happen to people living there? I mean, it's going to be families.

I mean just because it's low income people doesn't mean that their life doesn't matter, you know? I mean, I'm really concerned about this, because I feel like this is something that doesn't seem right. If you're going to do something right, you should do it from the start.

If you don't know how much it's going to cost to do, then you wait and do more research, provide that before? Then you analyze to see if this plan is actually, you know, feasible to do. Sometimes the land might not be, or it will cost too much. Because I'm a taxpayer, I don't want my money to be wasted... you know, on doing something that's extra and not safe. I mean we built these affordable housing to help people, not to put them in like, some sort of "we don't know," you know. I'm concerned about this because my mom, my dad passed away from cancer.

And my mom she... a couple years ago, you know she has surgery. So, this is very you know, this is very real. Cancer is very real. You don't know yet. So, I mean, are you going to like you know...

I mean to me, the easiest thing is to clean this up and reuse this land. I don't understand why you have to like build on it first when there's so many issues.

**Response:** In the Response Plan, TNDC proposes a measure that prevents vapor intrusion, which is the media where the contaminant concern lies. There are measures in place to prevent that from impacting the future residents there.

**Comment 37.3** Are they one hundred percent fool-proof though? That's my question.

**Response:** The measures are very effective remedies that are used throughout the state with concentrations much greater than what we find here and they are very effective in preventing vapor intrusion.

Under the operations and maintenance plan for a vapor mitigation system as the one proposed in the Response Plan, it would undergo several rounds of monitoring, which may include sampling the sub-slab for soil vapor and doing indoor air sampling. It would undergo an engineering review at the DTSC and would undergo annual inspections.

It's a very common remedial alternative that's selected as such sites where volatile organic compounds are contaminating the subsurface, because of the ubiquity of volatile organic compounds in the Bay Area.

And, just to be clear that validation, that data collection, happens before occupancy is allowed in these buildings. Then, once the buildings are occupied, the monitoring continues over time.

**Comment 37.4** So, what happens if people start moving in, and then you monitor, and then there's something leak out? Then there will be additional costs, continue costs, right, to go into it, right?

Then that's my question: wouldn't it be more effective to, when you have nothing on the land right now, wouldn't it be easier to just clean it up first? Versus where you have like buildings and people in it, then you're trying to clean up using jackhammer whatever. Wouldn't that be more disruptive and costly?

**Response:** Theoretically if this system didn't work, people would not be able to occupy the property, because the air's sampled before occupancy. DTSC has the authority to allow building permits to close out. DTSC gives an approval for occupancy. And if the levels are not at the levels that we find adequate for people to be there, then there will be no occupancy.

**Comment 37.5** Well, I see what you're saying, but do you see what I'm saying? We already spend like 100 million building this thing, but then there's no occupancy?

If it's like the air? Does that even make sense? You know what I mean? That's what I'm trying to say. Like what if you built this thing and then the whatever measure you guys try to do does not work and there's, yeah. Just say, "Okay, people can live in it now." You have the seven story building that taxpayers spend like what 100 million dollar in building this over the course of how many years and it's sitting there still.

**Response:** Right. So, it's not like no one would be able to live here ever. Instead, there are more measures that would need to take place, these systems also have the capability of being active, which increases their effectiveness, and that can also lower levels in the air. But again, it is not like the building is just going to be abandoned if we determine the levels are not safe for occupancy after construction. We can take additional measures. And it's early to speak on that, but that would be the game plan if that were to happen.

These systems can be upgraded. So once again, our processes are always data driven, so if we see problematic data, we usually have decision rules and response actions that can address and ameliorate the concentrations.

So, with a vapor intrusion mitigation system DTSC can require the conversion of a system from a passive system, a passive ventilation system for vapor mitigation, to an active one, where you are actually running fans and actively ventilating the subsurface.

#### 38. Commenter: Anonymous Caller

**Comment 38.1** Previously, one of our community members asked if public comment would help inform DTSC of a potential remedy, if we are so allowed and if we wanted vapor extraction as the remedy, would that be considered? And I just want to go on record saying I want vapor extraction.

**Response:** Thank you so much for your comment.

#### 39. Commenter: Anonymous Attendee

**Comment 39.1** If you discover a problem while monitoring how does it get fixed?

**Response:** In the monitoring process, if we do see a level rise above that unacceptable risk level, if it starts to show concentrations, even outside of someone's home, of a risk level that may be potentially unacceptable or harmful,

then DTSC will take an imminent action to make sure that the receptors, people in the area, are safe. And that can be a variety of things: increasing ventilation, going on site... There are many different things that we could do, but I will let you know the DTSC, depending on what the levels were like and what the media was that was impacted, there would be an immediate action. It would not be a wait and see kind of situation.

#### 40. Commenter: Anonymous Attendee

**Comment 40.1** I totally agree with Jean!

**Response:** Thank you for your comment.

#### 41. Commenter : 'celestemarty'

**Comment 41.1** Thank you for your time and expertise in answering our questions

**Response:** Thank you for your comment.

#### **References Cited In DTSC Responses**

DTSC. 2011. Guidance for The Evaluation and Mitigation of Subsurface Vapor Intrusion to Indoor Air (Vapor Intrusion Guidance).

DTSC and SWRCB. 2020. Supplemental Guidance: Screening and Evaluating Vapor Intrusion. Public Draft. February.

USEPA. 1989. Risk Assessment Guidance for Superfund Volume I: Human Health Evaluation Manual (Part A). Interim Final. Office of Emergency and Remedial Response. December.

USEPA. 1991. Risk Assessment Guidance for Superfund. Volume I: Human Health Evaluation Manual (Part B, Development of Risk-based Preliminary Remediation Goals). Interim. Office of Emergency and Remedial Response. EPA/540/R-92/003. December.

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Prepared by:

09/02/2021

Date

Arthur Machado DTSC Project Manager Attachment 1 DTSC Community Update and Public Notice

## **COMMUNITY UPDATE**

**Department of Toxic Substances Control** – Our mission is to protect the people, communities, and environment of California from harmful chemicals by cleaning up contaminated sites, enforcing hazardous waste laws, and compelling the development of safer products.

## Public Comment Period for 2550 Irving Street Draft Response Plan Available for Review

The California Department of Toxic Substances Control (DTSC) invites you to review and comment on the draft Response Plan for 2550 Irving Street, San Francisco, CA 94122 (Site). The Tenderloin Neighborhood Development Corporation (TNDC) is proposing to build an affordable housing complex on the property. TNDC is responsible for addressing on-site contamination to support future property redevelopment. The draft Response Plan proposes the installation of a vapor intrusion mitigation system underneath the proposed building. This vapor mitigation system is a barrier that is installed as part of the building foundation to prevent tetrachloroethylene (PCE) found in soil vapor (spaces between soil particles) at the Site from entering the indoor air.

## PUBLIC COMMENT PERIOD July 12, 2021 TO August 13, 2021

DTSC invites you to review and comment on the draft Response Plan for the 2550 Irving Street. All comments must be mailed or emailed by **August 13, 2021** to: Arthur Machado DTSC Project Manager 700 Heinz Avenue Berkeley, CA 94710 <u>Arthur.Machado@dtsc.ca.gov</u>

**REMOTE PUBLIC MEETING**: DTSC will host a remote public meeting to provide information on the draft Response Plan, answer questions and receive public comments:

Date: Thursday, July 22, 2021

Time: 6:30 to 8:30 p.m.

Link: https://tinyurl.com/2550Irving

Phone Number: Call 1-669-900-9128 and enter Meeting ID 849 7778 3128#

Contact Asha Setty, DTSC Public Participation Specialist, at (510) 540-3910, toll-free at (866) 495-5651 or <u>Asha.Setty@dtsc.ca.gov</u> for assistance.

#### Site History and Environmental Investigations

The 0.44-acre Site housed several businesses from 1895 to 1946, including a drugstore, two gas stations, and a dry cleaner. In 1966, the property was used as a mortuary and funeral chapel. The funeral business operated until 1985, when the building was modified for its current use as a bank.

The property has been owned by The Police Credit Union since 1987. Environmental investigations conducted in 2019 and 2020 found PCE above environmental screening levels in soil vapor at the Site, at the adjacent parking lot, and along Irving Street. PCE was not detected above screening levels in soil or groundwater on-site. PCE is a volatile organic compound that is commonly used in dry-cleaning operations and in household products such as cleaning supplies, paints, adhesives and air fresheners. The California Air Resources Board is phasing PCE out of dry-cleaning operations by 2023. Sampling results indicate that the indoor air of The Police Credit Union is acceptable for workers and customers.

The levels of PCE at the Site are suitable for commercial/industrial use. Action is needed in order to ensure the Site is suitable for residential use. Environmental investigations for areas along Irving Street indicate that PCE in soil vapor is within the acceptable risk range for residential use. The Police Credit Union is responsible for monitoring off-site contamination. DTSC will prepare a separate mailer to update the community about this monitoring. In addition, DTSC will be providing oversight for the investigation of the former Albright Cleaners located across the street (2511 Irving Street) and will prepare an additional mailer for this process.

#### Draft Response Plan

The draft Response Plan evaluates engineering controls and recommends a preferred method to address on-Site contamination. The proposed remedy includes:

- Incorporating a vapor intrusion mitigation system under the foundation of the future building. This system consists of an engineered barrier and piping that allows contaminants in soil vapor to be vented into the atmosphere above the building where they will naturally dissipate.
- Installing plugs along underground utility corridors and sealing utility piping to prevent vapors from travelling into or off-site.
- Collecting samples to confirm the vapor intrusion mitigation system is operating as designed prior to building occupancy.
- Recording a land use covenant to allow residential use of the property with a vapor intrusion mitigation system.
- Monitoring and maintaining the system to ensure it remains effective.

If the draft Response Plan is approved, it is anticipated that the demolition of the existing building and construction of the new building would begin in 2023. A work notice would be mailed to the community prior to the start of work.

#### **Safety Measures**

The vapor intrusion mitigation system would be installed at the same time the building is constructed. To protect the health of the community during this work, the following engineering controls and safety measures would be used:

 Active work areas would be fenced off and include Site signage with a phone number to report any concerns.

- Dust monitoring would occur upwind and downwind of excavation areas and along the Site perimeter.
- Various methods would be used to control dust including water, spray foam, and plastic sheeting.

#### California Environmental Quality Act (CEQA)

DTSC will prepare a Notice of Exemption for this affordable housing project because it is exempt from CEQA under California Senate Bill 35. The Notice of Exemption would be filed with the State Clearinghouse after project approval.

#### **Next Steps**

DTSC will review and consider all public comments before making a decision on the draft Response Plan for the project. At the end of the public comment period, DTSC will evaluate all comments received and make any necessary changes to these documents. DTSC will send a Response to Comments document to all those who submit comments and provide their contact information.

#### **Information Repositories**

You can review a hard copy of the draft Response Plan at the following location:

- DTSC Berkeley Office, located at 700 Heinz Avenue, Berkeley, CA 94710. Please call the office at (510) 540-2122 to make an appointment to view the documents.
- To review the draft Response Plan and related documents online, please visit: <u>https://www.envirostor.dtsc.ca.gov/public/</u> (type site code 60003063 and select from the dropdown menu)
- For air monitoring results and additional technical documents online, please visit: <u>https://www.envirostor.dtsc.ca.gov/public/</u> (type site code 60003000 and select from the dropdown menu)

#### **DTSC Contact Information**

- Arthur Machado, Project Manager at (415) 723-0792 or Arthur.Machado@dtsc.ca.gov
- Asha Setty, Public Participation Specialist at (510) 540-3910, toll-free at (866) 495- 5651 or <u>Asha.Setty@dtsc.ca.gov</u>
- For Media Inquiries: Russ Edmondson, Public Information Officer, (916) 323-3372 or <u>Russ.Edmondson@dtsc.ca.gov</u>

#### **Department of Toxic Substances Control**



Figure 1: Site Location and Soil Vapor Sampling Locations





Additional information on DTSC sites can be found through our **EnviroStor**. (rev. 5-2020)



**有毒物質控制局**- 我們的使命是通過清潔受污染的場地、實施危險廢棄物相關法律、並强制製造化學屬性安全的 產品來保護加利福尼亞州人民、社區和環境免受有害化學物質的影響。

## 歐文街 2550 號的公眾意見徵詢期

### 應對計劃草案現可供審查

加利福尼亞州有毒物質控制局 (DTSC)邀請您對加州舊金山歐文街2550號(郵編94122)(場地)的應對 計劃草案進行審查和評論。 田德隆鄰里開發公司(TNDC)提議在該物業上建造一棟可負擔住房。 田德 隆鄰里開發公司(TNDC) 負責解決現場污染問題,以支持未來的物業重建。 響應計劃草案建議在擬建 建築物下方安裝蒸汽入侵緩解系統。 該蒸氣緩解系統是作為建築物地基的一部分所安裝的屏障,以防 止場地土壤蒸氣(土壤顆粒之間的空間)中發現的四氯乙烯 (PCE)進入室內空氣。

## 公眾評論期

## 2021年7月12日至2021年8月13日

加利福尼亞州有毒物質控制局 (DTSC)邀請您對歐文街 2550 號的響應計劃草案進行審查和評論。 所有 評論必須在 2021 年 8 月 13 日之前郵寄或通過電子郵件發送至: Arthur Machado/阿瑟·查多 DTSC Project Manager/DTSC 項目經理 地址: 700 Heinz Avenue Berkeley, CA 94710 電郵: <u>Arthur.Machado@dtsc.ca.gov</u>

**遠程公開會議**:加利福尼亞州有毒物質控制局 (DTSC)將舉辦遠程公開會議,以提供有關響應計劃草案 的信息、回答問題並接收公眾意見: 日期: 2021年7月22日,星期四 時間:下午6點半至晚上8點半。 鏈接:<u>https://tinyurl.com/2550Irving</u> 電話號碼:撥打 1-669-900-9128並輸入會議 ID 849 7778 3128# 聯繫 加利福尼亞州有毒物質控制局 (DTSC)公共參與專家阿莎·塞蒂 (Asha Setty),電話 (510) 540-3910,免費電話 (866) 495-5651 或電郵 <u>Asha.Setty@dtsc.ca.gov</u> 尋求幫助。

#### 場地歷史和環境調查

從 1895 年到 1946 年,這個佔地 0.44 英畝的場地上設有多家企業,包括一家藥店、兩個加油站和一家乾洗店。 1966 年,該物業被用作太平間和葬禮教堂。殯葬業務一直經營到 1985 年,當時該建築被改建為目前的銀行。該物業自 1987 年以來一直歸警察信用合作社所有。 2019 年和 2020 年進行的環境調查發現,現場、鄰近停車場和歐文街沿線的土壤蒸氣中的四氯乙烯(PCE)高於環境篩檢標準。在現場土壤或地下水中未檢測到高於篩檢標準的四氯乙烯(PCE)。四氯乙烯(PCE)是一種揮發性有機化合物,常用於乾洗店運營和家用產品,如清潔用品、油漆、粘合劑和空氣清新劑。加州空氣資源委員會將在 2023 年之前逐步淘汰乾洗業務。抽樣結果表明,警察信用合作社的室內空氣對工人和客戶來說是可以接受的。

現場的四氯乙烯(PCE)水平適合商業/工業用途。需要採取行動以確保該場地適合住宅使用。歐文街 沿線地區的環境調查表明,土壤蒸氣中的四氯乙烯(PCE)在住宅使用的可接受風險範圍內。警察信用 合作社負責監測場外污染。 加利福尼亞州有毒物質控制局 (DTSC)將準備一個單獨的郵寄傳單來向社區 更新有關此監控的信息。此外,加利福尼亞州有毒物質控制局 (DTSC)將對位於街對面(歐文街 2511 號)的前奧爾布賴特乾洗店的調查進行監督,並將為此過程準備一份額外的郵寄傳單。

#### 應對計劃草案

應對計劃草案對工程控制加以評估並推薦首選方法來解決現場污染。提議的整治措施包括:

- 在未來建築的地基下加入蒸汽入侵緩解系統。該系統由工程屏障和管道組成,允許土壤蒸氣中的 污染物排放到建築物上方的大氣中,然後自然消散。
- 沿地下公用設施走廊安裝塞子並密封公用設施管道,以防止蒸汽進入或離開現場。
- 收集樣本以確認蒸氣入侵緩解系統在入住建築物之前按設計運行。
- 登記土地使用契約,允許使用蒸汽入侵緩解系統將該物業用於住宅用途。
- 監控和維護蒸汽入侵緩解系統以確保其保持有效。

如果應對計劃草案獲得批准,預計2023 年將開始拆除現有建築和建造新建築。工作開始前將向社區郵 寄工程作業通知。

#### 安全措施

蒸汽入侵緩解系統將在建造建築物的同時安裝。為了在這項工程中保護社區的健康,將使用以下工程控制和安全措施:

