

STATE OF CALIFORNIA  
REGIONAL WATER QUALITY CONTROL BOARD  
SAN FRANCISCO BAY REGION

MEETING DATE: October 12-13, 2021

**Item: 4**

**Executive Officer's Report**

## Executive Officer’s Report October 5, 2021

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**Site Closure/No Further Action: Dublin Crossing / The Boulevard Residential Development – Trichloroethene Soil Vapor Intrusion (Maggie Teicher)**

I am pleased to report that in July 2021, we issued a No Further Action letter for the Dublin Crossing/The Boulevard residential development project in the City of Dublin, Alameda County. This closure affected more than 1,700 residential homes that were potentially impacted by a previously unknown diffuse trichloroethene (TCE) plume in groundwater and soil vapor.

**Background**

Since 2018, Dublin Crossing LLC and Lennar Homes (Developers) have been constructing a large residential housing development on land that was transferred from the southern portion of Camp Parks Army Base in Dublin, California (see figures 1 and 2 below). The Clean Water Act Section 401 Quality Certification and the Construction Stormwater General Permit allowed the Developers to discharge low turbidity groundwater encountered during construction activities to the storm drain. During the regulatory oversight provided by these permits, Water Board staff discovered that the extracted groundwater contained low concentrations of TCE, which can have adverse impacts on fetal heart tissue at very low concentrations.

