



October 21, 2020
Project No. 2020-260
Via Email

David Yelton
Deputy Building Official
Department of Community Development - City of Beverly Hills
455 North Rexford Drive
Beverly Hills, CA 90210

Re: Review of DTSC's CEQA Initial Study, dated September 15, 2020 for Lots 12, 13 and 13A

Dear Mr. Yelton:

In accordance with your request, Lindmark Engineering, Inc. (LE) has reviewed DTSC's CEQA Initial Study for the subject site. Our comments referencing sections of the CEQA Initial Study are provided below.

Project Background, Fourth Paragraph, page 2

The source of elevated concentrations of arsenic present in shallow soils along the centerline of the Site is unknown.

Comments

This is not consistent with the known operations at the site (LE, 2020a and LE2020b) and DTSC's letter (DTSC, 2010) which states the arsenic concentrations at the site are likely due to "previous railroad operations of applying a liquid herbicide containing arsenic".

Project Background, Fifth Paragraph, page 2

Groundwater has been encountered at depths from 45-52 feet bgs and is not impacted with arsenic from the Site.

Comments

This is not consistent with the vertical distribution and concentrations of arsenic (LE, 2020a and LE2020b) and DTSC's letter (DTSC, 2010) which states "the site has elevated levels of arsenic in soils down to groundwater".

Project Completion, page 4

Excavation will continue until arsenic in Site soils are found to be less than corresponding removal action goals.

Comments

The RAWs prepared by Jacobs to date present these removal action goals for landscape areas:

Landscape Areas (ground level planters, open space, etc.):
- 0 to 2 feet bgs less than 25 mg/kg

- 2 to 5 feet bgs less than 75 mg/kg
- Greater than 5 feet bgs left in place

The above removal action goals were determined by DTSC in a letter to Union Pacific Railroad (DTSC, 2012). However, the RAWs only propose to address soil contamination exceeding 25 mg/kg arsenic above 2 feet bgs. The concentrations at 2 feet bgs are attributed to the interval below 2 feet bgs, but even soils that exceed 75 mg/kg arsenic between 2 and 5 feet bgs are not proposed for removal in accordance with the RAWs, including the most recent RAW (Jacobs, 2020b).

Air Quality, Section 3a, Third Paragraph, page 8

However, notification to the SCAQMD is required only for large operations (disturbing more than 50 acres or moving more than 5,000 cubic yards per day). Therefore, no notification or filing of a Fugitive Dust Emission Control Plan is required due to the project size.

Comments

The above applies to SCAQMD Rule 403 (AQMD, 2005), not Rule 1466 (AQMD, 2017) which will be followed for the removal action. Since more than 500 cubic yards will be excavated at the site, all requirements of Rule 1466 will apply.

Hazardous and Hazardous Materials, Section 9, Description of Baseline Environmental Conditions, First Paragraph, page 23

The nature and extent of contamination at Site are based on nine phases of environmental investigations that were implemented between 1988 and 2010.

Comments

Change to "between 1998 and 2010". Also, the next RAW must incorporate the investigatory data for the site and adjoining City rights-of-way obtained from 2015 to 2018 and presented in LE's reviews (LE 2020a and 2020b).

Hazardous and Hazardous Materials, Section 9, Description of Baseline Environmental Conditions, First Paragraph, page 23

Chemical testing conducted during the remedial investigation process demonstrated that the elevated concentrations in soil were not soluble and not migrating. A groundwater investigation conducted in 2008 and 2009 confirmed these findings and demonstrated that arsenic had not migrated to groundwater.

Comments

This is not consistent with STLC testing conducted of arsenic-impacted soils at elevated concentrations (LE 2020a and 2020b) and DTSC's letter (DTSC, 2010).

Hydrology and Water Quality, Section 10, Description of Environmental Conditions, Fourth Paragraph, page 26

A groundwater investigation was conducted at the Site in 2008 and 2009 that indicated that groundwater is not impacted with arsenic from the Site. Groundwater has been encountered at depths from 45-52 feet bgs. The investigation was conducted to assess if arsenic in soil at the Site had impacted groundwater. The maximum

arsenic concentration in groundwater was 1.2 micrograms per liter ($\mu\text{g/L}$). The California Maximum Contaminant Level in groundwater is 10 $\mu\text{g/L}$. Soil sampling indicated arsenic in soils is not a threat to groundwater quality (DTSC, 2010).