- 施工區將被圍起來,並包括帶有電話號碼的場地標牌,以便報告任何問題。
- 將在開挖區域的上風向和下風向以及沿場地周邊進行粉塵監測。
- 將使用各種方法來控制灰塵,包括噴水、噴泡沫和遮蓋塑料布。

#### 加州環境質量法案 (CEQA)

加利福尼亞州有毒物質控制局 (DTSC)將為這個可負擔住房項目起草一份豁免通知,因為它根據加州參 議院第 35 號法案免於加州環境質量法案 (CEQA)。在項目批准後,豁免通知將提交給州規劃研究局。

#### 後續步驟

加利福尼亞州有毒物質控制局 (DTSC) 將在對項目的應對計劃草案做出決定之前審查和考慮所有公眾意 見。在公眾意見徵詢期結束時,加利福尼亞州有毒物質控制局 (DTSC) 將評估收到的所有意見並對這些 文件進行必要的更改。 加利福尼亞州有毒物質控制局 (DTSC) 將向所有提交評論並提供其聯繫信息的 人發送評論回复文件。

#### 資料庫

您可以在以下地點查看響應計劃草案的紙質副本:

- 加利福尼亞州有毒物質控制局 (DTSC) 伯克利市辦公室,地址為 700 Heinz Avenue, Berkeley, CA 94710。請致電 (510) 540-2122 與該辦公室預約查看文件。
- 欲在線查看響應計劃草案和相關文件,請訪問: <u>https://www.envirostor.dtsc.ca.gov/public/</u>(輸入場地代碼 60003063 並從下拉菜單中選擇)
- 有關在線空氣監測結果和其他技術文件,請訪問: <u>https://www.envirostor.dtsc.ca.gov/public/</u>(輸入場地代碼 60003000 並從下拉菜單中選擇)

#### 加利福尼亞州有毒物質控制局 (DTSC) 聯係方式

- 項目經理阿瑟·查多(Arthur Machado),電話 (415) 723-0792 或電郵 <u>Arthur.Machado@dtsc.ca.gov</u>
- 公共參與專家阿莎·塞蒂 (Asha Setty), 電話 (510) 540-3910, 免費電話 (866) 495-5651 或電郵 <u>Asha.Setty@dtsc.ca.gov</u>
- 媒體諮詢:公共信息官拉斯·埃德蒙森(Russ Edmondson),電話 (916) 323-3372 或電郵 <u>Russ.Edmondson@dtsc.ca.gov</u>



圖 1:場地位置和土壤蒸汽採樣位置



聽力有障礙的人士可以撥打711或800-735-2929(聾啞人電話 / 只聽不說 / 只說不聽的加利福尼亞中繼服務)來發聲。



马和 

有毒物質控制局負責監管場地的其他信息可以通過我 (rev. 5-2020) 們的EnviroStor查詢。

## DTSC PUBLIC NOTICE

**Department of Toxic Substances Control** – Our mission is to protect the people, communities, and environment of California from harmful chemicals by cleaning up contaminated sites, enforcing hazardous waste laws, and compelling the development of safer products.

### Public Comment Period for 2550 Irving Street, San Francisco Draft Response Plan Available for Review

WHAT IS BEING PROPOSED? The California Department of Toxic Substances Control (DTSC) invites you to review and comment on the proposed draft Response Plan for the 2550 Irving Street property in San Francisco, CA 94122 (Site). The Tenderloin Neighborhood Development Corporation (TNDC) is proposing to build an affordable housing complex on the property. TNDC is responsible for addressing on-site contamination to support future property redevelopment. The draft Response Plan proposes the installation of a vapor intrusion mitigation system underneath the proposed building. This vapor mitigation system is an engineered barrier paired with a network of perforated piping. It would be installed as part of the building foundation to prevent tetrachloroethylene (PCE) found in soil vapor (spaces between soil particles) at the Site from entering the indoor air. Environmental investigations conducted in 2019 and 2020 found PCE above screening levels in soil vapor at the Site, at the adjacent parking lot, and along Irving Street. PCE was not detected above screening levels in soil or groundwater on-site. The draft Response Plan proposes the installation of a vapor intrusion mitigation system to support future property redevelopment. This system is a barrier that is installed as part of the building foundation to prevent PCE from entering indoor air. It would be monitored and maintained for a minimum of 30 years, and a land use covenant would restrict residential use of the property unless the vapor intrusion mitigation system is in place.

**CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA):** DTSC will prepare a Notice of Exemption for this affordable housing project because it is exempt from CEQA under California Senate Bill 35.

HOW DO I PARTICIPATE? During the public comment period, from July 12, 2021 to August 13, 2021, you can review the draft Response Plan. Please send comments no later than August 13, 2021 to: Arthur Machado, Project Manager, DTSC Berkeley Office, 700 Heinz Avenue, Berkeley, CA 94710 or at <u>Arthur.Machado@dtsc.ca.gov</u>. You are invited to attend a remote public meeting on July 22, 2021 from 6:30 p.m. to 8:30 p.m. at <u>https://tinyurl.com/2550lrving</u> or call 1-669-900-9128 and Meeting ID 849 7778 3128#.

WHERE DO I GET MORE INFORMATION? To review the draft Response Plan and related documents, please visit: <u>https://www.envirostor.dtsc.ca.gov/public/</u> (site codes 60003063 and 60003000). You may also contact DTSC staff for more information: Arthur Machado, Project Manager at (415) 723-0792 or <u>Arthur.Machado@dtsc.ca.gov</u>; Asha Setty, Public Participation Specialist at (510) 540-3910, toll-free at (866) 495-5651 or <u>Asha.Setty@dtsc.ca.gov</u>; For Media Inquiries: Russ Edmondson, Public Information Officer, (916) 323-3372 or <u>Russ.Edmondson@dtsc.ca.gov</u>



Hearing impaired individuals may use the California Relay Service at 711 or 800-735-2929 TTY/VCO/HCO to voice.





Additional information on DTSC sites can be found through our **EnviroStor**. (rev. 5-2020)

# 有毒物質控制局通告

**有毒物質控制局**- 我們的使命是通過清潔受污染的場地、實施危險廢棄物相關法律、並强制製造化學屬性安全的 產品來保護加利福尼亞州人民、社區和環境免受有害化學物質的影響。

## 舊金山歐文街 2550 號公眾意見徵詢期 應對計劃草案現供審查

**有何建議**?加利福尼亞州有毒物質控制部 (DTSC)邀請您審查和評論針對加利福尼亞州舊金山歐文街2550 號(郵編94122)(場地)的應對計劃草案進行審查和評論。 田德隆鄰里開發公司(TNDC)提議在該物 業上建造一棟可負擔住房。 田德隆鄰里開發公司(TNDC)負責解決現場污染問題,以支持未來的物業重 建。響應計劃草案提議在擬建建築物下方安裝蒸汽入侵緩解系統。這種蒸汽緩解系統是一種工程屏障,與 穿孔管道網絡配對。它將作為建築物基礎的一部分安裝,以防止場地土壤蒸氣(土壤顆粒之間的空間)中 發現的四氯乙烯 (PCE)進入室內空氣。2019年和 2020年進行的環境調查發現,場地、鄰近停車場和歐 文街沿線的土壤蒸氣中四氯乙烯 (PCE) 高於環境篩檢標準。在現場土壤或地下水中未檢測到高於篩檢標 準的四氯乙烯 (PCE)。響應計劃草案建議安裝蒸汽入侵緩解系統,以支持未來的物業重建。該系統是作為 建築物基礎的一部分安裝的屏障,以防止四氯乙烯 (PCE) 進入室內空氣。它將受到至少 30年的監控和 維護,除非安裝了蒸汽入侵緩解系統,否則土地使用契約將限制該物業的住宅用途。

加州環境質量法案 (CEQA): 加利福尼亞州有毒物質控制局 (DTSC)將為這個可負擔住房項目起草一份豁 免通知,因為它根據加州參議院第 35 號法案免於加州環境質量法案 (CEQA)。

**我如何参與?**在 2021 年 7 月 12 日至 2021 年 8 月 13 日的公眾意見徵詢期內,您可以審核響應計劃草案。 請在 2021 年 8 月 13 日之前將評論發送至:: Arthur Machado, Project Manager, DTSC Berkeley Office, 700 Heinz Avenue, Berkeley, CA 94710 或電郵 <u>Arthur.Machado@dtsc.ca.gov</u>. 您受邀参加 2021 年 7 月 22 日下午 6:30 到晚上 8:30 舉行的遠程公開會議。鏈接 <u>https://tinyurl.com/2550Irving</u> 或致電 1-669-900-9128, 會議 ID 849 7778 3128#。

**我從哪裡獲得更多信息?** 欲在線查看響應計劃草案和相關文件,請訪問: https://www.envirostor.dtsc.ca.gov/public/ (場地代碼 60003063 和 60003000)。 您也可以聯繫加 利福尼亞州有毒物質控制局 (DTSC) 工作人員了解更多信息:項目經理阿瑟·查多(Arthur Machado),電話 (415) 723-0792 或電郵 <u>Arthur.Machado@dtsc.ca.gov;</u>公共參與專家阿莎·塞蒂 (Asha Setty),電話 (510) 540-3910,免費電話 (866) 495-5651 或電郵 <u>Asha.Setty@dtsc.ca.gov</u>; 媒體諮詢:公共信息官拉斯·埃德蒙森(Russ Edmondson),電話 (916) 323-3372 或電郵 <u>Russ.Edmondson@dtsc.ca.gov</u>.



聽力有障礙的人士可以撥打711或800-735-2929(聾啞人電話 / 只聽不說 / 只說不聽的加利福尼亞中繼服務)來發聲。





有毒物質控制局負責監管場地的其他信息可以通過我 (rev. 5-2020) 們的EnviroStor查詢。
Attachment 2 Comment Letters San Francisco, CA 94122

July 14, 2021

Mr. Arthur Machado DTSC Project Manager 700 Heinz Avenue Berkeley, CA 94710

> Re: 2550 Irving Street, S.F. – project Public Comment Period 7/12/21 – 8/13/21

Dear Mr. Machado and DTSC:

This letter references your Community Updated dated July, 2021 for the above referenced property at 2550 Irving Street, San Francisco, CA.

Previously there has been a mortuary, dry cleaners, 2 gas stations, and a drug store on the 2550 Irving site. This is more than a **triple threat**. It was contaminated with PCE and PERC – a colorless and odorless gas – vapors, is toxic and will be outlawed in California in 2022. High levels of PCE were found at the site and are found to be drifting north from the existing building. As you may be aware a ventilation system had to be installed at the current Police Credit Union building if they wanted people in the building, this was to protect workers. Because of lack of ventilation the  $2^{nd}$  floor of that building is not currently used.

TNDC now plans to purchase the building for twice its value and I am advised **TNDC states it will be responsible for toxicity in the building, but not for neighbors/neighboring homes.** I am advised that 5 **people living within 100' of 2550 Irving Street have developed cancer or Parkinson's Disease.** PCE is a know carcinogen and can cause neurological problems in humans. Please re-evaluate the risk for my neighbors residing very close to the proposed building – in this dense neurologi. Please take 3 steps to protect the health of neighbors in the area:

1. Develop a comprehensive plan to remove/contain the sources of the PCE leaks at the site.

2. Do more sampling of the soil so the full margins of the spill can be determined.

3. Test the air in selected houses for PCI – on both sides of Irving Street – near 2550 Irving.

Your Community Update referenced above proposes the installation of a vapor intrusion mitigation system underneath the proposed building – a barrier to be installed as part of the building foundation to prevent PCE found in soil vapor at the site from entering the indoor air. Additionally, your flyer states the levels of PCE found at the site are suitable for commercial/industrial use. And further that action is needed to ensure the site is suitable for residential use.

Your Response Plan addresses on-site contamination ONLY. You do not address, discuss, nor present any plans to remedy any such contamination in the surrounding buildings and houses in the immediate area. As mentioned above there have been diseases experienced by dwellers of the nearby houses.

I live within 1 2/3rds blocks of the 2550 Irving site, and urge you to locate and remedy contamination in the homes of my neighbors nearby the site – none of which has been mentioned by you to date.

Per your Response Plan Environmental investigations in 2019 and 2020 have found PCE at the site, adjacent parking lot, **and along Irving Street which the Response Plan indicates is "within acceptable risk range.**"

I urge Department of Toxic Substance Control to look at the whole picture and into the toxic problems caused to people living close to this proposed cleanup and building. Should TNDC purchase the building, please demand TNDC clean up all toxins in the neighborhood beyond 2550 Irving Street. Please put the neighborhood at the center of this process rather than the Police Credit Union or TNDC.

Thank you for your consideration,  $\frown$ 

July 26, 2021

Arthur Machado DTSC Project Manager 700 Heinz Avenue Berkeley, CA 94710

Re: Draft Response Plan for 2550 Irving St.

Dear Mr. Machado,

Thank you for providing a notice of availability of the draft response plan for the above site. I live in the vicinity of 2550 Irving Street and am submitting these comments on the draft response plan for this site.

I have several concerns about the proposed plan:

- 1. It does not propose any actual removal of PCE found in soil vapor at the site above acceptable levels for a residential use and fails to convincingly justify the alternative selected.
- 2. It does not take environmental justice considerations into account even though the site is proposed for families seeking affordable housing and will undoubtedly serve minority populations.
- 3. It does not discuss all proposed potential remedial options for the site.
- It does not provide a serious proposal for how it will assure that engineered/institutional controls will be maintained and complied with for the life of the project.

# Response Plan Choice Not Adequately Supported.

The proposed plan relies entirely on engineering and institutional controls. Why is no real consideration given to removal of PCE in soil vapor from the site? The stated justification of cost and possible recontamination of the site by offsite sources seems inadequate. While removal is more expensive, no suggestion is made that it is infeasible. The statement that offsite sources will possibly recontaminate the site is not explored in any detail. Further, the likelihood of recontamination seems contradicted by DTSC's own notice of public comment on the plan. DTSC's notice states that PCE levels immediately offsite on Irving Street are within acceptable levels for residential use and will be monitored by the Police Credit Union. This information suggests that a concern may be offsite migration from the site to Irving Street rather than the other way around. While elevated levels of PCE in soil vapor appear to be likely associated with the Albright Cleaners site on the other side of Irving Street, the DTSC notice states that DTSC will be providing oversight for the investigation of that site. Given the

available information, no facts support the conclusion that offsite sources will likely recontaminate the site. The draft plan needs to provide more analysis of the feasibility of simply removing soil from the site that is causing the onsite – and possibly offsite - problem. A further justification needs to be provided as to why recontamination of the site is likely if site soil is removed.

# Environmental Justice Considerations Overlooked.

The draft response plan does not discuss environmental justice considerations. While the immediate neighbors have a voice, it is not clear whether the proposed future low-income occupants of the site have a voice too. I understand that the housing will be designed for families. The vast majority of persons with the lowest incomes in San Francisco are nonwhite.<sup>1</sup> It is reasonable to presume that the housing at this site will largely serve a minority population with children. If this was a market rate development, would the developer choose to leave all of the contamination at the site with no effort made to clean it up? How does the proposed plan compare to response plans at market rate housing sites? Some discussion is needed in the plan to demonstrate that the draft plan for this site favorably compares to other housing sites with comparable problems. This affordable housing site should not be treated to a less rigorous cleanup than market rate housing sites.

# Incomplete Remedial Options Considered.

The response plan only considers soil removal and engineered/institutional solutions. Why is soil vapor extraction (SVE) not analyzed as an option? Is it infeasible for some reason at this site? We don't know whether SVE is feasible because the response plan does not mention this possible remedial technique. The plan should be revised to evaluation SVE as a remedial option.

# Long-Term Use of Engineering/Institutional Controls Needs Further Analysis.

The response plan relies on an installed vapor intrusion mitigation system operating effectively for the life of the project. To be effective, it has to be inspected and maintained adequately. The response plan does not discuss how long the building is expected to remain at the site but residential buildings in the immediately adjacent blocks such as on my block are over 100 years old. The cost estimate for the proposed plan only assumes the filing of 24 annual reports of how the system is operating. Will the soil vapor go away after 24 years or will the building be removed? Alternatively, is longer term inspection, maintenance and reporting going to be needed? Does the proposed cost estimate truly include all of the costs associated with inspection, maintenance and reporting for the life of the building at this site? Affordable housing in San Francisco has a history of failed maintenance. Is it realistic to expect that the engineered controls will truly be maintained for the life of the project and funds will be available to pay for the costs of doing so? The long-term maintenance of the engineered

<sup>&</sup>lt;sup>1</sup> San Francisco Housing Needs and Trends Report, San Francisco Planning Department, 2018.

solution and the feasibility of assured funding the required institutional controls should be more thoroughly discussed in the plan.

Thank you for providing an opportunity to submit comments on the draft response plan.