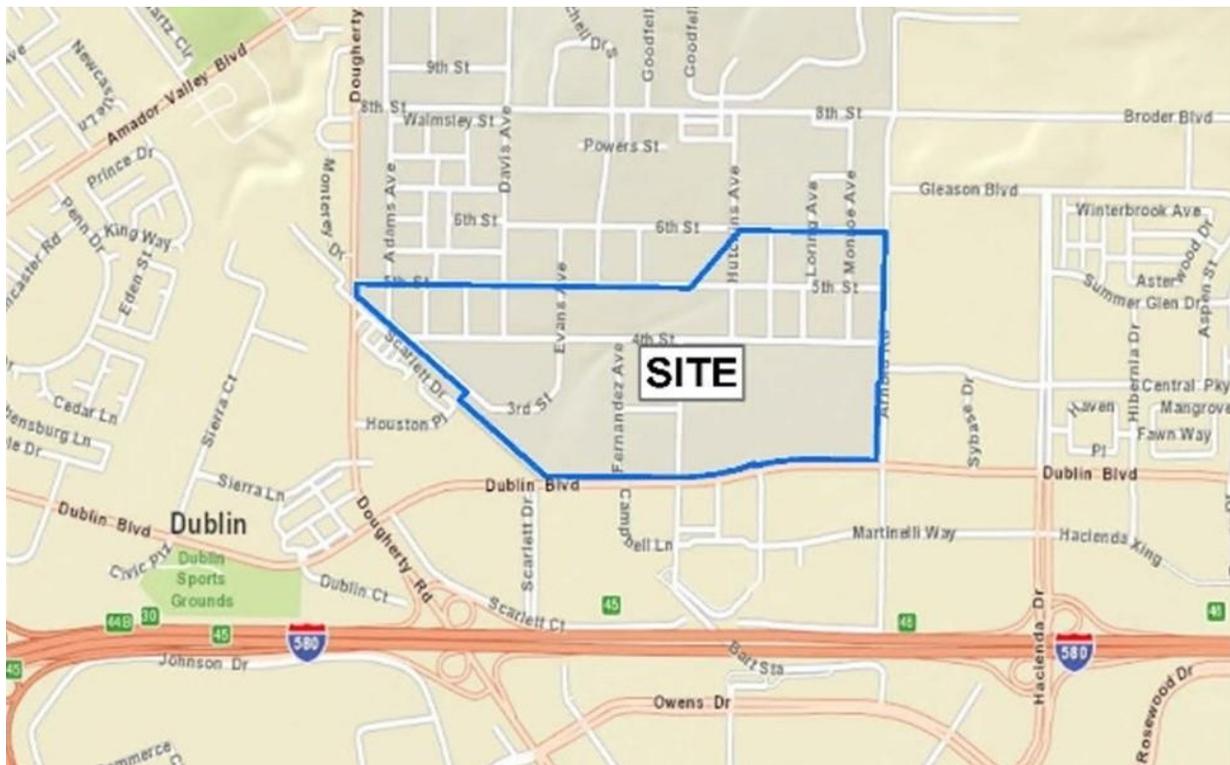


Figure 1: Location of Dublin Crossing / The Boulevard Residential Development

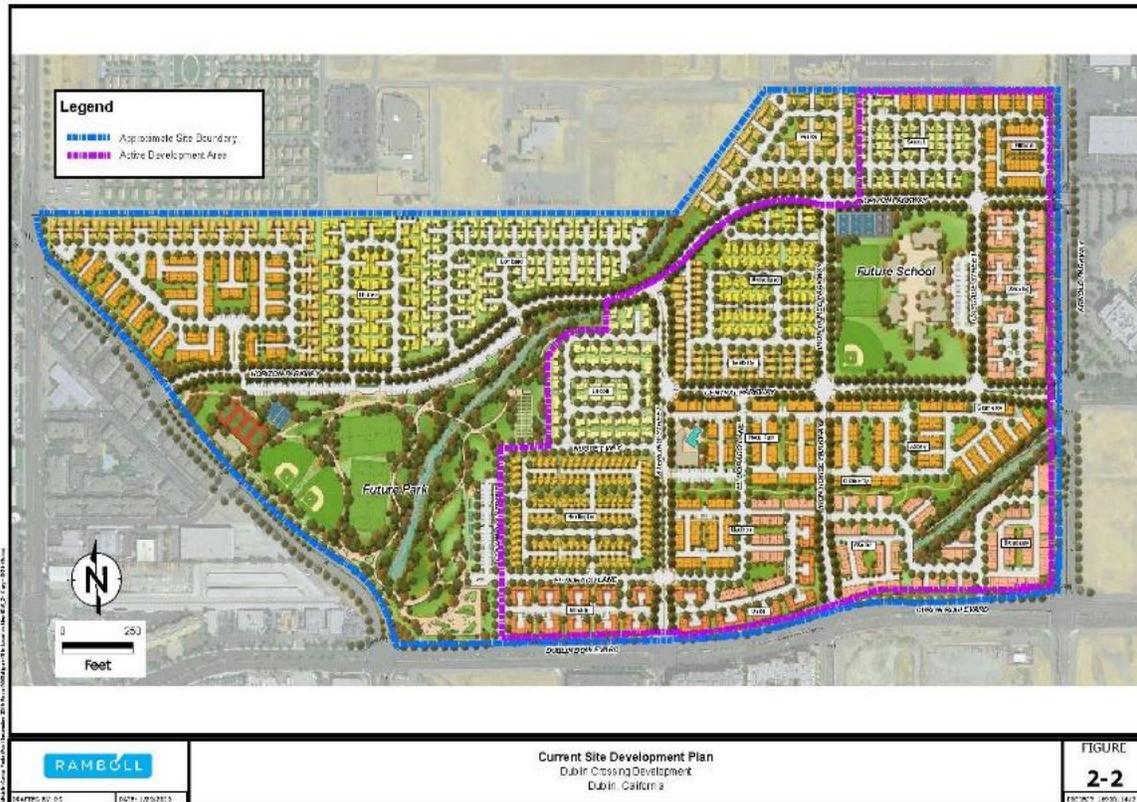


Figure 2: Proposed Residential Development

My staff immediately contacted the Developers to gather additional information related to the source and extent of TCE. It was soon determined that a site-wide investigation was necessary to identify the source and extent of TCE and other potential Volatile Organic Chemicals (VOCs) in groundwater, soil, and soil gas that could adversely impact human health, as new residential units were already being occupied.

In November 2018, I issued a California Water Code Section 13267 Order to the Developers to (1) submit a work plan and schedule to complete VOC site characterization; and (2) submit a site characterization and conceptual site model report.

### **Water Board / Developer Coordination**

After several meetings with the Developers and representatives from the City of Dublin in late 2018 and early 2019, Water Board staff successfully gained the Developers full cooperation and understanding of the urgency to implement the site investigation to ensure the new occupants were not being adversely impacted by VOCs.

My staff also coordinated with the Office of Public Participation to develop a factsheet for all existing and potential residents of the development that describe the work that was required at the site. Further, at our recommendation, the Developers hired a third-party environmental consultant to field calls from existing and future residents of the development regarding questions and concerns related to the environmental investigation and potential impacts to residential occupants. As a result, the third-party

environmental consultant handled hundreds of inquiries from the public, which allowed Water Board staff to remain focused on the site investigation.