Comments

The groundwater investigation conducted in 2008 revealed arsenic concentrations ranging to 270 $\mu\text{g/L}$ beneath the site (CH2M, 2008). However, the DTSC letter (DTSC, 2010) incorrectly states all groundwater samples were below 10 $\mu\text{g/L}$, which then was a basis for concluding that the arsenic contamination in soil is not a threat to groundwater quality.

References

1. California Department of Toxic Substance Control (DTSC), Letter re: *Approval of Groundwater Monitoring Well Sampling Summary and Notice of Well Abandonment for the Beverly Hills Lots 12 and 13*, July 9, 2010.
https://www.envirostor.dtsc.ca.gov/public/deliverable_documents/4383717179/2010_07_09%20Groundwater%20Approval%20Letter.pdf.
2. California Department of Toxic Substance Control (DTSC), *Arsenic Cleanup Levels Regarding Lot 12 and 13 Site, Beverly Hills, California*, May 21, 2012.
3. California Department of Toxic Substance Control (DTSC), *California Environmental Quality Act, Initial Study, Union Pacific Railroad, Beverly Hills Removal Action Work Plan, 9315 Civic Center Drive, Beverly Hills, Los Angeles County*, September 15, 2020.
https://www.envirostor.dtsc.ca.gov/public/community_involvement_documents?global_id=19400017&document_folder=+5319477677.
4. CH2M Hill (CH2M), *Results of October 2008 Groundwater Investigation, 9315 Civic Center Drive, Beverly Hills Land Company*, November 28, 2008.
https://www.envirostor.dtsc.ca.gov/public/deliverable_documents/2891499161/2008_11_28%20Groundwater%20Investigation%20Report.pdf.
5. CH2M HILL, Inc. (CH2M). *Well Abandonment, Monitoring Wells MW-1 and MW-2, BHLC at 9315 Civic Center Drive, Beverly Hills, CA*, June 7, 2010.
https://www.envirostor.dtsc.ca.gov/public/deliverable_documents/7350849747/2010_06_07%20RP%20Well%20Abandonment%20Letter%20and%20Lab%20Data.pdf
6. Jacobs Engineering Group Inc. (Jacobs), *Removal Action Work Plan, Union Pacific Railroad Beverly Hills Site, 9315 Civic Center Drive, Beverly Hills, California-Draft*, December 2019.
7. Jacobs Engineering Group Inc. (Jacobs), *Removal Action Work Plan, Union Pacific Railroad Beverly Hills Site, 9315 Civic Center Drive, Beverly Hills, California-Draft*, August 3, 2020a.
8. Jacobs Engineering Group Inc. (Jacobs), *Removal Action Work Plan, Union Pacific Railroad Beverly Hills Site, 9315 Civic Center Drive, Beverly Hills, California-Draft*, September 18, 2020b.
9. Lindmark Engineering, Inc. (LE), *Review of Jacobs's Draft Removal Action Work Plan, dated December 18, 2019 for Lots 12, 13 and 13A*, August 4, 2020.

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10. Lindmark Engineering, Inc, (LE), Review of Jacobs's Draft Removal Action Work Plan, dated September 18, 2020 for Lots 12, 13 and 13A, October 21, 2020.
11. South Coast Air Quality Management District (AQMD), Rule 403, Fugitive Dust, Adopted May 7, 1976 with amendments through June 3, 2005.
<http://www.aqmd.gov/docs/default-source/rule-book/rule-iv/rule-403.pdf>.
12. South Coast Air Quality Control District (AQMD), Rule 1466, Control of Particulate Emissions from Soils with Toxic Air Contaminants, Amended December 1, 2017.
<https://www.aqmd.gov/docs/default-source/rule-book/reg-xiv/rule-1466.pdf?sfvrsn=19>.

Please call me at 818-707-6100 if you have any questions.

Best regards,



Ulf Lindmark, PE, BCEE
President
Registered Civil Engineer



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