Sincerely,

San Francisco, CA 94122

7/27/21

Arthur Machado DTSC Project Manager 700 Heinz Ave. Berkeley, CA 94710

I am writing as well as emailing my response to the DTSC during the public comment phase. After the meeting, which I attended, it was clear that your proposal to use an intrusion mitigation system will clearly fall short of our goal to eradicate the existence of all the identified toxins and contaminants in the ground in and around 2550 Irving Ave.

Mere mitigation of the condition is not in the best interests of the direct neighbors of 2550 Irving Ave. All homes in close proximity to 2550 should be monitored until a margin of clearance is determined. In the past few years, a disproportionate number of residents have contracted cancers and Parkinson's Disease. incidentally, I heard at the Zoom public meeting that toxins are released in an indiscriminate plume. Please consider that we live in a thick fog belt much of the year, which could trap toxic emissions and hover perniciously, not dissipating as might be expected.

We believe that the State of California should be concerned about the current residents' health with the same zeal evidenced for our future neighbors. Please consider this proposal to not only keep our new neighbors safe, but existing ones as well. We need more testing!!

Respectfully,

San Francisco, CA 94122

Email cc: Asha.setty@cltsc.gov 🗸

# July 27, 2021

Arthur Machado DTSC Project Manager 700 Heinz Ave. Berkeley, CA 94710

This letter responds to a DTSC request for public comment regarding toxic contamination of the proposed development at 2550 Irving Street, San Francisco. Employment of an intrusion mitigation system will not eradicate the existence of all the identified toxins and contaminants in the ground, and during construction, would likely be released in appreciable amounts greater than current baselines Homes near 2550 should be monitored until a margin of clearance is determined. We are aware of a disproportionate number of residents who have contracted cancers and Parkinson's Disease. If PCE toxins are released in an indiscriminate plume, also consider that we live in a thick fog belt much of the year, which could trap toxic emissions and prevent them from dissipating, strengthening their toxic effect.

We ask that the area of testing for toxicity be expanded beyond the 2550 development site and then eradicated by whatever means necessary. And only then, should the development be considered for approval.

Yours trulv.

San Francisco, CA 94122

Email cc: Asha.setty@cltsc.gov



August 2, 2021

My name isI bought my home at42 years ago. In arecent meeting regarding the 2550 Irving street project I did not know that we have beenexposed PCE for decades.

In 2000 I was diagnosed with badder cancer by my urologist. The doctor asked me if I worked around chemicals I said no I work in the US Postal Service delivering mail (at that time 37 years). The doctor said he did not know how I got the badder cancer usually its people that work around chemicals. I said I am the first one in the family (that I know of) that got cancer.

Now I believe I got the cancer from PCE from the 2550 Irving site. I wish I had the money to sue. Now TNDC want to build their building there. I hope they clean up the PCE and contamination without making the residence sick with cancer. If we get sick I hope can get a good lawyer and sue

OF TOXIC SUBSTANC SITE MITIGATION BRAN DEPARTMEN BERKELEY 5 2021 STATE OF CALIFORNI RECEIVED

15

August 7, 2021

ARTHUR MECHADO DTSC Project Managen 700 Heinz Avenue BERKELEY: CA 94710



STATE OF CALIFORNIA EPA RECEIVED

SUBJECT: 2550 IRVING STREET, SAN FRANCISCO, CA 94122

Dean MR. Mechado: My name 15 old with poon health. I have lived im this address fon thinty four years. I have seem the transformation of the neighborhood Simce then i Before, it was guiet and peaceful until it turned out to be the 3rd Chima Town of Sam Francisco.

With the initial findings that I have need. .... I am Very amony and but no gious. The toxic contamination is very damgenious to the health of the neighborhood. It has to clean thomoughly, excavated and to be dried for a long time before any construction has to be dried. The nemedy should NOT BE "BAND-AID." It has to be done with utmost care and diligence, considering the welfare and health of the community.

Aften all is said and done. I would appeciate it very much if you could furnish us the names of the Petison/s who approve of this project, what department they are working for and the name/s of their

12 - 2550 Inving Street

department head/s. We in the community wants proper accountability of this project.

We will further appreciate any future development on this project so the community would fully understand the predicament they are facing in the rear future.

We appreciate your efforts and continue the good work for the community. It is truly appreciated, thank you and I hemain

Very truly yours,

Sam Francisco, CA 94122

P.S. - There are HOT SPOTS which they claimed that it is coming from the Sewien pipes. They do not know for sure !!! A comprehensive findings shuld be taken into consideration, otherwise, the neighborhood might experience another "SAN BRUNO FIRE." SF CA 94122-1518

August 7, 2021

Arthur Machado DTSC Project Manager 700 Heinz Avenue Berkeley, CA 94710

# RE: Response Plan for 2550 Irving Street

Dear Mr. Machado,

There is a wonderful lady in my neighborhood. On occasion I see her walking her dog or riding her bicycle through Golden Gate Park. I've met her. I've spoken with her. She is my neighbor. She lives near 2550 Irving St. She has been diagnosed with cancer. Her name is

I was born in San Francisco in 1968 and have lived here most of my life. It's saddening that in the 21st century TNDC's response plan does nothing to clean up the PCEs that we know cause cancer and Parkinson's disease. That's not a good neighbor. TNDC's response plan is a totally inadequate response to cleaning up the toxins at 2550 Irving St.

Keeping in mind the already exorbitant proposed cost per unit at 2550 Irving St., the willingness of the developer to invest double for what the property is valued at and the developer's unwillingness to invest in cleanup of the property are inconsistent messages and make for terrible community relations.

There are better solutions that can make our neighborhood safer and cleaner. One of them is Soil Vapor Extraction. Investing in Soil Vapor Extraction to clean up the neighborhood will save TNDC and the neighborhood decades of having to continually invest and re-invest time and resources to monitor PCEs. We should choose to invest in Soil Vapor Extraction so no one else gets diagnosed with cancer. Please.

We know the neighborhood has been exposed to these PCEs for decades. TNDC and Police Credit Union need to be good neighbors and be part of the solution to cleaning up the property and our neighborhood before future generations are exposed to the PCEs as well.

My understanding is that the hotspots are likely coming from the sewer pipes. I believe circumstances warrant a serious investigation to determine the full extent of pollution and the danger from PCEs at 2550 Irving St. There should be no transfer of ownership from the Police Credit Union to TNDC until there is a clear plan to clean up the toxic mess at 2550 Irving St.

TNDC and Police Credit Union should be part of the plan to clean up the site and not leave a toxic mess under the building while they walk away with gross profits.

TOXIC SUBST SITE MITIGATION BRAN BERKELF AUG

STATE OF CALIFORNIA

Personally, I think that references to killings and death by laborers with little construction jobs at my neighbors' homes preceding this large construction job down at 2550 Irving St. might only be a peculiar coincidence. And considering the torment my family went through at the same time (please refer to the enclosures), it is probably all just a very peculiar coincidence.

Never mind that one neighbor put up stairs in his backyard up to his second story that go right up just a few feet from my daughter's bedroom window and that atop the Cyclone fence partitioning our backyards, where the ends of the wires turn and hook down so there aren't any pointy tips, in several spots those wires are undone, in two instances right beneath the added stairs in the backyard and in a third instance right above two 12x1 boards that are stacked width-wise and braced with a 2x4 to make what would otherwise be a 6-foot Cyclone fence a 4-foot Cyclone fence; or another neighbor that added a room and raised his backyard several feet such that people from the room or backyard can look right into my bedroom and through a walk-through closet and into the bathroom where I brush my teeth; or another neighbor that extended his home in the backyard and added stairs that see into my bedroom and that of my daughter's bedroom; or another neighbor Robert that had a laborer that I could hear through an open window scraping away at something on the roof near my light well, even though the laborer parked two doors down at Ricky the plumber's house. It was a nice sunny day and when I ran the faucet, I heard the scraping immediately stop. I turned off the water and listened to the silence in silence for a long time.

Feel free to contact me if at all necessary. Your time and attention in the matter are greatly appreciated. Let's clean-up the toxic mess at 2550 Irving St. with Soil Vapor Extraction. No sale until there is a plan to clean up the PCEs with Soil Vapor Extraction.

Regards,

CC: The Honorable Mayor London N. Breed SFPD Chief William Scott

Enclosures: Order and Narrative

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АРЕЦИСАТИИМ АЛЕ ВОСТАЛЬНОЙ И ИЛИГОВЕГОЙ. ПРИОТАЛЬНУК СОВЕТИИ И ИЛИГОВЕГОЙ. В ГОХЛИК АГТОВЕТИИ КОНСКА. В ОЛИКИ АГТОВЕТИИ ИЛИГОВЕГО ОГ СПИТЛОСТИ, АМВ АЛТИВИЦИТ ГО ИНПОСЛЕДАН УЛИГИИ АЛИГИИЗ. В ОЛИКИ АЛТИВИЦЕТИ О ИЛИГИИ ИЛИГИИЗ. В ОЛИКИ АЛТИВИЦЕТИ О ИЛИГИ ИЛИГИИ АЛИГИИЗ.	PETTICATING
S ORDER AUTHORIZED STREAME OF CHILDORY)	

Petitioner, Mary Provine \_\_\_\_\_, declares as follows:

PETITIONER'S PROPESSIONAL QUALIFICATIONS

Internet of a non-more experiment of the seam Services Agency, Department of Femily and Children's Services (PGS) as a shift welfare worker. By virtue of my obscafes, training and requires it is mignified, attention and committy series of a conduct child show and requires the restignation under Welfare and inmitations Code (W/C) [4] 500 and 528. I are carrantly stigned to investigate the case involving the children's handle above. I are requesting the following.

- $i_1 ~ \bigsqcup$  A protective custody warrant for the child(res) tender WIC  $\frac{3}{2}$  340;
- 2.  $\Box$  An order for an investigatory medical econe of the child (rm) under WHC § 324.5;
- XI An order settorizing visual inspection of child(res) and anthority to photograph visible injurice under WIC § 340;
- A: [2] An order, multiprizing entry into the child(nm)'s hoose or the child(ren)'s curves incution to conduct a child webline investigation maker WIC § 322;
- An order authorizing an interview with the child(ren) for purposes of investigating allegations of child abuse or neglect under WIC § 328;
- 6 . An order sufficiency transport to and conducting of MDI.
- CHILDORENO'S STATUS

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- No partition have been Gird, but there is reasonable cause to believe that the child(wa) any full within WiC § 300 (for early warrants or child interviews only).
- A verified original WIC 5 300 perifican bas house filed with the harvenile Court (and \_\_\_\_\_\_) or \_\_\_ will be filed concurrently with this Application, all beging that the child(rea) sensed shows conse(s) within the description of WIC 5 300 and
  - 6.100
- 3. X ORDER AUTHORIZING VEHIAL INSPECTION OF CHILDREN) AND AUTHORITY TO PROTOGRAPH VISIBLE INJURIES

ALTEORITY TO PHOTOGRAPH VISIBLE INJURIES Based on my investigation and the facts set forth in this spatiation; it is my professional optimic fluct first investigation of the transmission of the set of the oblight of the (eq) a personal (desr/maxuum to WIC § 300, and that a visual inspection of the child(eq) is necessary present to WIC § 310, and the a visual inspection of the child(eq) is in the law's may the inspire and an order to secretize whether child(eq) is in the law's may the inspire and an other misser whether child weak sections should be offened to WIC § 328, at a size any professional opticies install deprice parameter to WIC § 328, as well as to help proved further possible here in the disk(eq).

4. ⊠ ORDER AUTHORIZING ENTRY INTO HOME OR CHILD(REN)'S CURRENT LOCATION

CURRENT DOLATION Based on my investigation and the facts set forth in this application, it is my professional options that there is reasonable more to believe that the oblik(one) is (see) a percent(s) described by WC 3 300, and there easy into the home by PCS and/or law absorbance its investigatory under WIC 5 328 in order to are and speak with the child(one) to import the safety of the home or the child(one)'s current lossion, to identifies whether bidd within a varieus should be offered in the family such a determine whether juvenit court proceedings should be commissed. It is also my professional optimics that its support the intrusion set forth is my docimention estates to a set the same of the intrusion set forth is my docimention is necessary to avert have to the child(optim):

5. 🖾 ORDER AUTHORIZING INTERVIEW WITH CHILD(REN) ALONE

DECISEA AD Introduction in the application, instance characterized with the Based on the fact slepped in this papilosition, sincluding the information the Agency received is a referral documenting suspected williak acces and neglect, and my hability on the watershifty of obtaining material conserts in interview the ability only. It is my productional optaion that there is reasonable cance to believe the fact ability of the same and interviewed about the aligned one is not believe ability only and the same and interviewed about the allogations is order to snaure the ability only and the same and interviewed about the allogations is order to snaure the ability only and the obtaining whether services or justenils court action is moreover, to cancer the child(real's protection.

In addition, it is my professional opinion that the child(cree) must be interviewed alone, outside the presence and influence of their parent/guardina/other adult in order to casure the child(ren)'s safety and a caadid statement.

X

A true sad correct copy of the petition is white corporated involutivy reference. There is reason making on of the child(only isome environment 160 entition and in 1990 to the last the particul als annes to K-Ye ible person

📋 The child(real) passed above west (were) de ઓ જે છે

## TAM REQUESTING AR

1. 🛄 ORDER AUTHORIZING PROTECTIVE CUSTODY WARRANT

- Based on my investigation and the facts aloged in the athenad, verified jevenile const petition, as well as my attached declaration, if is my profamicael spinkas that the athist(res) should be placed into protective custody under WIO § 340 because:
- a. [] The child(res) require(s) immediate medical care and there are no reasonable means by which the child(res) can be protocold without temperary reasonal from the physical cashody of the payoph or gos
- b. The child(ent) is (are) in intrainerst damper of physical or second abuse and there are no reasonable means by which the child(ent) can be protected without happorny reasonal from the physical cashedy of the paradis or gardinary.
- c. The child(ne)'s physical environment power as imminent interest to the child(ne)'s heath or earley and three are no reaccouble means by which the child(ne) can be projected without learnersy reacryst from the physical custody of the parents or gandlana;
- d. [ii] The okild(ren) is (uvo) sufficing veyors anothoral densign and there are no reasonable means by which the child(ren) can be protocided without temporary removal from the physical custody of the parents or guerdines.
- 2. 📋 ORDER AUTHORIZING MEDICAL EXAM

Beam on my investigation and the facts alleged in the attached, varified juvenile cours periods not any delivinal information described in my deciention, it is my professional opinion that there is reasonable cause to believe the fac child(we) is (we) a percode (d) described by WCI 2000 and that is investigately mean table WCI 214.1 In required by a motioni practiciour who has specialized building for information whether that child and the application whether the child(we) has characted or suggested.

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in philiping, it is any particularity aphains that it will be an armary for PCS make low anterparent to interpart the skill(star) in the MCI.

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t waxaany QCAL IILAM ..... нарад натион на силандрикту дей дотакция у то тиху собан и инструмента таку нуто жанай во санадарниу собанит Location закулит ну собанадарна (изо 1943) има собани собания, сил 7.14 (1974) ст. 2009. Куличии у собанадарна (изо 1943) има собани собани и собани и собания. Куличии у собана собани струк си мисят бите собани и собани и собания. TENENGS

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# There is neuroscied cause to believe that the child (res) is (are), or appear(s) to come, while the description of WE § 300; and

## 1. [] EROTICITYE CIRTORY

- The child(rep) should be placed into p
- a. The child(true) repolers(a) immodiate medical case and there are no reasonable means by which the child(rea) case to protocold without temponery reasonables are no protocold without temponery reasonables in physical casedody of the particular or gain
- b. The child(res) is (arc) in tancinest damps: of physical or normal there are no reasonable means by which the child(res) can be per white at page-may relative from the physical castody of the par genetics; nin àis
- a. In the child(rm)'s physical covironment poors an imminue force to the child(reg)'s loads or anisely and there are no resonable means by wij child(reg) on the protected without trajupcenty removal from the physic cantody of the parents or guardinos;
- d. Dra childran) is sufficing server exactional densage and there are no reservation manual by which the phildran) can be protected without improve reserved from the physical costady of the paramite or grantific improver reserved.

## 2. 📑 MEDICAL EXAMINATION

# The children) require(s) a motival ectam by a licensed modical practitions has specialized toximing is disgraving and invating child stress and neglect to determine whether the child(res) has (here) been shared or neglected.

# 3. DE VERLAL EREPECTRON/PEOTOGRAPH INJURIES

Visual impection of the platitions by PCS is seconsary in orthor to determine whether the classificma) and (same) and have and plaquets that many have left visible matrix. If the shifter has factor with the injection, it is necessary for PCS to photograph any much injects in order to document and injection, to prove it forth proceedings should be composed on parameter to Working Vision and proceedings should be composed on parameter to WORK 25 20. man to WJC § 328.

