



David Yelton, Deputy Building Official
Development Services Division
Community Development Department

October 21, 2020

Ms. Sara Vela, Project Manager
Department of Toxic Substances Control
9211 Oakdale Avenue
Chatsworth, CA 91311

Subject: City of Beverly Hills Peer Review by Lindmark Engineering's peer review of Jacobs Engineering Group, Inc. Draft Removal Action Work Plan (RAW) for the property known as Lots 12, 13, and 13A on behalf of the responsible party, the Union Pacific Railroad, and comments on the DTSC's CEQA Initial Study for the property known as Lots 12, 13, and 13A in the City of Beverly Hills, California, 90210

Dear Sara,

The City is enclosing Lindmark Engineering's review of Jacobs's Draft Removal Action Work Plan (RAW), dated September 18, 2020 for the property known as Lots 12, 13, and 13A. Jacobs prepared the RAW on behalf of the responsible party, the Union Pacific Railroad (UPRR). Also provided are comments to the DTSC's CEQA Initial Study dated September 15, 2020 for Lots 12, 13, and 13A.

As Lindmark's review outlines, the RAW is inadequate in several aspects; most notably, it assumes there were no railroad operations and arsenic weed abatement at the site, no significant vertical migration of arsenic in soil, and no groundwater contamination from arsenic releases at the site. Due to these improper assumptions, only a portion of the arsenic-impacted soil is proposed to be removed and the groundwater contamination, including off-site migration, is not addressed. Furthermore, arsenic contamination on adjoining City rights-of way is not addressed.

The groundwater contamination of arsenic is of great concern given the City water wells in the site vicinity and presence of elevated arsenic levels in the water supply within 100 feet of the site.

The City wants the site and adjoining City rights-of-way to be remediated to safe levels and to ensure that the remediation is implemented in a manner to prevent off-site migration of dust in compliance with all applicable DTSC and AQMD requirements. The City requests that all tasks, assessments and remediation recommended in the enclosure hereto be completed and paid for by the UPRR prior to issuance of a No Further Action letter for the site. Access to City rights-of-way will require an access agreement.

The City objects to contamination being left in place at the site at levels that will require future Institutional Controls affecting City property. Institutional controls, after the completion of remediation on City rights-of-way, are not acceptable to the City, including for Lots 13 and 13A,

which will be deeded to the City. The City requests that the site be remediated in a manner that will not result in future regulatory oversight and dust monitoring of the City rights-of-way and Lots 13 and 13A after they have been remediated.

On October 21, 2020, the City submitted reference documents to the DTSC via the City's large file dropbox ("BevyBox") file transfer system. One of these documents contained development plans for Lot 12 dated April 17, 2020. According to the plans, the entire footprint of Lot 12 will be excavated to a depth of 25 feet and developed with 2-story subterranean parking and eleven 3- and 4-story above grade office buildings.

According to your website ("Envirostor"), DTSC will revise the draft RAW and CEQA Initial Study after the City has approved a redevelopment plan, then recirculate for public review and comment along with another public meeting . However, the revised RAW and the CEQA Initial Study do not address the proposed development and your Community Update Notice did not mention the development plans.

Since the excavation for the development of Lot 12 could generate approximately 109,000 cubic yards of arsenic-contaminated soil we think it is imperative that the development plans are incorporated into the RAW and CEQA Initial Study for which the community is supposed to provide comments.

Sincerely,



David Yelton

Attachments: Lindmark Engineering report dated October 21, 2020, Project No. 2020-260, titled Review of Jacob's Draft Removal Action Work Plan, dated September 18, 2020 for Lots 12, 13 and 13A.

Lindmark Engineering comments dated October 21, 2020, Project No. 2020-260, titled Review of DTSC's CEQA Initial Study, dated September 15, 2020 for Lots 12, 13 and 13A.

cc: Haissam Salloum, Supervisor (DTSC)
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