**Site Investigation and Results**

Between January 2019 and December 2020, the Developers prepared and implemented the site investigation work plan and conducted multiple rounds of groundwater, soil, and soil gas investigation (over 350 samples were collected and analyzed). Figure 3 shows the sample locations, which provides a snapshot of the extent of the site-wide characterization.

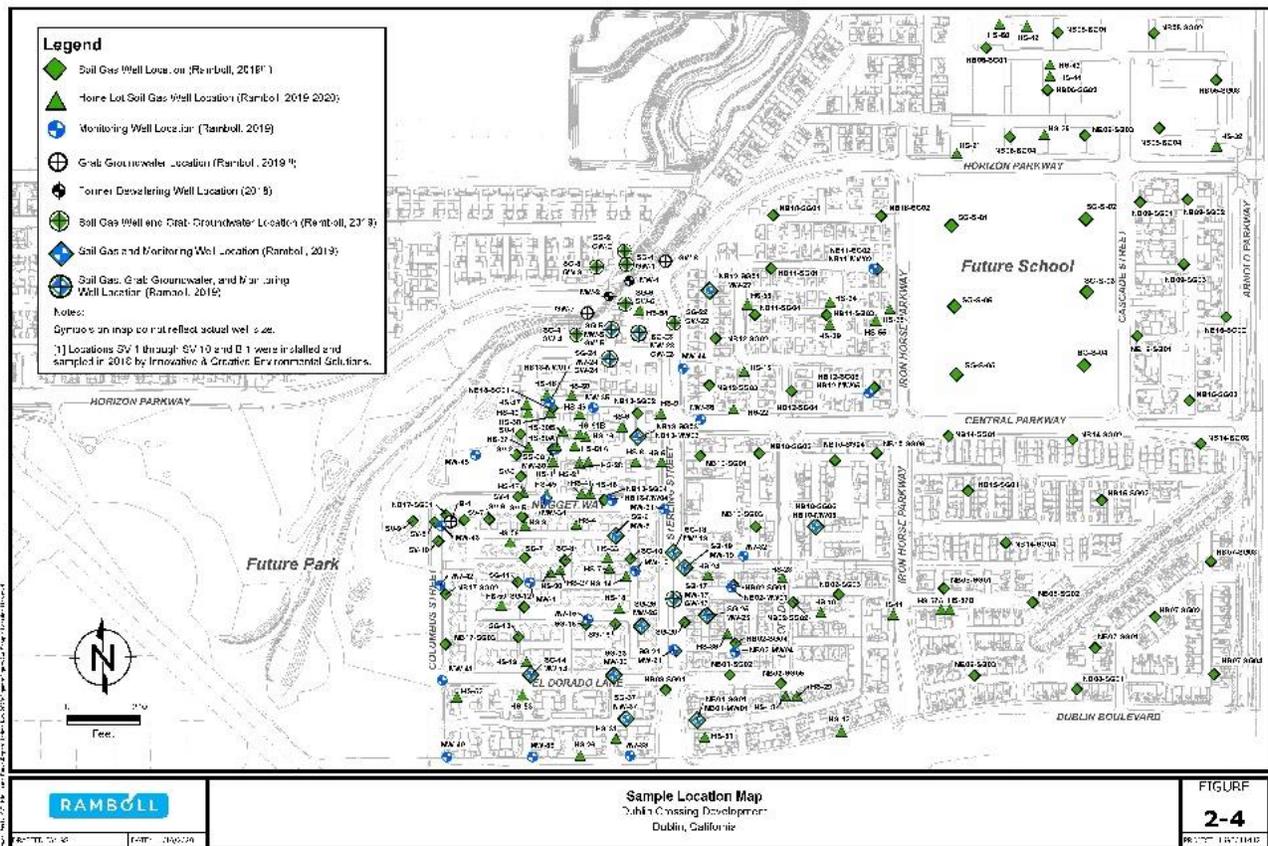


Figure 3: Sample Locations

Overall, VOCs were not detected in soil that exceeded Water Board environmental screening levels (ESLs). However, VOCs were detected in groundwater and soil gas. The groundwater VOC concentrations were found to be slightly above the ESLs and localized in one groundwater monitoring well. It was determined that the VOC concentrations in the well did not present a significant risk to human health, since groundwater is not used as a drinking water source.