3. [1] PCS is antherized to visually import the child(rea) in order to dependent whether the child(rea) has (here) million any injects the may have left visible marks. If the child(rea) has (here) visible injects, it is necessary for FCS to photograph my such hypothes is order to document and leptons and to prove the further possible have to the child(rea) have to document with leptons and to prove further possible have to the child(rea) have to document with lepton which we have to the child(rea) and to documents with lepton which we have to the family and whether invente court proceedings should be commenced.

- 4. (1) FCS and/or inw conferences are associated to cater the child/(en)'s home or correct location, and the child/(en)'s parent, granting or caretalar shall immediately penalty PCS and/or law enforcement investigators to estar the child/(en)'s home, is order to see and specify with the child/(en), ho impact the safet of the home, is determine whether child wolfner services should be offered to the family and to determine whether jovenile court proceedings should be commenced
- Impairy not to commune waters present court processing should be commended.
  5. Of PCS and/or large endociments investigators are settlowized to interview the child/endo.
  5. Of PCS and/or large endociments investigators are settlowized to interview the child/endo.
  5. The processing of the endociment of the endociment of the family and whether ynowline contropositions should be continented. PCS is such criteria and its interview the child/endo its school for the dustion of the investigation. The practical is observed with the observed of school phonical information shall make the advert effectuated child/endo its school for the charting of the investigation. The practical is observed with the investigation of the school hour of the school hour of the investigation of the school hour of the school
  - It is secretary for the PCS/law enforcement to heterview the child(real) alone, contains the pressure and influence of lines parent/guardian/other south to order to many the child(real)'s safety and a candid statement.
- 6. D FCM/sev calor-mann is autorized to immore child(ren) to and to obtain an MDF by a trained forces to later viewer.

TT IS SO ORDERED. Judge of the Superior Court NEWTON LAM 14616 For other hours we

spoke by interione with of Dept.

set for the in this application. The judge approved my request

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CHILD WELFARE WE 10428 4. (A) ENTRY INTO THE CHILD(REN)'S HOME OR CURRENT LOCATION Dary into the delivery have control control by PCS and/or investigations in more interesting to the second second second second second second second second with the child(res), to inspect the set(r) of the bacas, is iddentified with disk velices every cost should be offered in the second year is iddentified with disk velices every cost should be offered in the second year is iddentified whether investigation is and the second second second second second second investigation and the offered in the second year is iddentified whether investigation of the second second second second second second second investigation of the second second second second second second second investigation second seco

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5. L AUTHORIZATION TO INTERVIEW CHILD(REN) ALONE

A UPRIORIZATION TO INTERVIEW CERLEDUREN) ALONE Assistantion to interview the children) by PCS mader in we enforcement investigates in transition the children's PCS mader in the children's children) and to determine whether the interview see and apeak with the children) and to determine whether child welfare services should be offered to the should not be the state of the children's services should be offered to the should in order to obtain a could obtained from the children's the children's algoritos of child abute mat/or neglect. It is imparchashe or infrashele for PCS to obtain parenti consent for the interview as notifying the parents could subject the children) to parential presents or could rules the triak of retailation spatiant the children.

It is necessary for the FCS/law enforcement to interview the child(ren) alone, outside the presence and influence of their parent/guardian/other adult is order to means the child(ren)'s sufety and a cauchi statement.

- 6. []] AUTHORIZATION FOR TRANSPORT TO AND CONDUCTING OF MULTI-DISCIPLINARY INTERVIEW (MDI)
  - It is necessary for a trained forensic interviewer to conduct an MDI of the child(ren) to determine the extent of abuse sadior neglect that the child(ren) has (have) suffered, and for FCS acd/or law enforcement to transport the child(ren) to the MDI.

ORDERS

- Based on the facts get forth in this application, IT IS HEREBY ORDERED THAT:
  - 1. A protective custody waynet stall issue for the oblid(res) named above. FCS and/or law enforcement are authorized to enter the child(res)'s home or current location in order to says the warrant.

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2. [] PCI is autocitate to apply the module is module (rates, for the child/ref) by a (locased new precisions who has specialized retaining is dispository and retaining the individual spectra determines whether the child/ref) has (a) where been absended within 72 hours of this order used termines by the conducted within 72 hours of this order used termines that has conducted within 72 hours of this order used termines that has been absended within 72 hours of the child/ref). ed medica

### MGmail

## FORMAL CONTLANT: San Francisco Des

ine, James 2010

-Child abuse runs campont in our society,

Judge Newion Lam of the Superior Court of the City and County of San Francisco signed and dated an order on January 25, 2016, to have my daughter taken away from me and to have my daughter subjected in medical examinations. My daughter was taken away from me on Pebruary 12, 2016. Not a slapic person inside the government of the City and Courty of San Francisco will tell me why my daughter was taken from me and subjected in medical examinations; pol a single person from the San Francisco Board of Education, Child Protective Services, Preside Middle School, San Francisco Unified School District, San Francisco Police Department, Edgewood, or the Superior Court of the City and County of San Francisco, not even Justge Newion Law.

On February 4, 2016, when my daughter was 12-years-old in the seventh grade at SFUSD's Preside Middle School, I received a call from a government agent with Child Protective Services of the City and County of San Francisco named Mary Payette. Mary Payette said she wanted to help with my daughter and meet with me the next day at my heme to discuss it. Mary Payette was not the most furthermoning person when I asked her for details about her visit. Despite that, I agreed in meet Mary Payette at my home the next day.

On February 5, Mary Payetto of Child Protective Services and a graduate student, who bleatified himself as Guillermo Lee (sp7), arritred at my home at about 10 AM. I was willing to talk, but 1 would not let Mary Payette late my home. I had my camera out nod recorded our brief meeting. Mary Payette objective is being preorded, sold something about having a meeting with her super visor, and shormed off.

Then on February 12, a letter service in the US mail from Mary Payette about having a meeting at Child Protective Services at 130 Onis St. et L30 PM in San Francisco that same day. February 12, to suppose the discussion behavior and the standard of the service of the school and west to meet Mary Payette at Child Protective Services at 130 Orisl St. at 130 pm in good faith.

## It turned into the most horrible day of my life.

Patricin Plym, as again with Child Protective Services, along with Guillermo Lie and Mary Protein, not with any despiter and no. Mary Payetie's superviser way not there. We spoke a bille. Then Mary Payetie and Patricia Plyma segretated that any dampher go behad a big heavy does a net could talk more hereit, J agreed. My dampher your bailed the big heavy door. After a coulding and nanochical exchange. Mary Payette and Patricia Plyma segreties of your depart results and the big heavy does to speak in the group spalls. After just a minute or so, Mary Proyets. Then Mary Payette manetasety said she had consended her collectpress and that she was achieved. Then Mary Payette manetasety said she had consended her collectpress and that she was -

Marry Perettie indexi that I showed call friends and family because I was poing to need their support. Once Mary Parette booled is no during the needing and samatically. "We're poing to be really period formet." Anny Perette forstanized that my daughter may tee be able to go bouw web was, Mar My daughter yong here to go to a faster bound.

The second second second with Maria 1964 - one restriction of AFFs Maria in a state small field second is . Si 1770 (s

### TIMES A FORMAL, COMPLAINT: San Francisco Board of Supervisors

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After separating use from my daughter, Mary Payetto and Patricia Flynn coercively casted are to sign all sorts of forms. At another point, Guillermo Leo appeared despondent in the baltway with not. One of the forms gave consent to medical examinations of my daughter at a facility at 25th Ave, and Vicenic Sk in San Francisco called Edgewood.

After the meeting, I went immediately to Edgewood at 28th Ave. and Vicente St. To the best of my recollection, if took at least 60 to 90 milantics or more after my arrival at Edgewood before Mary Payette arrived with my daughter. Then Mary Payette did not check in with me for the longest time after arriving with my daughter at Edgewood.

Mary Payette at Edgewood had my damphier subjected to medical examinations.

It wasn't until after 7 PM, still February 12, that Mary Payetic and the staff at Edgewood returned my daughter to me. Staff at Edgewood said that my daughter wanted to go home with her father, that my daughter fat safe with her father, that my daughter wanted to go to Japanese school the next day. Then my daughter and I work home.

# Is this not child abuse? Is this not harnssment?

One week bater, on Vehrmary 19, Mary Payetis came in our home, presented me with the order signed by Judge Newton Lam, and mer with my girlfriend and me. Mary Payetic sepposedly, for some yet miknown concerv, wanted to make sure our home wets and for my daughter. My girlfriend and I walked Mary Payetic through my home. During the walk-through, Mary Payetie said something in the effect that this was a regular or sormal home. At another point in our meeting, Mary Payetic also said, "If's about the children."

## li-doesn't end there.

My danghter was having trouble with her grades for some reason in the first part of seventh grade at Preside Middle School. I don't think my daughter was the problem; she is a smart cookie. I believe the problem size, with teacher and staff at SPUSD's Presidio Middle School, namely conscient Scangeli Martin, teacher Richard Foldensner, front office staff Victoria Lowe, and Principal Thomas Ekso.

Preside Middle School's "Parent Tepcher Stedent Association" get na email from me about communicating what had happened in my dampher and me in a workly newsletter that goes out to preside and generations of readents attending Presidio Middle School; and I got a reply suggesting that I may wast in keep the matter private.

My daughter was 12-rears old and in seventh grade at Presidio Middle School at the time. I was been all the time, evaluate us help my daughter with her homework, with anything. So why were my daughter grader and even her moved suffering?

Check that set, Near the end of serveth grade my daughter's grades were going Mp. A recent report clind in this mult bulkesing that this lowest grades my daughter had were 2 C's.

Comments' Anonghud Marita, mar the und at my dampher's sevenith grade school year, called one day and us apple. Comments' Jourgan Marita demanded that we have a meeting immediately with my dampiner's memory about my dampiner's grader and consistor Jourgand Marian

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# Is this not child abase? Is this not harmsment?

Hani Banangariun, Chuical Director at Edgewood, heard from me as well. When I spoke to Huni Benangariun for the first time and told her that my daughter had been taken from me coercively and taken to her facility, Edgewood, replied sarcastically.

Regretiably, I used a lot of professity when contacting these persons who work inside and assognide the procrament of the City and County of San Francisco. Whatever the message professity chempetes it. And professity is not insidiary. Sorry to everyose for using professity. sage,

## But there's more

. So with the start of eighth grade in the fall of 2016, I continued with my questions and looking for assurers; so SFPD assurerd,

On November 2, my mother was visiting and had prepared my daughter's favorite dish for dinner. My mother, my daughter, and I were just about to sit down to dinner when the doorbell rang.

There were two SFPD police cars and four SFPD police officers. Three of the SFPD police officers were maprofessional. One of them was professional. One of the maprofessional SFPD police officers, officer Secto (ap?), from the piecewide, in from of my bone, entside a Bittle gate and bittle wal, said they had their cameras and that it was OK for are to come downstains policide with them, and that they had received a coll from my address. We spoke and I camplet supervisesional SFPD police officer Secto in a lie. So maprofessional SFPD police Sector Sector Recearch anged they for the they. SFPD, had to check on my danghter's anders. We spoke and I camplet supervisesional SFPD police officer Sector in the Sector supervisional sector. Notes that they shall be there any anarytesistonal SFPD police officers that it was point to theck with my mother and danghter, and at I was closing the frast door in check with my mother and danghter, and at I was closing the first door in check with my mother and danghter, and at i was closing the officers that me so it to go inside, that they would joung the wall. I toid them fivey better not and closed the front door.

Shority thereafter, the three unprofessional SPPD police officers probably ghost-keyed wy front gate. I don't believe they jumped the wall. (Their cameras will tell.) They ran stomping up task down the front states, banging on the doors and the walls.

another point later still on November 2, with SFPT) in front of our home, my daughter, my short, and I were downstates in the parage by a little door that leasts to the outside fromt of the one. Unprovidential SPTD points efficient Stees it finished his formulation in our Space through bitle adows in the door and attract officer Stees They heat yetling that they had to nee how bitle guider: To exist down the three maps formulated SPTD police officers, I actually had to yet over an and said something clase is, "Get the F away from my home, yes pieces of SI"

But the force supervisional SPPD police officers continued insisting that they accided to see my simplery and is upon the door. I held my daughter up to the little windows so that they could see my daughter ms line. The force unprofessional SPD officers and use they had to see her. So my daughter mit in treat system to the baleway to these three maprofessional SPD police officers could me my daughter. The force unprofessional SPD police officers were to my left of the history, and the one preductional SPD police officer was off on the one my right of the baleway. Unprofessional SPD police officers by (pD), one of the diree superfessional SPD Police officers on my left of the baleway, heage number [11], started miking abset depression and drugs and I told

NAMES OF TAXABLE PARTY OF TAXABLE PARTY OF SUPERVISORS

... specifically mentioned to disregard any solices that ) may have received in the mail. (If sounded like connector Joanglad Marin might have been conversing with a third person at her end of our call that day, ) confirmed with connector Joanglad Marin that the wanted to have a meeting about any daughter's protect, connector Joanglad Marin and yes. And I acknow connector Joanglad Marin if abe wanted is have a meeting about the 2 Cis on my daughter's report card. And connector Joanglad Marin and yes, Se I asked connector Joanglad Marin if abe, mar calling me boot the 2 Cis that my daughter had on her report card it the time and next field and a connector boungled have the 2 Cis that my daughter had on her report card at the time and next field and the that were on my daughter.

And the school year cuded

Then, starting in late nummer 2016, I contacted a number of people, including Judge Newton Lam of the Superior Court of the City and County of San Francisco, and others at Presidio Middle School, San Francisco Diaffed School District, Child Prodective Services, San Francisco Police Departments, and Edgewood is get answers in uny questionen regarding why my daughter was taken from me, especially since the was taken from no without any court bearing, without due process of box

Principal Theomet Ekne at Frenklic Middle School get an email from me about how I hoped we would not have a report of events from the previous school year. Principal Theomas Ekne repiet with something about thewing him "the custody papers".

Teacher Richard Foldenaner, who was my dampher's math teacher at Presidin Middle School for the school year 2015-16, and who had assigned a letter grade of F to my dampher during a large part of the school year, as dat as a I understand the matter, was for the school year 2016-17, removed from lenching math.

Victoria Lowe was front office staff at Preside Middle School, early in the 2014-15 school year, when my dampher was 11-years-old in the stritt grade at Preside Middle School. I was having trouble locating my dampher after school. (My dampher crustedly found her was house fine, ) when a near to Preside Middle School looking for my dampher and explained to Victoria Lowe dast I candid it locate my dampher and accorder help. Victoria Lowe take me they were having a fi drift and they I would have to wait. e fine.) But ng a fire

Principal Cadvallatic: Pains, principal at the time of Presidio Middlo School, gut a call from me and I left a message. Committee Josephel Martin returned my cell. I reconnel to connector Josephel Martin my concretence of loading for my daughter and Victorin Lowe's conduct; and I discriminate Josephel Martin that I gut waterd seascase to lower about what had happenel with Victoria Lowe and that I wan't going to bring up the matter again. But after my daughter with Victoria Lower and that I wan't going to bring up the matter again. But after my daughter 

TD police efficient at BTPD Tarroral Scatten in the Samset District and SPTD Park Station in Max Code Park, office I visited each use one stay and explained that my daughter had been of Rum me converting reduced in take a police report. SFTD P

Reporter Count of the City and County of San Prancisco stall, on mother day, over the phase, permission to a septem / their to get information on only my sampleter had been taken swary from things Determiny 12, 2016, and then there was no case.

warrofestional SFPD police utilicer Ng, bodge number 1111, to be quiet. Unprofessional SFPD police officer Ng, budge member 1111, smith he dish"t have to be quiet. I told unprofessional SFPD police officer Ng, budge mamber 1111, again to be quiet and that he was a budy. I expressed concern that manyelessional SFPD police officer Ng, budge sumher 1111, could not control his anyogloha, capacing size be was wearing a bodge and carrying a gam.

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efinitional SPD police officer addressed me and said something like, "Mr. Maya, sir..." givenin fast they had to see my daughter. He sounded and looked reasonable. I gave up daughter go downstairs and talk to SPD. The profe Ne. I gave up. I iet my de

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# ONNAL COMPLAINTS See Francisco Board of Supervisora

Fage 6 of 9

ened, and this professional SFPD police officer at SFPD dispatch connected me to SFPD Taraval Statis

A gratienza austwered the phone at SFPD Tarreal Station. The gestienzan did not announce SFPD or SFPD Tarreal Station or anything except for what sounded tike a grant. As I was explaining what find happened earlier that reveales with SFPD at our house, I could definitely hear what were more grant from the older could be like. Then the professional SFPD poince officer from SFPD dispatch cause on the like trgin and announced that he was dispatch and shared the CAD number annotated with the event. And so I stated with the stary apple, but the gentiewen that answered of SFPD Terreal Science single graviting and statio sourching the. "Yes I i anderstand! OK I get H OKU" I think the gentieman that answered the phone at SFPD Taraval Station get of the into before I even finished felling my story.