With regards to VOCs in soil gas, TCE was not detected in most of the soil gas sampling locations. Where TCE was detected above the Water Board's ESLs, the Developers conducted additional soil gas sampling and subsequent concentrations

were either non-detect or showed a trend of decreasing concentrations. Some of the other VOCs detected were considered to be the result of the recent redevelopment construction activities associated with recycled water used for dust control and with heavy equipment operation.

Out of an abundance of caution, a Tier 3 human health risk assessment (HHRA) was completed for soil gas intrusion into indoor air under a residential scenario. The HHRA concluded that there was no unacceptable risk to residents or construction workers from exposure to VOCs in groundwater or soil gas migrating to indoor air or from direct exposure.

Remedial action was not required as the chemical concentrations did not pose an unacceptable risk that warranted an active cleanup. Furthermore, the residential buildings at the Site are constructed with 11-inch thick post-tensioned concrete slabs and a moisture barrier that will further limit any residual vapor migration to indoor air. The concrete slab is designed to minimize cracking while the moisture barrier will prevent moisture from infiltrating the concrete slab, keeping underlying soils moist, which further limits soil vapor migration.

This site affirmed our practice of having the developer utilize a third-party environmental consultant to field questions about the developer's actions and Water Board requirements as an effective way to triage Regional Water Board staff time for sites with large numbers of community stakeholders.

**Former Pennzoil-Quaker State Alameda Distribution Center Demolition, Cleanup (Alyx Karpowicz)**

The former Pennzoil – Quaker State distribution facility at 2015 Grand Street in Alameda (site) has been successfully cleaned up to facilitate residential redevelopment. The facility operated from 1951 to 1995 as a blending, packaging, and distribution center for petroleum lubricants. From 1995 until closure in August 2020, the facility was used only for storage and distribution of bulk and pre-packaged industrial lubricants. Previous environmental investigations found the presence of petroleum products in shallow soil and groundwater. Contaminants of concern (COCs) present in these areas include gasoline, diesel, motor oil range-petroleum hydrocarbons, and benzene, toluene, ethylbenzene, and xylenes. Cleanup goals for most of the site soils were based on the Water Board's Environmental Screening Levels (ESLs) for residential use, with the exception being the areas where Hibbard Street will be widened and Clement Avenue will be constructed; cleanup goals for these non-residential areas are based on the construction worker direct exposure to contaminated soil ESLs.

Demolition and soil excavation activities were performed between January 2021 and May 2021. Excavation activities proceeded from the tank farm area toward the northeast. Confirmation soil samples were collected from each excavation grid, and where contaminant levels exceeded soil cleanup goals, additional excavation and sampling took place until cleanup goals were met. The few areas where residential cleanup goals were not achieved were at the property boundaries, adjacent to fence lines, sidewalks, and neighboring buildings, where excavation was not feasible, and would likely pose no risk to residents. In total, over 23,000 tons of contaminated soil were excavated and off-hauled to appropriately licensed facilities for disposal. Imported soil meeting the shallow soil exposure residential ESLs was used to backfill all excavated areas. For the northeast area excavation,  $\frac{3}{4}$ -inch gravel mixed with Advanced Oxygen Release Compound was placed in the excavation before the backfill soil to help degrade residual COCs in groundwater over time. After backfilling activities were complete, the site was graded to prevent erosion, control runoff, and then hydroseeded.

On August 4, 2021, I signed a deed restriction and land use covenant (LUC), recording the locations where elevated COCs may remain in groundwater. The responsible party included a Soil Management Plan in the LUC to aid future property owners in managing potential risk associated with future soil disturbance during any redevelopment. The LUC also requires mitigation of any potential vapor intrusion to the indoor air of any structures built in the northeast area, and requires ongoing monitoring and maintenance of any implemented measures.



Figures 1 and 2: Above ground storage tanks on the southwest side of the site



Figures 3 and 4: Main warehouse in the center of the site, along Grand St at the intersection of Clement Ave



Figures 5 and 6: Excavation and backfill with gravel and ORC application in the northeast portion of the site.



*Figure 7: Final grading and hydroseeding after demolition and soil excavation was completed.*

## Regional Climate Adaptation Partnerships (Guy Gutterman)

The Water Board is a member of the Bay Area Regional Collaborative (BARC) along with leaders of other regional government agencies. BARC coordinates the policy and planning work of these agencies to improve the quality of life of residents of the Bay Area. On September 17, BARC approved two actions aimed at tackling climate change impacts in the region. The [Joint Resolution to Address Climate Change](#) builds on BARC's 2015 key guiding principles with the goal of coordinating implementation of proposed high-priorities activities from individual agencies' work plans. The Resolution focuses member agencies' efforts related to climate change adaptation over the next one to five years into a Shared Work Plan. The [Joint Resolution on Bay Adapt: Regional Strategy for a Rising Bay](#) endorses the draft Bay Adapt Joint Platform. The Platform is a regional strategy for a rising Bay developed by multiple stakeholders and facilitated by the San Francisco Bay Conservation and Development Commission (BCDC). Our staff was on the Leadership Advisory Group and workgroups for development of the Bay Adapt Joint Platform. BARC's Resolution also supports the development of a Shared Work Plan by the Member Agencies of BARC to support and help implement the Bay Adapt Joint Platform individually and collectively. Together, the two resolutions provide a complementary and comprehensive blueprint that tie into many of our own current and proposed activities.

Our staff will contribute to implementation of BARC's resolutions through implementation of our staff's climate action activities, derived originally from our [August 2018 Workshop on Climate Change](#), further detailed in our [2020 Strategic Priorities Update](#) and included in the upcoming [2021 Triennial Review of the Water Quality Control Plan for the San Francisco Basin](#). Specific to [Bay Adapt's Regional Strategy for a Rising Bay](#), we have been identified as a possible lead agency for four actions across three action categories and a possible support agency for an additional four actions. In most cases, these new roles and actions continue work we are already doing; in other cases, they complement them.

For example, Action 7, tasks 7.1 and 7.2 focus on relieving some of the burden of the permitting process for relevant, environmentally beneficial projects. Our Watershed Management, Planning, and NPDES Divisions are currently engaged with stakeholders across both the public and private sector to put these ideas into practice. These activities are also in line with the California Natural Resource Agency's "Cutting the Green Tape" initiative. Internally, our Climate Action Team has been establishing workflow processes aimed at tackling Action 4, tasks 4.1 and 4.2, which call for aligning of research to fill in current gaps in information and ensuring that research is accessible and easy to use.

These two resolutions express the eagerness of public agencies from across the region to collaborate toward a shared goal. They are, however, not the only avenues in which our staff are coordinating on climate resiliency. Some examples of our related work can be found in our coordination with the State Water Board on the Large Restoration Project Order and other General Permits, our engagement in various private and public water recycling projects, our efforts with landfill and waste management units to regularly update their long-term flood protection plans, our facilitation of shoreline protection and resiliency project in Environmental Justice communities.

## **Racial Equity Activities Update (Lisa Horowitz McCann)**

### ***Equity Advisory Team***

The Water Board has established an Equity Advisory Team to advise and consult the staff, Executive Management Team and the Board members on actions and approaches to advance racial equity and environmental justice in Water Board conduct, policies, programs, and projects (internally and externally).

This organizing structure, an Equity Advisory Team, parallels approaches already taken and in place by several local and state partner agencies, all of whom are, like the Water Boards, members of the [Government Alliance on Race and Equity \(GARE\)](#). These agencies include the California Environmental Protection Agency, the California Department of Toxics Substances Control, the California Air Resources Board, the Bay Area Air Quality Management District and the City of San Francisco.

The Team will serve as a resource for information, best practices, and methods of advancing racial equity, including how and when the Water Board will engage with disadvantaged communities and Community-based organizations with environmental justice needs and priorities.

The Team will consist of a small group of current staff with expertise in advancing racial equity through their own lived experience, cultural competency, and knowledge of racism and government's role in perpetuating racial inequities. The team members include staff from each organizational level (line staff up through Assistant Executive Officer), from multiple divisions, programs and classifications, as well as from different ethnic and affinity groups (including Black, LatinX, and LGBTQ+).

### ***Training***

On Sept. 23, 2021 we held an All-Staff Training that covered strategies and tools for advancing racial equity that are used and promoted by the Government Alliance on Race and Equity and CalEPA. The content focused on the following approaches:

- partnering with stakeholders and community-based organizations,
- using data to inform actions including population and community data we have not historically considered (such as locations and characteristics of formerly red-lined communities and their demographics),
- other racial equity tools that guide staff to better understand equity outcomes desired by communities, specifically results-based accountability and root cause analysis.