The very next day, November 3, 1 called the emergency line for Child Protective Services, Every time I called the emergency line at Child Protective Services, Child Protective Services would stonewall. But in the morning of November 3, it was ready different.

In the movening of Nevenaher 3, a wroman anywered the has at Child Preservice. Services and instead of stoneyralling, the woman cet me off and and, "We moderstand the situation much better awy" She michtly continued, arying it was an energyery line and she had to clear the line. And she hway m. I was sheeked. I called back, had this line a granitement neutret dhe phone and sounded stern was product a called back, had that it was an energency line and they had to clear the line. I consider start at Child Productive Sheet she I was glad about the emergency line getting facel and that I would respect the emergency line. ack better

utied Child Protective Services every morning for about six weeks after that about whether a Frencefre Services was any more or less concerned about the safety of my daughter. Child extive Services merer replied. Child Pro

Then sometime in December 2016 (I think it was), I spoke to Andrea Lego, who kientified herself to the Child Protective Services supervisor of Mary Payetic, Patricia Flyan, Amber Lee, and Laurs Seamer. 1 asked Andrea Lego, Child Protective Services appervisor, about the protects her ubordinates uso to the Children away from their parents. Andrea Lego, Child Protective Services impervisor, replied that the did not know. I asked Andrea Lego, Child Protective Services Services tasks: Ghildren away from their parents. Andrea Lego, Child Protective Services sepervisor, replied that the did not know. A subordinates uso in matters when Child Protective Services tasks: Ghildren away from their parents. Andrea Lego, Child Protective Services supervisor, again and the did not know.

Then on December 13, I attended a Sym Francisco Board of Education meeting, All of the Board of Education commissioners were present initialty, including Board of Education Commissioners Hill Weims, San Francisco Marjor Edward Lee, through a spokesperson, declared it Hill Winns Day in Innovation of Education Commissioner Jill Winns, San Francisco Mayor Edward Lee, through a spokesperson, des declared for a therm chair, a Sandra Peret Pay in boose of these Board of Education commissioners and carrier District 1 Supervisor Sandra Fevere, Several Board of Education commissioners, desting the meeting, thanked Board of Education Commissioner Jill Winns for the "mechanisms".

Then when it was Saw Francisco Baserd of Education Commissions? Mil Wilaws turn in speak, with decades of experience with SPUSD. Board of Education Commissioner: MI Wilaws sensited remaining as Baserf of Education Commissioner MI Wilaws briefly mentioned the "mechanisms".

Then William Michael Quina, Jr., Senior Deputy General Counsel with SFUSD, sent me a den-letter in cense-and-desist contacting SFUSD staff and sourching about my behavior at the Boa of Education meeting on December 13, 1 spike in my allotted time at the Board of Education specing and my tone wera commerciate with my measage. I have been as accertate as possible with my measages. Maybe William Michael Quine, Jr., Senior Deputy General Counset with SFUSD, didn't like the measage. - at the Board

Then, in March 2017, my daughter and I were expecting the SFUSD high school letter of enigment, but, due to a ratifing emergency, SFUSD was have making out the high school letters of astgement. We never received my daughter's high school letter of assignment in the mail. I cannied Pression Middle School Principal Themass Kines and SFUSD School Deputy General Councel William Michael Quinn, Jr., at least twice in the month of April, with one of the two emails also directed to an email mailbox for SFUSD, about the strains of my daughter's high school letter of assignment. Ho one crystel, I had a letter to SFUSD to look into the mariter and get a hard copy of my daughter's SFUSD high school letter of assignment. "s high school

Then I get to thinking of more events that had accurred in my daughter's life and my life.

The United States Pastal Service delivered jots of mail to our bone over the years that had on the backside of the surveyope a tear in the same place on the left side of the flags. J reported it is the Office of the suspector General with the United States Postal Service. These tears continued in the same place on the flags of the lears were only about half the size of what they had been before. Latery, through, I haven't noticed any tears.

Also, my datagistic went to SFUSD's Rosa Parks Elementary School Japanese program. My datagistic got good grades, but filers was some assessment flust rated my datagister's performance to really im. Something is do with No Child Left Belind, One day I approached Principal Paul Japanese has parks Elementary School Japanese programs nebest the materic, befort 1 got a dames in any invibility, and for relativer reason, Principal Paul Jacobson Jost readed his voice at me and tod mix to child dawn in fraid of loss of people in the front office, when I datan't need any chaining dawn, is wait dawn to fraid of loss of people in the front office, when I datan't need any chaining dawn, then you and have which the ded way with the low reasonment when my daughter was getting good grades in the register course of story. I let it ge.

Then the parents of another child intending Rans Parks Dismentary School Japanene program told are that they had had the case tamoe experiment particle programs told are that they had had the case tamoe experiment problem in the second state of the second particle of the second state o

So if gate. We are not the may family in San Francisco that this has happened in

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# NUMAL COMPLAINT: San Francisco Board of Supervisors

un Winns, San Francisco Baard of Education Commissioner, during her talk also said (just like Mary Payette had said when Mary Payette had visited our home), "It's about the children. It's about the children."

When it was my larm to spend, I let the San Francisco Board of Education know that on February 12 my daughter was taken owny from me with the cooperation of SFUSO and that it was the most horrible day of my life, that I once transici SFUSO, but not anymore. I made certain that my tone ' was commensurate with my meaning.

After I finished speaking at the San Francisco Baard of Education meeting, I walked out of the meeting room and into the correlate on mry way back beans when I heard Board of Education. Commissioner Emily Murane say over the internam system, that "...there was a problem at that scheel."

ard of Education Commissioner, when it was my farm to address the commissioner absent. Jill Winns, Beard was the only cours

What are these "mechanisms"? I smolled all the commissioners on the Board of Education, but I still have not heard from surpose.

And H is a peculiar coincidence that when my daughter's grades were suffering in seventh grade, whin my daughter's mood was suffering, that SFUED Presidio Middle School counselor Jeangied Miartin and Child Protective Services agent Mary Payette, without my knowledge, had been micrime with my daughter all the while.

54.1 data subject the SPTPD Chief's bamber every day for about dix weeks after November 2, But bag stepsy short, I called to let SETD to alay away from my bonne, to stay away from me, and considered to itsy strong from any datapater.

Once 1 left a message that L would essentise my right to free speech and go to all 2200 of their basics and do in their what they had base to me. Anyhow, I wouldn't do anything like that. But could yet message.

Then in the mainle of Descember I get sorved with a TRO (temperary restraining order). The Department of Future and Traffic with the CMy and County of San Francisce had be came to our brane. There was a vehicle blocking out drivery, for some reason, after height meeting with an again from the Department of Particle and Traffic, the Department of Parting and Traffic called and count are the gauge ministry. The some strength are been as the source of the traffic called and count are the gauge ministry. The some strength are with the TRO. The TRO was applied he, b any any frame Response and before Edgements. On Janaser 11, 2017, we arrive ad partner to the TRO. Staff of the construction hold mit without apecifying why, that write of process of two improves.

R all worked and OK. I approad to stay swary forms Adground and not contact Adground anymore. Said Day anny from professive Professive decay ( work)

The day Department of Further and Tradie with the City and County of Sar Pranciscs had been a well for below, the 1 get to the theory bay, for course reason when any girld hard's constance had been for the observed part of the bar performance of the second state of the present form of the second state of the second second second state of the present of the present form the second second second second second second second second state of the second secon

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Sandra Fewers, San D'rancisco Supervisor for District 1, who served as the Board of Education, pho (# I remember correctly) unid thank you to Commissioner All Whom for the "machanisms", arver has w about this conduct or was ever in a position to stop it?

one at Child Protective Services with the City and County of San Francisco knew about this aduct or was ever in a position to stop b?

No one at SFUSD, not even William Michael Quinn, Jr., Senior Deputy General Con SRUSD, lancy about this conduct or was ever in a position to stop 1/?

Né one at the Superior Court of the City and County of San Princisco knew about this conduct or was ever in a posiblen to stop if, not ever Judge Newton Lann?

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Regards,

Bernard Juseph Mays Parent of an SPUSD Str 

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Page 7 of 9

8-9-21 Mr. Machado, My name is . My family has lived at Avenue for 34 years. I have been very involved in the issues Merroundy the proposed building at 2500 Irving and an writing to address my concerns regarding toxicity. The site has PCES + TNDC poposed to clean up the site, but is neglecting to address contamination of the adjacent homes. This is inadequate and unacceptable. TNDC needs to be part of a bigger solution to address contamination of the neighborhood. We need a thorough examination of all aspects of this problem before the property Sale goes through. Thank you for your work and for listenop to my concerns, to the concerns of my neighbors. We seek a transparent Investigation + a resolution that will leave our neighbot hood safe for present a future residents Sincerely Ave SF 94122

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entitle community through dust and underground penetration due to the construction process. Thank You. 8-10-2021 .

August 12, 2021

Arthur Machado DTSC Project Manager 700 Heinz Avenue Berkeley, CA 94710

RE: 2550 IRVING ST - NEIGHBOR RESPONSE

Dear Mr. Machado,

My name is \_\_\_\_\_\_ and I am writing to you in response to your "Community Update" letter, dated July 2021. I have lived in the Sunset for 40+ years and in that time, I have seen many, many changes to the neighborhood. Most I have viewed as positive but now, the proposed residential development at 2550 Irving Street I find very disconcerting and worrisome. As per your letter, there is dangerous PCE gas below that entire block. The developer, TNDC has submitted a plan to put a vapor barrier over their residential development site only.

What? No Clean Up? Who will monitor and maintain the proposed system? And, how is this a positive change for our entire neighborhood?

In my humble opinion, covering up the problem is not a viable solution for our community. I have raised 2 children here and as adults, they still live and love the neighborhood. I am looking forward to their raising my grandchildren here as well and in light of the proposed TNDC inadequate response to their 2550 Irving St. development, I feel a strong need to write to you and share my feelings about the site toxins.

Shouldn't there be more investigation into the full extent of the gas plumes and their danger before going forward with the building plan? And who has the responsibility for clean up? The current owner of the site or TNDC? Shouldn't these issues be resolved before more legal complications and (possible) finger pointing ensues?

In this time of Covid pandemic and the primal knowledge and understanding that "we are all in this together" I feel very strongly that the proposal for cleanup should benefit the entire neighborhood for now and in future.

Please consider there should be no transfer of ownership from the current owners to the TNDC until there is a clear and unequivocal plan to clean up the site.

Thank you for your time and consideration. I appreciate it very much.

best regards,

San Francisco, CA 94122



CENTER FOR PUBLIC ENVIRONMENTAL OVERSIGHT A project of the Pacific Studies Center P.O. Box 998, Mountain View, CA 94042

http://www.cpeo.org

August 12, 2021

Arthur Machado DTSC Project Manager 700 Heinz Avenue Berkeley, CA 94710

Dear Arthur:

Thank for you the opportunity to comment on the Tenderloin Neighborhood Development Corporation's draft Response Plan for 2550 Irving Street, San Francisco. I have more than an idle interest in this area. I have had family on Irving Street for five decades.

As you know, I have provided *pro bono* technical assistance to the Mid-Sunset Neighborhood Association in the development of their comments on the draft Response Plan as well as other aspects of the PCE plume investigation. I associate myself with those comments.

As you might not know, I have developed a reputation in my part of the Bay Area as a persistent and effective advocate for affordable housing development, as a community activist, an environmental advocate, and a four-year member of the Mountain View City Council.

As a member of Santa Clara County's Housing Bond (2016 Measure A) Oversight Committee, I am fully aware of the challenges facing affordable housing developers as they struggle to win planning approval and obtain financing for their sorely needed projects. However, I believe it essential not to compromise the health and safety of future occupants of these buildings as developers and governments design these projects. It is possible to cost-effectively address the contamination at 2550 Irving *and* protect the neighbors, without taking any environmental shortcuts.

Furthermore, in my position at the Center for Public Environmental Oversight I have participated in two Interstate Technology Regulatory Council vapor intrusion work teams and innumerable EPA workshops. I have participated in the development and/or provided comment on virtually all of California's vapor intrusion guidance documents.

In general, they are valuable, robust documents, and it's my hope that the Supplemental Guidance, which adjusts default attenuation factors to match empirical data, will be finalized soon. But I have seen the continuing pressure from some development interests to weaken the requirements for both investigation and remediation. Please do not bend the rules under such pressure.

The science for addressing vapor intrusion had advanced since 2002, when we started on this journey, and today we know how to protect the public, enable development, and save money. Please listen to the neighbors, in the Mid-Sunset and elsewhere, because your primary job is to protect them.

Sincerely,

Lenny Siegel Executive Director

August 12, 2021

Arthur Machado, DTSC Project Manager 700 Heinz Avenue Berkeley, CA. 94710

RE: Path Forward's May 21, 2021 Draft Response Plan for 2550 Irving Street, SF, Project

Dear Mr. Machado,

As for the attenuation factor of 0.03 for soil vapor to indoor air what is the scientific basis for that? I ask because the previous factor was about 100 times lower. Also, it has been stated that if the concentration levels of the soil vapor samples are 100 times the SL it would be of concern to DTSC. But, why not if it is 10 times? In addition, how does the Sls take that into account vulnerable populations? Finally, it is not clear to me if future monitoring will continue to include vinyl chloride, which is a known human carcinogen per the National Toxicology Program whereas perc is a probable human carcinogen per EPA.

I believe part of the Plan calls for venting the perc at the rooftops of the proposed building. Wouldn't it be more preventative if the perc was captured with activated carbon; otherwise, the vented perc may attached to airborne particles which may settle and result in exposures to residents.

The Albrite Cleaners operated for 20 years until around 1950, but the perc is still there; if removal is not done then it may be decades before the perc dissipates on its own, if you will. Therefore, I wonder if it would make some sense to look at other technologies. One is to perhaps build a barrier around the perc source down to the groundwater table so that, if you will, the perc will be funneled through the project site. Or, do this in combination or alone using soil vapor extraction technologies? This could shorten decades of sampling and monitoring and possibly onsite and offsite remediation. Also, from my research I have found that bioventing has been used in these cases. Finally, I came across a case study which I have attached via email involving PersulfOx, an activated persulfate, which was mixed in-situ with contaminated soils at an old dry cleaning facility at a Chicago suburb. Cabeno Environmental worked with RENENESIS (they have a couple of offices in CA) to do the clean up. They claimed that their technology was about 50% of the cost of other technologies.

The subject Plan's proposed responses may also harm the property values etc of nearby buildings and housing. I wonder if sellers of these properties will have to put covenants in their sales agreements besides informing potential buyers of their perc situation. I believe they will have to declare in the Natural Hazardous Disclosure (NHD) when they list their properties for sale that their property and/or nearby properties are contaminated. Also, will there be a reserve fund if it proves necessary for neighbors to do some sort of remediation as a result of perc intrusion?

In conclusion, I urge that other cleanup technologies such as the above be evaluated. The lowest cost clean up technology could very well be overall more cost effective in the long run and this might eliminate the potential need to develop an Offsite Response Plan, if you will, as apparently the developers will have to do. Also, I don't know if Path Forward's preference for Alternative #2 (VIMS) incorporated treatment/permit state fees as well.

Just for the record my family and I reside in the Parkside area about eight blocks from the project site.

Sincerely,

# Irving StProject Draft Response Plan Comments To DTS CAugust 2021

# EXECUTIVE SUMMARY

Mr. Arthur Machado DTSC Project Manager 700 Heinz Avenue Berkeley, CA 94710

August 12, 2021

Dear Mr. Machado:

The Mid-Sunset Neighborhood Association (MSNA) calls on the Department of Toxic Substances Control (DTSC) to reject the Tenderloin Neighborhood Development Corporation's (TNDC) draft Response Plan as faulty and inadequate in large part because it fails to address our community's health and safety concerns.

The MSNA is an organization of over 170 individuals and families many of whom live in the immediate vicinity to the 2500 block of Irving Street. This is the area where a series of environmental assessments have found tetrachloroethene (PCE) contamination in soil gas at levels that are an unreasonable risk to our health. Long-term residents have been unknowingly exposed to PCE for decades—likely at higher levels than exist today. They live in houses with old foundations that are particularly susceptible to the PCE vapor intrusion from the subsurface.

PCE exposure is likely to increase the risk of Parkinson's disease, birth defects, and multiple forms of cancer. The CDC reports, "Studies in humans suggest that exposure to tetrachloroethylene might lead to a higher risk of getting bladder cancer, multiple myeloma, or non-Hodgkin's lymphoma. In animals, tetrachloroethylene has been shown to cause cancers of the liver, kidney, and blood system." <sup>1</sup>

Rather than accepting the TNDC draft Response Plan as is, we, the neighbors, want the PCE cleaned up. The need for the timely construction of affordable housing should not override the requirement that future residents not be at an unacceptable risk from the contamination. In fact, construction without remediation would be environmental injustice.

Working with expert advisors<sup>2</sup>, MSNA has identified five major areas of concern that must be further investigated and resolved before an effective response plan can be evaluated. In the following comments we will also outline four different solutions requiring evaluation that will protect both the current community and the future residents of the 2550 Irving Street affordable housing building in ways the draft Response Plan's recommended "band aid" solution does not. These alternatives are more technically effective and would reduce risk for all affected parties. Some of these alternatives are less expensive than the alternatives evaluated in the draft Response Plan.

The Irving Street PCE contamination is not isolated. It is part of at least two soil gas plumes related to historic dry cleaner operations and leaky city sewer lines that have been identified and are now co-mingled beneath Irving Street. The plumes have spread into the neighborhood in all directions – most concerningly to the north and south into single-family residential areas – and they are not stable based on the most recent data. The PCE plumes—which have not yet been fully mapped

<sup>&</sup>lt;sup>1</sup> CDC: <u>PCE ToxFaq</u>

<sup>&</sup>lt;sup>2</sup> **Don Moore**, California professional geologist and principal of Environmental Risk Solutions. **Lenny Siegel**, former mayor of Mountain View, CA and Executive Director, Center for Public Environmental Oversight. **Thomas Soper**, AIA Architect, NCARB LEED.

to DTSC's own residential screening levels—exist beneath numerous homes presenting a clear and unacceptable risk to their occupants.

The MSNA's major areas of concern are:

# 1) Incomplete site modeling and community safety:

Sewer line-related leaks and associated hotspots have not yet been identified. These are referenced in the draft Response Plan as potential PCE sources. Adequate characterization might need to wait until after demolition to complete this investigation. We argue that the long-term safety of the neighborhood depends on having confidence there is an accurate model of PCE sources, pathways, and receptors. The draft Response Plan does nothing to address the safety of the current community and will likely hinder efforts to do this by ignoring it now.

# 2) Faulty risk assessment and incomplete data:

Path Forward consistently downplays health risks to the future affordable housing residents and essentially ignores the risk to the surrounding community, some of whom have been exposed to PCE vapors for decades. Risk underestimation can be seen in Path Forward's use of a misleading attenuation factor as well as in their callous "acceptable risk" assumption that asks the future low-income residents to accept a 100 times greater cancer risk. Accepting more risk for low-income people is all too frequent a pattern. This assertion that future vapor intrusion risk will be acceptable is being used to justify TNDC proposing mitigation instead of permanent remediation, as called for in DTSC guidance documents.

In addition, Path Forward seems unconcerned or unaware that new data will be forthcoming over the next year from an off-site PCE vapor intrusion investigation that will begin in September 2021. The Police Credit Union (TPCU) off-site investigation is directly related to remaining on-site sources; indoor air testing is planned but not yet conducted. This important data and vapor intrusion evaluation won't be fully available for another year. This is one of the reasons why coordination of multiple responsible parties (including the city) is important. The California Land Reuse and Revitalization Act (CLRRA) agreement calls for a health risk assessment (HRA) and allows for TNDC, TPCU and City of San Francisco (City) to come together and do the right thing under DTSC guidance and conduct an actual cleanup.

# 3) The PCE soil gas plumes must be delineated to protect the community's health.

To date, the full extent of the PCE plumes is unknown. The Irving Street PCE soil gas plumes need further delineation in all directions to DTSC's own stated residential screening levels. There should be a unified conceptual site model that shows the sources, pathways and receptors for the combined sites.

# 4) Insufficient and unfunded cost estimates for the Vapor Intrusion Mitigation System and O&M Plan.

It is difficult to discern how both the VIMS and the ongoing 30-year O&M plan are going to be financed. While the draft Response Plan includes an O&M plan, it is important to

note there is insufficient detail in the Plan to know how this will be funded and monitored over time. The same is true for the VIMS—the Plan contains no cost detail for VIMS installation. There is no contingency cost estimate in the event the VIMS system needs to be converted to an active system. One of the weaknesses of this part of the draft Response Plan is that there are no financial bonds or assurances in place—especially for the on-going yearly costs.

# 5) The draft Response Plan ignores the most applicable cleanup alternatives.

For a site like 2550 Irving Street, with the known amount of contamination and potential risk, DTSC's *Supplemental Guidance for Screening and Evaluating Vapor Intrusion* states that "remediation should be the preferred response action to reduce VI risk by permanent reduction of contaminants. Mitigation is considered an interim response action until VFCs in soil, soil gas, or groundwater are confirmed to be at acceptable levels." <sup>3</sup> The Path Forward remedial alternative evaluation is an incomplete and faulty analysis because they omitted the clear presumptive remedy (Soil Vapor Extraction or SVE.<sup>4</sup>

Additionally Path Forward rejected a soil removal alternative on the basis of expense, but entirely missed how it could be a cost effective and better alternative than mitigation. Removing contaminated soil for an underground parking garage/foundation could solve many of the ongoing contentious issues around this building, e.g., neighborhood traffic congestion, pedestrian safety, residential parking, and negative effects of a grade-level foundation on the neighbor's brittle 100-year old foundations.

The MSNA has identified the following alternatives that require consideration by Path Forward and TNDC that are actual cleanup solutions to remediate the PCE and address the concerns of the existing community:

- Soil Vapor Extraction before demolition
- Soil Vapor Extraction after demolition
- Excavation targeted to remove hot spot source material
- Excavation full soil removal with potential parking component

The attached *Draft Response Plan Addendum* dated August 3, 2021, prepared by Environmental Risk Solutions, Inc. (ERS), signed and stamped by a California Professional Geologist, highlights the faulty alternative evaluation by Path Forward and omission of the SVE technology. The Addendum is supported by cost detail from RMD Environmental Solutions, which is prepared to implement the SVE technology at a lower cost than the TNDC mitigation approach with its potential future hidden contingency costs and unfunded O&M costs as highlighted above. The ERS Addendum also calls into question Path Forward's evaluation of the soil excavation alternative, thus supporting the MSNA's position on inadequate alternative evaluation.

Our experts have also prepared the attached technical comments that support and add detail to the MSNA's statements and positions outline above.

<sup>&</sup>lt;sup>3</sup> DTSC, (2020) Draft<u>"Supplemental Guidance for Screening and Evaluating Vapor Intrusion</u>", p.28 (or p.40 in PDF)

<sup>&</sup>lt;sup>4</sup> DTSC, "<u>Remediation of Chlorinated Volatile Organic Compounds in Vadose Zone Soil</u>"

While our comments in this document have been focused on the narrow scope of the TNDC/Path Forward *Draft Response Plan*, they also demonstrate the need for a more holistic way to address the problem of the carcinogenic PCE contamination in our neighborhood. We ask DTSC to coordinate TNDC's investigation and remediation with any investigation and remediation conducted by the other responsible parties including TPCU and the City. The CLRRA agreement may have some protections, but the individual goals of the responsible parties cannot allow community concerns to slip through the cracks— like the PCE vapors may be slipping up through the cracks of our 100-year old foundations and into our homes. That would include full delineation of the soil gas plume, identification of all sources of PCE, and implementation of an SVE or soil removal alternative. To be clear, the only responsible party for the PCE contamination north of Irving Street at this time is TPCU – this is the case until the property is transferred. The MSNA insists that the property transaction be put on hold until TPCU and TNDC come together and prepare an actual cleanup plan that is acceptable to all parties. DTSC has the power to do that and it is written into the Board of Supervisors' loan agreement as an amendment that Supervisor Mar made to that agreement.

The MSNA is deeply appreciative of this comment period at a time when we know there is intense pressure by the City, its agencies and the developer to rush past these environmental issues so that financing for this project can speed ahead. This was recently highlighted by the Mayor's Office of Housing and Community Development's (MOHCD's) Amy Chan in her answer to Supervisor Mar when he asked at a San Francisco Board of Supervisors (BOS) meeting why it was necessary to approve the TNDC predevelopment loan before the DTSC comment period is complete. In response, Ms. Chan said they wanted to act quickly because there was a purchasing agreement deadline in August, the BOS was soon going on vacation, and MOHCD didn't feel they needed to wait for the DTSC comment period because:

# "We don't believe that there would be any new information coming from DTSC. As Jacob [Noonan of MOHCD] has mentioned the *Draft Response Plan* has already been reviewed and preliminarily approved. And there won't be any new information coming from that process, which will conclude in mid-August."<sup>5</sup>

Ms. Chan is wrong to assume this and we would expect you to concur. A draft plan is a draft plan. The comment period is a chance to evaluate new information. We ask DTSC to see the long-range picture, use a wider focus and to look carefully at the faults and omissions in TNDC's *Draft Response Plan*. The MSNA's concerns are justified and must be addressed before any approval to this plan is given. Our community's concerns have been ignored by this faulty plan that should be designed to protect all people who live in the neighborhood now and in the future. We thank you for your consideration and look forward to engaging with you in a discussion around these issues.

<sup>&</sup>lt;sup>5</sup> <u>BOS Budget and Finance Committee, July 14, 2021</u> (time: 02:12:05 -02:12:38)

Please contact us with any questions:

Sincerely,

Ho Kunmerling

Flo Kimmerling President, Mid-Sunset Neighborhood Association

Paul Hokman

Paul Holzman Environmental Liaison, Mid-Sunset Neighborhood Association

Cc:

Gordon Mar, District 4 Supervisor London Breed, Mayor of San Francisco Andrea Bruss, Deputy Chief of Staff, Mayor's Office Donald W. Moore, PG, ARM, Environmental Risk Solutions Lenny Siegel, Executive Director, Center for Public Environmental Oversight

Attachments:

- 1. MSNA Expert Technical Comments, August 12, 2021
- 2. Draft Response Plan Addendum, Environmental Risk Solutions, August 3, 2021

# ATTACHMENT 1

# MSNA Expert Technical Comments August 12, 2021

# MSNA EXPERT TECHNICAL COMMENTS (August 12, 2021)

The *Draft Response Plan* for the 2550 Irving Street Affordable Housing Project, dated May 11, 2021, is deficient. This property is one of the sources of the PCE vapor plume that needs further characterization to DTSC's own stated risk levels. The response should be integrated with other responses for the same co-mingled PCE soil gas plume and not separated by different responsible parties and property boundaries. Subsurface *remediation*, not just the "band-aid" of *mitigation*, should be evaluated and implemented in accordance with DTSC's own guidance to eliminate future health risk and liability for all parties involved and affected.

# 1. INCOMPLETE SITE MODELING AND LONG-TERM COMMUNITY HEALTH & SAFETY

The conceptual site model provided in the *Draft Response Plan*<sup>1</sup> is incomplete because it excludes critical information not considered within the scope of TNDC's agreement with DTSC. Not enough is known about PCE contamination in the vicinity of Irving Street and 26<sup>th</sup> and 27<sup>th</sup> Avenues to move safely forward with remediation, let alone redevelopment.

To determine the best way to protect both current neighborhood residents and future occupants of the proposed TNDC project, it is essential to know where the PCE was released, how it is moving through the environment, and who has been, is, and may be exposed. The *Draft Response Plan* proposes a temporary, limited solution to a problem whose nature and extent has not yet been fully investigated. *It is like placing a band-aid on a cancer.* 

The *Draft Response Plan* speculates that the PCE soil gas contamination, "is suspected to have leaked from on-site and/or off-site sanitary sewer lines."<sup>2</sup> This is likely, but to our knowledge, no one has sought to identify those leaks. If the presence of the building prevents such an investigation now, then it should be completed after demolition and should be anticipated in any response plan.

Meanwhile, AllWest Environmental, in its *Soil Gas Investigation Report* dated November 17, 2020 and prepared for The Police Credit Union (TPCU), argues, "the former Albrite Cleaners at 2511 Irving was likely the primary release source, likely via the main and lateral sewer lines."<sup>3</sup> Again, no one has identified the location of those leaks. Furthermore, the conclusion that Albrite is primarily responsible for contamination north of Irving Street—a conclusion that serves TPCU's interests—is inadequately justified.

There is another possibility: PCE or PCE-containing waste may have been dumped directly on the ground or on the floors of the former dry-cleaning operations. For example, in AllWest's *Soil Gas Report*<sup>4</sup>, both SVP-20 and SVP-25 show substantially higher concentrations of PCE in soil gas at a depth of five feet, as compared to 15 feet. That differential is typical of sites where the volatile compound was released at the surface.

<sup>&</sup>lt;sup>1</sup> Path Forward (May 11, 2021) *Draft Response Plan*, Figure 3

<sup>&</sup>lt;sup>2</sup> Path Forward (May 11, 2021) Draft Response Plan, p.9

<sup>&</sup>lt;sup>3</sup> AllWest Environmental (Nov. 17, 2020) Soil Vapor Investigation Report p.2

<sup>&</sup>lt;sup>4</sup> AllWest Environmental (Nov. 17, 2020) <u>Soil Vapor Investigation</u> Report, Figure 2

A comprehensive investigation of the entire co-mingled PCE soil gas plume, including the inspection of past and present sewer lines and sampling on the Albrite property, is necessary to determine the sources, pathways, and receptors—that is, to complete the conceptual site model.

This is important for at least three reasons: 1) Remedies that extract contamination may not be successful if contamination moves into the areas where the contamination is removed, so it is important to know all the sources. 2) Providing long-term protection to nearby residences depends upon knowing whether the contamination has spread directly through the vadose zone or has been transported via off-site sewer lines. 3) Further investigation should help assess the responsibility of TPCU and Albrite for the presence of PCE in the immediate environment.

Under its CLRRA Agreement, TNDC is not alone in their responsibility for completing the investigation. But its planned construction activities could interfere with investigations carried out by other responsible parties. DTSC should arrange a cooperative, comprehensive investigation, even if that delays redevelopment.

# 2. FAULTY RISK ASSESSMENT AND INCOMPLETE DATA

While the *Draft Response Plan* focuses on the 2550 Irving project site itself, neighbors of the site have been at risk of exposure for decades. Nearly every home is built on foundations that are particularly susceptible to the intrusion of PCE vapors from the subsurface. However, thus far no one has taken the time to measure indoor air or delineate the PCE soil gas plume.

PCE exposure is likely to dramatically increase the risk of Parkinson's disease, birth defects, and multiple forms of cancer. The CDC reports, "Studies in humans suggest that exposure to tetrachloroethylene might lead to a higher risk of getting bladder cancer, multiple myeloma, or non-Hodgkin' s lymphoma. In animals, tetrachloroethylene has been shown to cause cancers of the liver, kidney, and blood system."<sup>5</sup>

Yet TNDC's consultants consistently downplay the risk of exposure. This is disrespectful to the neighborhood and the future low-income residents. DTSC should not accept these assertions because they will affect both investigations and remedies at and around the site. In particular, the claim that future vapor intrusion risk will be acceptable appears to justify the failure to propose a permanent remedy, as called for in DTSC guidance documents: "Remediation should be the preferred response action to reduce VI risk by permanent reduction of contaminants. Mitigation is considered an interim response action until VFCs in soil, soil gas, or groundwater are confirmed to be at acceptable levels (DTSC, 2011b)."<sup>6</sup> VFC stands for vapor-forming chemicals.

The *Draft Response Plan* posits a range of acceptable excess lifetime cancer risk up to 100 in a million (10<sup>-4</sup> or one in ten thousand). While there may be extreme cases where such a range may be used, it is unacceptable to this neighborhood and any other residential community. It appears that TNDC is arguing that low-income people, the future residents of

<sup>&</sup>lt;sup>5</sup> PCE ToxFaq

<sup>&</sup>lt;sup>6</sup> DTSC, (2020) <u>Draft Supplemental Guidance for Screening and Evaluating Vapor Intrusion</u> p.28 (or p.40 in PDF)

the proposed affordable housing, must accept cancer risks higher than other receptors would. This is a clear example of environmental injustice.

Even DTSC seems to have accepted a 100-times-higher cancer risk for the future low-income residents at 2550 as well as for the current Sunset neighbors. We believe this is a critically important oversight that needs to be corrected not only because all city agencies are looking to DTSC for guidance on this, but TNDC has used it to justify their faulty response plan. In a letter dated July 2, 2021 to San Francisco Supervisor Gordon Mar, the DTSC Manager for this project states that "the levels of PCE found in soil vapor at the 2550 Irving Street were at or below state and federal concentration for unacceptable risks, which is 1,500 ug/m<sup>3</sup>. The levels of PCE for indoor air in a commercial setting at the 2550 Irving Street are also below the state and federal concentrations for unacceptable risks, which is 200 ug/m<sup>3</sup>."