The training session also featured three case studies describing the projects presented in the following section.

## ***Projects***

Staff is currently implementing the following projects.

Staff in our Stormwater Program are inspecting industrial facilities determined to be priority from a racial equity lens. Staff evaluated sites enrolled in the industrial stormwater permit that claim “no exposure” (as allowed by the permit) that are specifically located in neighborhoods with the highest existing pollution exposures and poor health indicators. This information comes from [CalEnviroscreen](#) and helps us target underserved communities. Staff wants to make sure we do not overlook adequate pollution control and permit compliance by industrial facilities in these areas.

Staff in our Site Cleanup Program are reprioritizing our groundwater and soil cleanup cases based on the CalEnviroscreen scores and targeting formerly red-lined communities as indicators of most impacted and underserved communities. Once complete, the highest priority cleanup cases will be evaluated for the most appropriate regulatory tools to insure investigation and cleanup faster and in better collaboration with the neighborhoods and communities where the sites are located.

Staff in our Wastewater Permitting Program are using [US EPA's Financial Capability Assessment model](#) to evaluate whether waste water control measures costs will disproportionately effect people in disadvantaged communities, and what options we have if they do (e.g., include a permit requirement that allows a variance = short term allowance to discharge in exceedance of a water quality objective).

Staff in the Planning Division are providing outreach and technical assistance on shoreline resiliency projects in response to sea level rise in disadvantaged communities to address environmental justice priorities in coordinating with local agencies and community-based organizations (through regional collaborations and using discretionary grant funds). Similarly, staff in the Planning Division provide [tribal consultations](#) as required of the Water Board by law, and also, as requested.

Staff is developing a strategy to improve staff capacity and to effectively initiate community engagement with disadvantaged communities with a racial equity lens and where environmental justice and equity advancement are most needed. Our approach will track with best practices promoted by the Government Alliance on Race and Equity, and practices promoted by and being implemented by partners in the Bay Area such as the San Francisco Bay Conservation and Development Commission and the Bay Area Air Quality Management District.

We continue to plan and implement activities to advance racial equity. Our growing knowledge, skills, opportunities and partnerships are improving our opportunities to support people of color and disadvantaged communities in the SF Bay Region in all our policies, programs and projects.

**October 2021 Enforcement Actions (Brian Thompson and Jessica Watkins)**

There were no proposed or settled enforcement actions since September's report.

**401 Water Quality Certification Applications Received (Abigail Smith)**

The table below lists those applications received for Clean Water Act section 401 water quality certification from August 16 through September 9, 2021. A check mark in the right-hand column indicates a project with work that may be in BCDC jurisdiction.

| <b>Project Name</b>   | <b>City/Location</b>          | <b>County</b> | <b>May have BCDC Jurisdiction</b> |
|---|-------------------------------|---------------|-----------------------------------|
| East Ranch Development  | Dublin                        | Alameda       |                                   |
| EA 4J750 Ala 84 Outer Separation Barrier for Traffic Safety                 | Fremont                       | Alameda       | ✓                                 |
| Test Well Drilling for Lower Alameda Creek Restoration                      | Fremont                       | Alameda       |                                   |
| City of Pleasanton's Stream and Pond Maintenance                            | Pleasanton                    | Alameda       |                                   |
| Hal Brown Park Tidal Restoration  | Kentfield                     | Marin         | ✓                                 |
| Marshall Tavern Inn Remodel   | Marshall                      | Marin         |                                   |
| J Ranch Spring Redevelopment at Point Reyes National Seashore               | Point Reyes National Seashore | Marin         |                                   |
| Black Mountain Ranch Stream Crossing Design and Permitting                  | Point Reyes Station           | Marin         |                                   |
| 1 Sacramento Avenue Subdivision   | San Anselmo                   | Marin         |                                   |
| 297 The Alameda in San Anselmo Slope Stabilization and Riparian Restoration | San Anselmo                   | Marin         |                                   |
| Seeger Dam Dewatering   | Unincorporated                | Marin         |                                   |
| East Harbor Angled Boring   | San Francisco                 | San Francisco | ✓                                 |