As a threshold for acceptable risk, we've been unable to find this standard ( $10^{-4}$ ) in any DTSC publications. Instead, in a guidance document developed with public input, DTSC has determined "acceptable risk" "to be at or less than a 1 x  $10^{-6}$  risk level or a hazard index (HI) of 1."<sup>8</sup> Again, this suggests the all-too-common pattern of accepting greater risk for low-income people.

Although still a draft document, the (2020) *Draft Supplemental Guidance for Screening and Evaluating Vapor Intrusion* uses the same standard (seen in the chart below) as the *Vapor Intrusion Mitigation Advisory*.<sup>9</sup>

Current VI Risk and Hazard Estimate primarily using indoor air data	Future VI Risk and Hazard Estimate primarily using subslab / soil gas data	Risk Management Decision	Potential Response Actions
Risk < 1x10 <sup>-6</sup> <u>and</u> HI < 1	Risk < 1x10 <sup>-6</sup> <u>and</u> HI < 1	Low Priority	None
Risk from 1x10 <sup>-6</sup> to 1x10 <sup>-4</sup> <u>and</u> HI ≤ 1	Risk from 1x10 <sup>-6</sup> to 1x10 <sup>-4</sup> <u>and</u> HI ≤ 1	Determine Appropriate Action	<ul> <li>None</li> <li>Institutional Controls</li> <li>Additional Investigation/Sampling</li> <li>Monitoring</li> <li>Refine Risk Assessment</li> <li>Mitigation</li> <li>Remediation</li> </ul>
Risk > 1x10 <sup>-4</sup> <u>or</u> HI > 1	Risk > 1x10 <sup>-4</sup> <u>or</u> HI > 1	Response Action Needed	<ul><li>Mitigation</li><li>Remediation</li></ul>

# **Risk Management Decision Framework for Vapor Intrusion**

<sup>&</sup>lt;sup>7</sup> DTSC, Arthur Machado, *Letter to Supervisor Gordon Mar, July 2, 2021* 

<sup>&</sup>lt;sup>8</sup> DTSC, Vapor Intrusion Mitigation Advisory, p.6 and p.19

<sup>&</sup>lt;sup>9</sup> DTSC, (2020) <u>Draft Supplemental Guidance for Screening and Evaluating Vapor Intrusion</u> p.28 (or 40 in PDF)

# Attenuation Factors

Path Forward is off the mark in suggesting that 0.0005 is an appropriate attenuation factor<sup>10</sup> for projecting future risk at the site. The empirical attenuation factor for the current building can be calculated as 0.013 in the western portion: In August, 2019, AllWest Environmental measured PCE in the indoor air behind the bank teller counter (VP-1) at 3.85  $\mu$ g/m<sup>3</sup>. In May, 2020, the PCE soil gas concentration, at a depth of five feet, was 290  $\mu$ g/m<sup>3</sup> at the same location (SVP-13A). The actual ratio could have been higher, closer to EPA's default attenuation factor of .03, because across the country measured vapor intrusion is low in the summer months.

This may prove significant as DTSC determines which off-site homes should be sampled. Like communities across the United States, the MSNA takes the position that the best way to determine indoor air contamination is to measure it, not model it. There are numerous ways that background sources—false positives—can be eliminated. Moreover, it should be noted that the soil gas sampling points associated with nearby residences are further from the PCE sources than the homes themselves, so soil gas levels directly under the homes could be higher than those measured at the sidewalks.

Furthermore, the *Draft Response Plan* asserts, "For a new commercial/residential building that is plumbed and ventilated to building codes, the previous DTSC-recommended attenuation factor of 0.0005 is likely more representative than the current value of 0.03."<sup>11</sup> If there are no vapor barrier leaks or perforations created during construction, it's possible that a new building may better attenuate intrusion than an old building. However, the building will not be new forever. Ground movement or minor building modifications could create pathways that would lead to vapor intrusion. The PCE in the subsurface has been there for decades. Thus, in the absence of active remediation, it is unlikely to disappear.

Finally, the use of an inter-floor transfer factor to predict reduced contamination concentrations, and thus risk, in residential portions of the building, is unjustified for two reasons.

- 1. The architect's floor plan of the building's street-level shows a residential unit on the ground floor. The developer is also considering putting in a day-care center on the ground floor. Knowing how the developer intends to use the ground floor is critical to achieving a successful response lan for the residents.
- 2. The two planned elevators can act as pumps, moving air and associated contamination from the ground floor to the upper floors. This can occur even if the elevator base is sealed.

<sup>&</sup>lt;sup>10</sup> The attenuation factor is the ratio of the indoor air concentration for a substance compared to its concentration in underlying soil gas.

<sup>&</sup>lt;sup>11</sup> Path Forward, (May 11, 2021) Draft Response Plan, p.9

# 3. THE SOIL GAS PLUME MUST BE FULLY DELINEATED TO PROTECT THE COMMUNITY'S HEALTH

The full extent of PCE contamination originating on the 2500 block of Irving Street must be adequately delineated to protect public health. As at many other sites, this task is complicated by the division of responsibility among multiple responsible parties. DTSC should create a plan that coordinates the activities of those parties to ensure that the co-mingled soil gas plume is delineated in every direction to DTSC screening levels.

While groundwater contamination moves with the groundwater, flowing "downhill" underground, soil gas contamination emanates radially from the source and along preferential pathways. Yet, thus far, the only soil gas sampling conducted in the surrounding residential neighborhood has been carried out to the immediate north of known source areas. Not only should soil gas sampling be conducted in every direction from the former dry cleaners, but it should be continued outwardly (distally) until PCE soil gas measurements consistently fall below the soil gas screening level of 15 µg/m<sup>3</sup>, based on one in a million (10<sup>-6</sup>) excess lifetime cancer risk. The attached PCE soil vapor plume maps at 5- and 15-foot depths prepared by Environmental Risk Solutions, Inc. (ERS) support the MSNA's position that these plumes require further delineation in all directions. A DTSC response to the MSNA dated July 14<sup>-</sup> 2021 states that their 15 ug/m<sup>3</sup> screening level "informs DTSC of a starting point for risk assessment." Based on this response there is no current starting point for evaluating risk since the lowest 5-foot PCE concentrations based on the most recent data is 70 ug/m<sup>3</sup> – nearly 5-times above the screening level.

Past sampling demonstrates that elevated levels of PCE in shallow soil gas may extend significantly beyond historic sampling locations. The northernmost readings are actually higher than those just to the south. Figure 3 in Allwest Environmental's *First 2021 Semi-Annual Soil Vapor Monitoring Report* dated June 10, 2021 shows that at five feet below ground surface, SVP-28A has had higher readings (94  $\mu$ g/m<sup>3</sup> and 120  $\mu$ g/m<sup>3</sup> on March 2, 2021 and September 2, 2020) than SVP-29A (70  $\mu$ g/m<sup>3</sup> and 73  $\mu$ g/m<sup>3</sup> on the same dates), and that SVP-31A has had higher readings (130  $\mu$ g/m<sup>3</sup> and 150  $\mu$ g/m<sup>3</sup> on March 3, 2021 and September 3, 2020) than SVP-32A (91  $\mu$ g/m<sup>3</sup> and 59  $\mu$ g/m<sup>3</sup> on the same dates).

These data bring into question AllWest's conclusion in its *Soil Gas Investigation Report* dated November 17, 2020, which states, "The overall declining PCE concentration gradient north from Area D to Areas E and F indicate the lateral extent of the PCE plume likely does not significantly extend past soil vapor probes SVP-28A/B and SVP-31A/B."<sup>12</sup> As one moves northward, the increase could indicate a larger soil gas plume, or it may indicate preferential pathways. That same Figure 2 shows sewer lines flowing north on both 26<sup>th</sup> and 27<sup>th</sup> Avenues.

DTSC has stated that TNDC is not responsible for offsite investigation, remediation, or mitigation, yet its excavation and construction activities could uncover sources and pathways that impact off-site receptors. If our soil vapor extraction alternative is utilized at the site, it could move or even remove soil gas contamination from nearby properties. Therefore, the TNDC response must be coordinated with activities conducted by the other parties. As we

<sup>&</sup>lt;sup>12</sup> AllWest Environmental, (Nov. 17, 2020), Soil Vapor Investigation Report p.2
suggested above, not only have likely receptors of PCE contamination not been identified, but the sources and pathways have not been pinpointed.

#### 4. INSUFFICIENT CONSIDERATION OF LONG-TERM CONTINGENCIES, COSTS, AND LIABILITIES

The proposed Vapor Intrusion Mitigation System (VIMS) would consist of a vapor membrane and a passive venting system. DTSC has consistently determined that vapor membranes are a necessary but insufficient component of mitigation in new construction because there is no data to determine their longevity.

The proposed passive venting system, with the option to upgrade to active subsurface depressurization, is a standard approach in new construction. However, the *Draft Response Plan* offers no criteria or procedures for determining if and when such an upgrade is necessary.

The Plan should provide such criteria and procedures, as well as a contingency cost estimate for the operation, maintenance, and management of active mitigation for the life of the building.

Furthermore, there should be a financial assurance to cover long-term management of the VIMS—operation, maintenance, and monitoring—for the life of building, covering both passive-only and active scenarios. All too often at vapor intrusion sites, long-term management is ignored because no provision has been made to pay for it.

Finally, while it is difficult to quantify, the mitigation-only approach exposes the parties involved to long-term liabilities if the PCE soil vapors remain unaddressed.

#### 5. VIABLE RESPONSE PLAN ALTERNATIVES NOT CONSIDERED BY PATH FORWARD: SOIL VAPOR EXTRACTION AND OTHER EXCAVATION APPROACHES

The MSNA technical experts have identified the following viable remedial alternatives to clean up TPCU property and also reduce PCE concentrations in off-site areas. DTSC should direct TNDC and its consultant Path Forward, to evaluate each of these solutions:

- Soil Vapor Extraction before demolition
- Soil Vapor Extraction after demolition
- Excavation targeted to remove hot spot source material
- Excavation of full soil removal with potential parking component

TNDC and Path Forward's *Draft Response Plan* is a band-aid on a much larger problem. The risk for the future residents is already high enough that TNDC and Path Forward must look toward full and permanent remediation of this property. DTSC must keep the pressure on them to come up with a solution that does that. As mentioned above, DTSC's Supplemental Guidance for Screening and Evaluating Vapor Intrusion (with a reference to the Mitigation

Advisory), states, "Remediation should be the preferred response action to reduce VI risk by permanent reduction of contaminants. Mitigation is considered an interim response action until VFCs in soil, soil gas, or groundwater are confirmed to be at acceptable levels (DTSC, 2011b)." <sup>13</sup>

Soil vapor extraction (SVE) is a glaring omission in the Path Forward alternative evaluation particularly based on the favorable subsurface geology. SVE is particularly effective when the soil consists of course-grained sand, which is present beneath the property. The SVE technology is also supported by environmental regulatory guidance documents including the following:

- 1. Proven Technologies and Remedies Guidance, Remediation of Chlorinated Volatile Organic Compounds in Vadose Zone Soil, DTSC, April 2010
- 2. Engineering Issue: Soil Vapor Extraction Technology, US EPA, February 2018

ERS, one of MSNA's technical experts, prepared a *Draft Response Plan* Addendum. Included as an attachment, it highlights Path Forward's omission of the SVE technology. The Addendum is supported by cost detail from RMD Environmental Solutions, Inc. (RMD), a dry cleaner contamination expert that has implemented the SVE technology at numerous sites in California. The SVE technology is the obvious choice for this site based on discussions with multiple experts and ERS and RMD are prepared to implement this Addendum for responsible parties, TPCU and/or TNDC.

The TNDC *Draft Response Plan* also fails to properly evaluate all potential excavation alternatives, such as permanent excavation and "hot spot" source area excavation to remove the high concentration source material. Not only is excavation one of DTSC's presumptive remedies for addressing chlorinated VOCs in the vadose zone, but one could also argue that it is an opportunity to create underground parking that would be of financial value, as well as practical value to future residents and the neighborhood.<sup>14</sup> Unfortunately, Path Forward seems to have biased its analysis against excavation of any type.

This neighborhood already suffers from insufficient street parking and congestion. Though the project is exempt from parking requirements, it is reasonable to assume that some of the 300 plus residents will need vehicles, either because they have children or to carry out their employment. Underground parking could add at least 30 more spaces to the 11 already planned for the development, serving the residents and reducing the impact on the neighborhood. Underground parking is common in similar developments in the Sunset.

If underground parking were incorporated into the building design, the net cost of permanent excavation would be substantially less than the \$4,088,000 projected in the *Draft Response Plan*. The floor or land value of underground parking should be subtracted from the out-of-pocket cost of the excavation alternative to determine the net cost. Furthermore, while there are costs associated with the construction of an underground parking garage, permanent excavation would eliminate the estimated \$539,000 backfill cost.

<sup>&</sup>lt;sup>13</sup> DTSC, (2020) <u>Draft Supplemental Guidance for Screening and Evaluating Vapor Intrusion</u>, p.28 (or p.40 in PDF)

<sup>&</sup>lt;sup>14</sup> MSNA's consultant, Thomas Soper, AIA, is submitting his own letter to DTSC detailing this solution.

Appendix C of the *Draft Response Plan* includes estimates totaling over \$1.5 million for the disposal of excavated soil at Class 2 and "Non-RCRA" landfills. That number is unsubstantiated and should be justified, given the non-detect sampling results for PCE in soil, at all depths, shown in Table A-1 of Path Forward's February 2, 2021 *Site Assessment Plan and Report of Findings.* 

Path Forward suggests that excavation and backfill could lead to soil recontamination due to off-site soil vapor.<sup>15</sup> With permanent excavation, there would be no soil to re-contaminate. The risk that PCE vapors could migrate into the garage if the garage walls are not properly sealed is minimal. With the ventilation normally required for underground parking—to address fuel and exhaust fumes—there would be a system in place to remove the contamination and prevent migration into living and working spaces.

The *Draft Response Plan*<sup>16</sup> correctly warns that excavation would increase dust and truck traffic, to say nothing of noise. To us, this is disingenuous. The project, no matter what the response plan or ultimate design, will be disruptive to the neighborhood.

Finally, by permanently removing much of the contamination from one of its source areas, excavation would benefit neighboring residents and businesses currently and historically at risk from vapor intrusion. To be truly permanent, however, off-site remediation—the responsibility of other parties—may be necessary.

<sup>&</sup>lt;sup>15</sup> Path Forward (May 11, 2021) Draft Response Plan, p.15

<sup>&</sup>lt;sup>16</sup> Path Forward (May 11, 2021) Draft Response Plan, p.16



Contour line drawing by Don Moore, Environmental Risk Solutions



Contour line drawing by Don Moore, Environmental Risk Solutions

### ATTACHMENT 2

# Draft Response Plan Addendum Environmental Risk Solutions, Inc.

August 3, 2021



August 3, 2021

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

## 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.

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.



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

#### **Revised Table B – Summary of Response Actions Alternatives Evaluation**

**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.

To support the response action alternative evaluation, RMD (<u>www.rmdes.net</u>) 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.

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.



#### Please contact me with any questions at

Sincerely,

No. 6197 D. 8/31/

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

#### <u>Attachments</u>

- 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 Utility Locating Subcontractor Drilling Subcontractor/Materials Laboratory Subcontractor (Soil) Misc Field Equipment IDW Allowance	\$3,300 \$1,500 \$16,500 \$1,000 \$1,500 \$2,000	Assumes 3 days drilling	
SVE System Installation & Startup	\$20,000	SVE System Rental, 18 Months Permitting Allowance (BAAQMD and City) Construction Contractor/Power Waste Disposal Allowance Misc Field Equipment	\$63,000 \$10,000 \$70,000 \$15,000 \$5,000	Assumes 10 Days Install & Startup	
SVE System Installation Report	\$30,000		\$0		
O&M - Weeks 1 & 2	\$14,000	Misc Field Equipment Laboratory Subcontractor (Soil Vapor)	\$3,500 \$1,060	Assumes daily PID Monitoring 3 samples per week	
O&M - Weeks 3 - 26	\$11,000	Misc Field Equipment Laboratory Subcontractor (Soil Vapor)	\$2,750 \$6,300	Assumes biweekly PID Monitoring 6 samples per month	
O&M - Months 7 - 18	\$11,000	Misc Field Equipment Laboratory Subcontractor (Soil Vapor)	\$2,750 \$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 PM/Misc Technical (10% <b>Total Order of Magnitude Estimate</b>	\$180,000 \$18,000 <b>\$455,960</b>		\$257,960		





12 August 2021

Department of Toxic Substances Control 700 Heinz Avenue Berkeley, CA 94710

Re: 2550 Irving Street Toxic Remediation- Public Comments

Dear Mr. Machado:

Thank you for the opportunity to comment as both a neighbor and a practicing architect for over 40 years. Very briefly, my professional experience has included most building types, including several types of residential buildingsand scales up to one million square feet and up to 30 stories at national, international and statewide sites. These sites have involved a variety of subsurface conditions.

The following are my observations, concerns, and recommendations for remediation of soils contamination at this particular site and with this particular building type. Considering the impact on 100% affordable housing residents, and in particular, families with children requires closer attention to "environmental justice".

This project is controversial in many ways, and a positive outcome for the future residents as well as the community depends upon thoughtful and comprehensive toxic remediation, and this should be the imperative. However under SB 35, without the normal rigors of CEQA, most due process has been bypassed. Therefore, I hope you will accept my comments in this light and will calibrate your criteria to focus on broad-based public health and welfare.

Putting teams of design professionals together to collaborate on complicated projects is critical at the onset and this is one of my specialties. Protecting health, safety, and welfare is also part of an architect's standard of care and is a condition of licensin.gThe State relies on the architectural profession to overall, be objective and exercise professional judgment, particularly when cost is at competing odds with public health and welfare.

The manner in which the 2550 Irving Street project team has been assembled and structured to "divide and conquer" rather than conduct community outreach has been seriously detrimental and inconsistent with this standard. 2550 Irving is in contrast to similarly contaminated parcels within the Sunset District, such as 3601 Lawton Street, which is an example whose proposed response plan has been handled with common sense and a thorough emphasis on public health and welfare. This has not been the case with 2550 Irving Street and is of significant concern.

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#### Excavation

TNDC's Draft Response Plan hastily mischaracterized the excavation option as bad. It argues that digging down 15 feet and then replacing the contaminated soil with good soil does not ensure that new soil does not become re-contaminated from adjacent contaminated soil. This however is telling. The backfill decoy highlights the problem of the vicinity being contaminated, blurring a focus on a holistic solution, which is to simultaneously address the adjacent contaminated soil.

Also, placing an unreasonably high \$4 million price tag on the excavation option unsupported by budget estimates appears to be part of the decoy to make their vapor barrier option under the CLRRA seem more reasonable to DTSC; this however ignores closer scrutiny that the vapor barrier option is inherently a solution overly dependent on perfect workmanship. A vapor barrier would be penetrated by literally hundreds of pipes and conduits, all creating pathways for vapors from contaminated, compacted soil below to enter into the new building. It is likely that the same deficiency caused the Police Credit Union to evacuate 75% of its population on or about March 2019. On top of this, the vapor barrier is an expedient way to save costs allowing the deleterious effects to pass onto working class neighbors. Temporarily inert plumes are not forever inert and there are utilities as pathways to consider.

Excavation is considered one of DTSC's presumptive remedies for addressing chlorinated VOCs in the vadose zone and I would recommend not varying from this tried and trusted remedy. Excavation has the added financial and practical benefit to future residents and neighbors of simultaneously creating underground parking. Unfortunately, Path Forward seems to have biased its analysis against excavation of any type. TNDC's plan further obfuscates the presumptive remedy by dividing remediation into three separate projects, when in reality one comprehensive solution is needed including the context of the site's foundation system.

#### Multiple and reliable benefits of underground parking with excavation

This neighborhood already suffers from substantial traffic gridlock with crammed street parking interrupted by curb cuts in front of largely multi-family structures, which is compounded by prohibited parking times for street cleaning 4 times a month. Public transit, while it flanks Irving Street, is substandard and is getting worse.

In the "Blueprint for the Sunset" a needs assessment document authored by the former District Supervisor's Office and assisted by the Planning Department in 2014, a plan was made for SFMTA to have long overdue improvements in place by 2019. Recently, SFMTA pushed back this projection and is now estimating to be ready to begin a study, two years from today. And yet, besides forcing new residents to be dependent on already substandard public transit, it is entirely reasonable to assume many new residents in this 100-unit family building will need cars to get to their places of employment outside the bounds of public transit.

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In contrast, the disparity in the City's policy is demonstrated in two other new affordable housing projects in the vicinity: one with 43 and the other 135 apartment units in the Outer Sunset. Each have been recently approved by the City for 24 and 48 <u>underground</u> parking spaces respectively, but in significantly much less congested areas. Why the lack of parity for these new families?

Closer to 2550 Irving Street, there is also <u>underground</u> parking for a circa 1980 four-story housing structure, one block to the east. For other nearby larger pre-war apartment buildings, there is on-site parking. But these buildings do not generate the exponential volume of traffic compared to the 2550 Irving Street building, which is 3.3 times more massive. Finally, for a new market rate, 8-unit, 4 story apartment building project proposed by the Police Credit Union directly across the street from 2550 Irving Street at 2513 Irving Street, onsite parking for 9 spaces is planned. What is environmentally just about this disparity?

#### Flawed and inconsistent City policy and the need for practicality

Though the "Blueprint for the Sunset" in 2014 asked the public to seek alternate means of transport across the district, new bike paths, added approximately five years ago, have not shown a reduction of gridlock, but rather have increased traffic congestion particularly during COVID. Nevertheless, the City still maintains that the 2550 Irving Street project is exempt from parking requirements. Allowing only 11 surface onsite spaces at this time is ignoring the fact that a building for 100 families is <u>a much more traffic-intensive project</u> as compared to the previously mentioned affordability projects. Where is the environmental justice in this position?

In consideration of the need for services such as deliveries to families, multiple destinations for families, pickup and drop off for families, family gatherings, existing substandard public transit, trash removal for 100 families at least twice a week and many other family-related activities, it is additionally reasonable to assume, as mentioned before, that some residents will need vehicles. Many of these above mentioned circumstances of congestion are <u>substantially</u> mitigated by underground parking with a dual purpose of a reliable, long-term contamination remediation scenario through excavation.

Underground parking at 2550 Irving Street could provide 40 spaces conservatively, serving the diversity of the families and reducing the expected severe negative traffic impacts. In contrast, the present design for onsite at grade parking for 11 spaces is constrained by parcel dimensions. The minimum parking dimensions also do not allow the spaces at grade to be located farther away from gridlock at 26th Avenue and Irving Street, as argued by the project architect. But if all the parking is underground, the extremely valuable grade level real estate can be put to higher priority, better uses for the families that will live there.

#### Comprehensive plan to improve outcome for residents

On page 15 of the draft Response Plan and as mentioned before, Path Forward suggests that excavation and backfill could lead to soil recontamination due to the presence of offsite soil vapor. But this would not be an issue with permanent excavation and basement walls with requisite waterproofing. Further, these basement walls would also have much, much fewer pipe penetrations with greater, reliable workmanship. Additionally, as a backup system to any vapor intrusion, the code required ventilation of the basement is another layer of added protection. Lastly, all of the pipe penetrations coming through the first floor slab are no longer in contact with contaminated soil. The underground parking would vastly outperform all other options and be a long lasting reliable solution.

Finally, an excavation with conventional lagging and basement wall solution needs to be understood simultaneously and contrasted with the probable <u>grade foundation systems</u> that TNDC is faced with choosing from: a drilled pier system or a very robust, thick mat slab system at grade. Both of these grade systems already require some excavation, adding another trade's means and method involvement and expense. This is not efficient construction planning. Further, the drilled pier system, which requires slightly less excavation, still is going to unpredictably test the 100-year-old, brittle, unreinforced foundations of adjacent residential neighbors (which I have personally visited) to the North, East and West of the site through its inherent unavoidable ground tremors. Permanent excavation would reallocate the estimated \$539,000 backfill cost to the cost of the basement walls and avoid all the unforeseen costs of a slab-on-grade system, and simultaneously solve the contamination issue in a more observable way. It creates a permanent, reliable, coordinated and comprehensive design solution for these new families and a grateful community.

Please do not hesitate to contact me if I can clarify anything else.

Respectfully submitted,

Thomas Soper, AIA, NCARB, LEED AP Architect

Appendix F

**CEQA Notice of Exemption** 



#### CALIFORNIA ENVIRONMENTAL QUALITY ACT NOTICE OF EXEMPTION

To: Office of Planning and Research State Clearinghouse P.O. Box 3044, 1400 Tenth Street, Room 212 Sacramento, CA 95812-3044 From: Department of Toxic Substances Control Site Mitigation and Restoration Program 700 Heinz Avenue, Suite 200 Berkeley, CA 94710

**Project Title**: Response Plan, 2550 Irving Street Affordable Housing Development

Project Location: San Francisco, California

County: San Francisco

Project Applicant: Tenderloin Neighborhood Development Corporation

Approval Action Under Consideration by DTSC: Response Plan

Statutory Authority: California Health and Safety Code, Chapter 6.82

**Project Description**: The project involves the installation of a vapor intrusion mitigation system (VIMS) comprised of a chemically rated vapor barrier liner and perforated sub-slab soil vapor collection piping within the 2550 Irving Street Affordable Housing project (Site). The Response Plan summarizes the evaluation of remedial alternatives and proposed response actions to protect human health and the environment. This alternative would additionally provide institutional controls to ensure long-term protection from residual soil gas impacts through a Land Use Covenant (LUC) and includes a VIMS Operations and Maintenance Plan (O&M Plan), California Land Reuse and Revitalization Act (CLRRA)-type Site O&M Agreement, Financial Assurance, and voluntary/prudential 5-Year Reviews. The anticipated start date for this project has not been determined but is expected to begin sometime in early 2023 to 2024.

**Background**: The Site occupies approximately 19,125 square feet located at 2520 and 2550 Irving Street in San Francisco, California. The Assessor's Parcel Number (APN) assigned to the Site is 1724-038, which includes the addresses 2520 and 2550 Irving Street. According to the San Francisco Property Information Map (PIM) the Site is zoned under the Irving Street Neighborhood Commercial District. The Site is currently improved with a 18,561 square foot two-story commercial building, constructed in 1966, that is currently used as a bank (The Police Credit Union).

According to the Phase I Environmental Site Assessment (Phase I ESA; Path Forward 2020), the Site was vacant land as early as 1895 and remained vacant until at least 1915. By 1928, two structures had been developed in the central portion. The 1928 Sanborn map depicts these as a drugstore and a cleaning business. By 1940, a gas station had been added to the southeast corner of the Site, and by 1946, a second gas station had been added to the western end of the Site. By 1950, the central buildings on the Site were occupied by an undertaker, and in 1966, this business redeveloped the entire property with the current building and open areas for use as a mortuary and funeral chapel. The funeral business continued in the building until 1985, when the building was modified for its current use. The Site has been utilized as a bank since 1987.

Various subsurface investigations were conducted at the Site in 2019 and 2020 and were memorialized in the Site Assessment Plan (SAP) and Report of Findings (ROF) (Path Forward 2021). These efforts concluded that tetrachloroethene (PCE) in soil vapor is the main contaminant of concern (COC) on the Site. The source of the Site COC is likely associated with the historical cleaning business that operated from the 1920s through 1940s. Based on the SAP and ROF, the Response Plan was developed to address the soil vapor with elevated concentrations of PCE above health goals, and (as a contingency) breakdown products of PCE that may form in the future.

The Response Plan will be implemented by Path Forward with DTSC oversight. Project activities required to protect human health and the environment are being completed under a CLRRA Agreement with DTSC.

The San Francisco (City) Planning Department has determined that this project meets the criterion under Senate Bill No. 35 (SB35) and the City, in its role as the California Environmental Quality Act (CEQA) Lead Agency, will make a SB35 Determination for development of the Site.

**Project Activities**: Based on the comparative analysis presented in the Response Plan, Alternative 3 was selected as the proposed response action for the Site. Alternative 3 is comprised of:

- Installation of the VIMS;
- Operations and Maintenance; and

• Land Use Covenant

A VIMS would be incorporated into the design of the proposed building. The VIMS would consist of a sub-slab venting system and a sub-slab vapor-barrier membrane. The sub-slab venting system would consist of a gravel layer with horizontal perforated piping to collect impacted soil gas from beneath the building slab and route it to the edge of the building, then route soil gas upwards through a vertical riser pipe that would run along the inner or outer building wall, for discharge above the roofline. The sub-slab venting system could also include inlets near the building exterior to dilute the sub-slab soil gas with ambient air. The sub-slab vapor-barrier membrane would be installed above the venting system and will provide a physical barrier to air flow into the building.

The ongoing effectiveness of the VIMS to prevent vapor intrusion at levels of concern at the buildings would be evaluated in accordance with the Site VIMS O&M Plan.

As mentioned above, this alternative would provide institutional controls to ensure long-term protection from residual soil gas impacts through a LUC that would prohibit residential use of the property unless engineering controls (i.e., the VIMS) are in place. The VIMS would be maintained, and accessible parts inspected regularly (e.g., annually) in accordance with the LUC (to be developed), the Site O&M Agreement, the VIMS O&M Plan, voluntary/prudential 5-Year Reviews, and a Financial Assurance instrument.

By virtue of the Site's location and historical uses, the project is required to comply with San Francisco Health Code Article 22A, known as the Maher Ordinance. The Maher Ordinance defines a process for characterization and mitigation of soil and groundwater contamination, for the protection of public health and safety during and after Site redevelopment. The City of San Francisco has deferred the oversight of mitigation measures for the contaminants onsite to the DTSC. Historical investigations and DTSC oversight related to historical Site use would likely satisfy the Maher requirements and further testing and mitigation beyond the DTSC requirements discussed in the Response Plan is unlikely to be required by the SFDPH. While the Site is exempt from San Francisco Health Code Article 22B, the San Francisco Dust Ordinance, due to parcel size being less than one acre, as a conservative measure the Tenderloin Neighborhood Development Corporation (TNDC) will prepare a Site Management Plan which will include dust control and monitoring measures during construction activities. It is expected that the San Francisco Department of Public Health (SFDPH), who oversees activities related to the Maher Ordinance, will indicate that the Site characterization and mitigation process conducted by TNDC and The Police Credit Union under DTSC oversight will effectively meet the requirements of the Maher Ordinance.

In the event biological, cultural, or historical resources are discovered during project activities, work will be suspended while a qualified biologist or cultural or historical resource specialist assesses the area and arrangements are made to protect or preserve any resources that are discovered. If human remains are discovered, no further disturbance will occur in the location where the remains are found and the County Coroner will be notified pursuant to the Health and Safety Code, Chapter 2, Section 7050.5.

Name of Public Agency Approving Project: Department of Toxic Substances Control

Name of Person or Agency Carrying Out Project: Tenderloin Neighborhood Development Corporation

Exempt Status: Categorical Exemption: [CCR Title 14, Sec. 15330]

Minor Actions Take to Prevent, Minimize, Mitigate or Eliminate the Release or Threat of Release of a Hazardous Waste or Hazardous Substance.

#### Reasons Why Project is Exempt:

- 1. The project is a minor action designed to prevent, minimize, stabilize, mitigate or eliminate the release or threat of release of hazardous waste or hazardous substances.
- 2. The project is a response action that will not exceed \$1 million in cost.
- 3. The project does not involve the onsite use of a hazardous waste incinerator or thermal treatment unit or the relocation of residences or businesses and does not involve the potential release into the air of volatile organic compounds as defined in Health and Safety Code Section 25123. No County or Bay Area Air Quality permits are anticipated to be required for the operation of the VIMS.
- 4. The project will be consistent with applicable state and local environmental permitting requirements. A grading permit from the City of San Francisco will be obtained if one is needed apart from the site development permit. No County or Bay Area Air Quality permits are anticipated for the mitigation.
- 5. The exceptions pursuant to Cal. Code Rags., title 14, § 15300.2 have been addressed as follows:

- a. Cumulative Impact. The project will not result in cumulative impacts because it is designed to be a short-term, final remedy that would not lead to a succession of projects of the same type in the same place over time.
- b. Significant Effect. The environmental safeguards and monitoring procedures that are enforceable and made a condition of project approval will prevent unusual circumstances from occurring so that there is no possibility that the project will have a significant effect on the environment.
- c. Scenic Highways. The project will not damage scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, because it is not located within view of a highway officially designated as a state scenic highway.
- d. Hazardous Waste Sites. The project is not located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.
- e. Historical Resources. The project is not expected to cause a substantial adverse change in the significance of a historical resource because none are anticipated. Outreach to Native American tribes is being conducted by the City in their role as the CEQA Lead Agency for the development.

The administrative record for this project is available to the public by appointment at the following location:

Department of Toxic Substances Control Site Mitigation and Restoration Program 700 Heinz Avenue, Suite 200 Berkeley, CA 94710

Additional project information is available on EnviroStor: <u>https://www.envirostor.dtsc.ca.gov/public/profile\_report.asp?global\_id=60003063</u>

Contact Person Arthur Machado Contact Title Engineering Geologist Phone Number (415) 723-0792

(510) 540-3843

Approver's Signature:

Date:

Click or tap to enter a date.

Approver's Phone Number

Approver's Name Juliet C. Pettijohn Approver's Title Branch Chief

TO BE COMPLETED BY OPR ONLY

Date Received for Filing and Posting at OPR: