



CITY OF COMMERCE

Public Works & Development Services Department

Via email

February 14, 2017

Hortensia Muniz
DTSC - Exide
8800 Cal Center Drive
Sacramento, CA 95826

Re: Comments on Draft Environmental Impact Report (EIR) for the Draft Remedial Action (Cleanup) Plan, Offsite Properties within the Exide Preliminary Investigation Area

Dear Ms. Muniz,

The purpose of this letter is to provide you with the comments on the Draft Environmental Impact Report (DEIR) that was prepared for the Draft Remedial Action (Cleanup) Plan Offsite Properties within the Exide Preliminary Investigation Area (State Clearinghouse No. 2016061032). The comments are organized according to the individual sections included in the DEIR. The comments also indicate the page numbers and other identifiers (figures, tables, etc.) so that the information in the DEIR may be easily referred to.

General Comment on the Project Description

The project involving the remediation of up to 10,000 individual properties has resulted in an overly complicated environmental review making it difficult for the affected agencies and individuals to understand. Our first impression is that without a clear scope of the location and extent of remediation the impacts of the cleanup may not be fully understood. The DEIR has indicated the sampling procedures that were followed in the identification of the candidate cleanup sites. The large affected area also includes freeways, rail yards, and heavy industry that may have also contributed to the lead contamination of local soils. For example, the Ayers Neighborhood in Commerce is located adjacent to an active rail yard and the I-710 Freeway, which has contributed to high levels of contamination and the associated health problems with the residents. We understand the balancing act between the identification of the problem and the ultimate cleanup. The first priority of the City of Commerce is to ensure that the cleanup efforts commence as soon as possible to ensure that the health of our community is no longer affected by the Exide Plant's contamination.

Chapter 1. Introduction, Page 1-3.

The DEIR indicates that funding will only facilitate the cleanup of approximately 2,500 properties. However, the Draft EIR looks at cleaning up as many as 3,500 properties in the first year and 10,000 properties over four years within the PIA. This conservative analysis was done for two reasons: (1) so as to provide a conservative worst-case analysis of the impacts of implementing the project, and (2) to allow DTSC to use the analysis in this document to support potential future cleanups. Cleanup of these additional properties would occur if funding becomes available and ongoing investigations determine that the properties need to be cleaned up.

The above statements underscore our concern that without a precise definition of the affected area, cleanup efforts may be delayed further. More disconcerting is the fact that funding limitations may actually result in thousands of properties being left contaminated. The remediation efforts must include the cleanup of all the properties where lead contamination from Exide operations exists.

Chapter 2. Project Description, Page 2-5.

The DEIR states the following:

“DTSC has been conducting and continues to conduct soil sampling in the PIA to evaluate lead concentrations in surface soil at approximately 10,000 sensitive land use properties. The results of the oil sampling will assist DTSC in determining which properties require cleanup and in prioritizing cleanup efforts. As of November 16, 2016, approximately 4,500 properties within the PIA have been sampled to determine the concentration of lead in soil at those properties.”

For the benefit of the City of Commerce, a more detailed inventory of those properties that were sampled in the City of Commerce is requested. In addition, the identification of those properties where lead contamination of the soil exceeded 400 parts per million (ppm) is also requested. This will assist the City in understanding the scope of work that will be confined to Commerce.

Section 2.4.2. Overview of Clean-up Plan, Page 2-8.

The DEIR states the following:

“It is anticipated that the Project would result in the cleanup of approximately 50 to 70 properties per week, resulting in roughly 2,500 cleanups within one year. It is anticipated that as many as 3,500 sensitive land use properties could be cleaned up in the first year and 10,000 could potentially be cleaned up by 2021 if sufficient funding is identified.”

Our major concern, once again, is the limitation of the project scope and the availability of funding. The City of Commerce requests the commitment that funding will be provided to fully address the remediation that will be needed to ensure a comprehensive cleanup related to Exide's historic operations. The above statement in the DEIR is confusing as to the actual number of properties that could be cleaned up in the first year (e.g. 2,500 vs. 3,500).

Section 2.4.2. Overview of Clean-up Plan, Page 2-13.

The DEIR indicates that residents would be given the choice of relocating or remaining on the properties during cleanup (relocation details are provided in the Cleanup Plan). We would recommend a brief summary be provided so that the reader would not have to go back to a technical appendix to refer to the relocation information. This would include detailed actions residents must take to avoid further contamination of lead particulates related to excavation activities, and procedures to ensure that cross contamination (i.e., tracking in lead particulates from outside into the interior of the residence) do not occur.

Section 2.4.2. Overview of Clean-up Plan, Page 2-18.

Decontamination procedures would be implemented to prevent the transfer of contamination offsite, and to prevent decontaminated properties from being re-contaminated by construction equipment and personnel. More specific procedures that should be followed by residents during the cleanup effort must be identified. This could be in the form of a table or an exhibit that would be helpful to the residents in the affected area to better understand what they should and should not do during the remediation of their home.

Section 2.4.2. Overview of Clean-up Plan, Page 2-19.

The DEIR states the following:

“Following excavation and restoration, if interior cleaning is requested, DTSC would provide the property owner(s) or resident(s) with a letter, certificate, or coupon to schedule an interior cleaning by a bonded cleaning service. The resident or property owner would schedule the cleaning directly with the cleaning company. All waste generated would be collected by the cleaning company and would be disposed of appropriately.”

The DEIR simply leaves it up to the resident to determine whether further interior cleaning is necessary. Lead contamination is a serious health hazard, especially for small children under five years of age. In addition, lead contamination in home interiors may last for years, which could affect future occupants of the home. We are not suggesting that home occupants be left out of the decision making process, but it is imperative that a robust outreach effort be made to clearly identify the health risks if the cleaning of the home interior does not occur.

Section 2.5.1. Construction Hours, Page 2-21.

According to the DEIR, cleanup activities are expected to occur Monday through Friday from 8:00 AM to 5:00 PM. Occasionally, sod installation work may occur on Saturdays. Workers would be required to arrive at the property up to one hour prior to commencement of work (7:00 AM) for safety meetings. Loaded trucks would leave the property between 9:00 AM to 1:00 PM. The commencement of the cleanup efforts will begin at 8:00 AM with the work personnel arriving at 7:00 AM. This period coincides the time when children are going to school and adults are leaving for work. Efforts need to be made so that excavation and other activities do not expose these individuals to fugitive dust during this period.

Chapter 2.6. Project Design Features, Page 2-28.

Will PDF-HAZ 2 that calls for the preparation of a Health and Safety Plan be prepared for all of the affected properties? Given the large number of affected properties, is this a project design feature that can realistically be implemented? What will this Health and Safety Plan involve and will one be prepared for each individual property?

Chapter 4.1. Air Quality, Page 4.1-19.

The DEIR accurately characterizes the health effects of exposure to lead contaminants. The serious health risk associated with lead exposure resulted in Federal regulations that have banned lead from automobile fuels, paints, and other household products. Nevertheless, widespread exposure to lead continues throughout the area. Older homes that have used lead-based paints or contained lead materials in older pipes remain a source of exposure. The PIA is also located in the midst of the largest and oldest industrial areas in Southern California. As a result, lead associated with these industrial land uses continues to be a source of concern.

Lead in the area presents an ongoing concern to our residents, especially small children under five years of age. Fetuses, infants, and children are more sensitive than others to the adverse effects of lead exposure. Exposure to low levels of lead can adversely affect the development and function of the central nervous system, leading to learning disorders, distractibility, inability to follow simple commands, and lower intelligence quotients. In adults, increased lead levels are associated with increased blood pressure and risk of coronary heart disease. Lead is linked to important hematological effects, such as impaired red blood cell function. Lead poisoning can cause anemia, lethargy, seizures, and death. It appears that there are no direct effects of lead on the respiratory system. Lead can be stored in the bone from early-age environmental exposure, and elevated blood lead levels can occur due to breakdown of bone tissue during pregnancy, hyperthyroidism (increased secretion of hormones from the thyroid gland), and osteoporosis (breakdown of bony tissue). Fetuses and breast-fed babies can be exposed to higher levels of lead because of previous environmental lead exposure of their mothers.

The DEIR does not make any mention of any initiative for follow-up health screenings of local residents. For example, will any monitoring be made to ascertain the long-term health of local residents following the remediation effort? It is equally important for efforts to be made to ensure that those living and working within the PIA understand the symptoms of lead exposure and where treatment can be obtained. We recommend that this outreach identify treatment options/opportunities that are available to local residents should they suspect continued exposure to lead. Finally, how will those residents that have already experienced exposure to Exide's toxic air contaminants (TAC) be treated?

Chapter 4.1. Air Quality, Page 4.1-40.

The DEIR states the following:

"Implementation of the Cleanup Plan would potentially exceed the regional significance thresholds for emissions of NO_x within the South Coast Air Basin. Implementation of the Cleanup Plan would not exceed the localized significance thresholds at localized sensitive receptors."

The exceedance of nitrogen oxide thresholds (NO_x) is due to the use of equipment and trucks during the actual clean-up activities. The potential NO_x emissions could be further reduced by limiting the use of diesel equipment. The other LST thresholds do not include the specific contaminants of concern (lead, arsenic, etc.) for this remediation.

Chapter 4.1. Air Quality, Page 4.1-44.

The implementation of the Project Design Features (PDFs) would reduce air quality emissions, compared to typical equipment and practices. However, NO_x emissions related to cleanup activities are predicted to exceed significance thresholds. The use of alternative fuels and technologies was determined to be infeasible. Thus, air quality impacts related to potentially violating nitrogen dioxide (NO₂) or ozone (O₃) air quality standards or contributing substantially to existing or projected air quality violations would be significant and unavoidable.

We are unclear as to why alternative fuels are infeasible. The DEIR indicated that the use of electric vehicles is impractical due to the expensive nature of the project and we concur with this specific assessment. However, compressed natural gas (CNG) has been in widespread use in the South Coast Air Basin (SCAB). For example, refuse haulers and school buses are now required to use CNG. In addition, many of the newer trucks utilize "clean diesel" fuels.

Chapter 4.1. Air Quality, Page 4.1-49.

Table 4.1-12 in the DEIR, indicates the implementation of the Cleanup Plan would not exceed the applicable local significant thresholds (LSTs) for localized emissions of NO_x, CO, PM₁₀, and PM_{2.5}. The DEIR states the following:

"...Therefore, implementation of the Cleanup Plan would not be expected to result in localized NO₂, CO, PM₁₀, and PM_{2.5} concentrations that exceed the concentration-based air quality standards and would not cause or contribute to clearly predictable or identifiable health impacts specifically as a result of this Project's localized NO_x, CO, PM₁₀, and PM_{2.5} emissions."

It should be pointed out in the DEIR that the LST emissions analysis does not consider Toxic Air Contaminants (TACs) from being generated during grading and excavation and the potential spread to adjacent properties. The LST analysis really focuses on selective criteria pollutants that one would expect from any construction site. For the City of Commerce, our main concern is that during removal activities soils containing lead will become scattered to adjacent properties. The project design features included in the DEIR will be effective in addressing this potential for cross-contamination.

Chapter 4.2. Cultural Resources, Page 4.2-13.

We are somewhat confused as to the nature and extent of tribal consultation that occurred in the early phases of the environmental review. The DEIR indicates that the initial tribal consultation letter was sent out on September 2015. This initial letter indicated that the project consisted of the removal of impacted soil from the front and back yard areas of approximately 40 homes surrounding the former Exide Facility. No responses from any of

the Native American contacts were received. The NAHC indicated that 11 tribes should be contacted for further consultation. A second letter was sent to the NAHC in November of 2016. The second letter indicated that the scope of the project would include the removal of impacted soil from the front and back yard areas of approximately 2,500 properties surrounding the former Exide Facility with the future potential to expand to up to 10,000 properties. No responses from any of the Native American contacts were received.

We concur that the PDF identified that calls for consultation be made should significant resources be encountered during grading and excavation. However, a project of this size should involve a more robust effort to reach out to the local Gabrieleño-Kizh to make sure that they concur with the mitigation.

Chapter 4.3. Geology and Soils, Page 4.3-1.

Title 17 contains requirements for lead hazard evaluation and abatement activities, accreditation of training providers, and certification of individuals engaged in lead-based paint activities. Section 35036 defines lead- impacted soil as bare soil that contains an amount of lead equal to, or in excess of, four hundred parts per million (400 ppm) in children's play areas and one thousand parts per million (1,000 ppm) in all other areas. A lead hazard is defined in Section 35037 as deteriorated lead-based paint, lead-impacted dust, lead- impacted soil, disturbing lead-based paint or presumed lead-based paint without containment, or any other nuisance that may result in persistent and quantifiable lead exposure. The above standards clearly state that any soil containing more than 400 ppm where children are present exceeds health standards. We request the identification of those properties that exceed the 400 ppm thresholds that are located in that portion of the PIA in the City of Commerce.

Chapter 4.4. Greenhouse Gases, Page 4.4-1.

The analysis of Greenhouse Gases provided is very generic and not specific to the PIA. It would be helpful for the decision-makers to ascertain how the local community is contributing to the GHG emissions and what efforts could be made to offset the GHG impacts of the project.

Chapter 4.4. Greenhouse Gases, Page 4.4-21.

The DEIR, Table 4.4-3, *Estimated Unmitigated Greenhouse Gas Emissions*, indicated that even with the implementation of the Project Design Features (PDFs) to limit emissions, the estimated GHG emissions would still exceed the significance threshold of 10,000 metric tons of carbon dioxide equivalent (MTCO₂e) per year for the cleanup of a maximum of approximately 3,500 properties per year for each year of project implementation. Therefore, impacts associated with the project's GHG emissions would be significant. The cleanup efforts will generate approximately 12,644 MTCO₂e. This amount is comparable to the annual energy use of approximately 1,150 homes and is also roughly equivalent to the annual greenhouse gas (GHG) emissions from 2,300 passenger vehicles. The Lead Agency should make a more conscientious effort in providing realistic mitigation to reduce overall GHG emissions. Also, please refer to the comment that follows.

Chapter 4.4. Greenhouse Gases, Page 4.4-23.

The DEIR states the following:

“...there are no feasible mitigation measures related to alternative-fueled equipment that would further reduce emissions of GHGs beyond those measures already incorporated into the Project.”

The DEIR goes on to indicate that, as technology advances, viable alternatives to the diesel powered on-road equipment will be considered. Mitigation Measure GHG-1 also states that:

“Before physical implementation of the Project begins, [the] DTSC shall develop and implement a Greenhouse Gas Emissions Reduction Plan.”

The DEIR makes reference to a single mitigation to address the overall GHG emissions. The mitigation should be eliminated since it does nothing to reduce the project's impacts. In fact, it could be argued, that the above mitigation actually “defers” the Lead Agency's efforts to reduce greenhouse gases. There are a number of measures that could be considered that are realistic. For example, the removal of turf could involve replacement materials that are either drought-tolerant or use more water efficient landscaping. Other measures might include the transporting of workers to the job sites using vans.

Chapter 4.4. Greenhouse Gases (Level of Significance following mitigation), Page 4.4-25.

Mitigation Measure GHG-1 requires the use of commercially available alternatively powered equipment to reduce GHG emissions from diesel use. Therefore, the reliance on these technologies to reduce GHG emissions cannot be assured over the lifetime of the project. Again, this mitigation is not realistic since the mitigation is based on technology and is not feasible. Furthermore, Mitigation Measure GHG-1 requires DTSC to offer, should funding be available, property owners GHG reducing measures such as energy audits, energy efficiency upgrades, solar heating, and solar photovoltaic. Again, this mitigation is completely inadequate since its feasibility cannot be assured. The DEIR acknowledges that funding is only available for the cleanup of 2,500 properties, while up to 10,000 may qualify for cleanup. It is problematic in committing limited resources to the installation of solar panels while funding for the entire cleanup has not been committed. Mitigation Measure GHG-1 also commits the DTSC, at a minimum, to purchasing carbon credits, which are generated when permanent, verifiable reductions in GHG emissions are achieved by the seller. Our concern here is how the potential GHG emissions reductions would be verified to facilitate the use of common credits.

The DEIR states that the project would result in less than significant impacts associated with generating GHG emissions, either directly or indirectly, that may have a significant impact on the environment because the project's net GHG emissions would not exceed the significance threshold of 10,000 MTCO₂e per year. Elsewhere, the DEIR indicates that the project would generate emissions in excess of this threshold. In fact, the DEIR states that the proposed project would result in 12,644 MTCO₂e per year. Therefore, the impacts

associated with the project's GHG impacts will be significant.

Chapter 4.4. Greenhouse Gases, Page 4.4-28 – 29.

The DEIR states the following:

“Therefore, GHG emissions would be mitigated to less than significant. The project would be consistent with applicable GHG reduction plans, policies, and regulations and impacts would be less than significant with respect to consistency with GHG plans and no mitigation measures would be required.”

This statement is in direct contradiction to previous statements provided in the DEIR that indicate that there is a potential for a significant impact and mitigation will be needed to reduce the levels of impact. Also, please refer to the previous comment.

Chapter 4.5. Hazards and Hazardous Materials, Page 4.5-13 – 14.

The DEIR states the following:

“The MATES IV Study web interactive map is the most recently available map to represent existing conditions near the PIA. The estimated cancer risk is approximately 1,200 to 1,700 cancers per million in the PIA, while average is 1,023 cancers per million. Generally, the risk from air toxics is lower near the coastline: it increases inland, with higher risks concentrated near large diesel sources (e.g., freeways, airports, and ports).

The MATES IV study indicated the exposure risk to TACs and the associated health risk. The MATES IV study was largely concerned with the health risks associated with truck and rail traffic. The airborne contaminants are largely a result of diesel fuel emissions from these sources. For Commerce, the MATES IV study underscored the impact local freeways and the rail yards have on the community. The Exide contamination is very different from the sources identified in the MATES IV study. Namely, our immediate concern is lead contamination in the soils associated in a single stationary source that operated in a neighboring city. It would be very useful to have the exposure and risk from the Exide plant to be met in a manner similar to that was done in the MATES IV study.

Chapter 4.5. Hazards and Hazardous Materials, Page 4.5-13 – 18.

One of the critically important sections of the DEIR is outlined here in the following statement:

“In November 2013, soil sampling was conducted in the vicinity of the former Exide Facility. DTSC selected 24 constituents for analysis. Analyses were performed on samples for COC include: arsenic

(As), lead (Pb), antimony (Sb), cadmium (Cd), total chromium (Cr), polycyclic aromatic hydrocarbons (PAHs), and polychlorinated biphenyls (PCBs). A subset of samples was also analyzed for dioxins/furans and hexavalent chromium (Cr-VI). Samples were collected at a background area located in Long Beach, California to represent background conditions. Near the former Exide Facility, 29 properties were sampled to identify potential impacts resulting from operation of the facility. Samples were collected at a background area located in Long Beach, California to represent background conditions. Near the former Exide Facility, 29 properties were sampled to identify potential impacts resulting from operation of the facility.”

“Near the former Exide Facility, 29 properties were sampled to identify potential impacts resulting from operation of the facility. One sample detected PAHs, benzo(a)pyrene, above the screening level. However, this detection was consistent with background conditions. Arsenic, which is commonly associated with battery recycling activities, was well below the arsenic screening level for all samples. Results for all other constituents were also below the respective soil screening level or background. Lead was the only inorganic constituent tested that was above the DTSC Residential Soil Screening Value and is the only constituent that will be addressed further as part of the Project activities.”

Can we be assured that given the large size of the PIA and the relatively small sample size (29 locations) that the other potential contaminants should no longer be of concern? The DEIR also summarized the results of the sampling that was completed in August 2016. This sampling effort indicated that 88 percent of soil samples contain lead concentrations below 400 ppm, 11 percent contain concentrations between 400 ppm and 1,000 ppm, and one percent contained concentrations above 1,000 ppm. Lead-impacted soil is considered to be bare soil that contains an amount of lead equal to, or in excess of, four hundred parts per million (400 ppm) in children’s play areas and one thousand parts per million (1,000 ppm) in all other areas.

Chapter 4.5. Hazards and Hazardous Materials, Page 4.5-31.

Lead exposure was further analyzed to determine potential impacts on child and fetal (pregnant adult) development. Potential blood lead concentrations in children and pregnant females were estimated using the DTSC Lead Spread 8 model. Maximum concentrations of airborne lead were calculated using AERMOD dispersion modeling and takes into account PDFs to minimize dust emissions during cleanup activities. Results of this model show that the incremental increase in child and pregnant adult blood lead concentrations would be 0.000067 µg/dL for children and 0.00000724 µg/dL for adults, well below the threshold of 1.0 µg/dL, and therefore, less than significant.

Will there be any follow-up studies to document the actual concentration of lead in area children or adults? The modeling describing the potential for lead contamination that is present in the soils along with the exposure levels is critical. However, will any efforts be undertaken to sample lead concentrations within those living in the PIA? We understand that any detectable lead in area residents may have originated from sources other than Exide. However, this information would be useful in determining lead exposure within the area population.

Chapter 4.6. Hydrology and Water Quality, Page 4.6-1.

The analysis of Hydrology and Water Quality Impacts relied essentially on PDFs that are required for any given construction project. These PDFs include adherence to standard protocols to ensure that storm water runoff is not contaminated as part of regular construction activities; that the potential for erosion is addressed; and that other National Pollutant Discharge Elimination System (NPDES) protocols are adhered to. More mitigation related to the control of lead contaminated soil would be desirable. For example, no irrigation systems should be operated during the soil excavation phase.

Chapter 4.8. Traffic, Page 4.8-23.

PDF Tran-1 includes a detailed listing of the content of a Traffic Management Plan (TMP). It is our understanding that a TMP will be prepared for each individual jurisdiction and *not* for the individual properties. Is this correct? It is important that the TMPs be provided to the individual jurisdictions prior to the commencement of clean-up. Also, using a van-pool to transport workers to and from the project sites will reduce overall traffic generation within the PIA. Finally, what will the project's parking impacts be; will the equipment remain parked on the public streets during the evening periods.

Chapter 6. Alternatives Analysis, Page 6-2.

Section 6.1.1 is confusing and inconsistent with the analysis included in Section 4. For example, the DEIR indicates certain mitigation to control greenhouse gas emissions while this section indicates that there are no mitigation measures recommended in Section 6.1.1.

Volume 2, Appendix B, Page 6-2.

The EIR preparers were tasked with performing an analysis of the lot size distribution of sensitive land uses (residences, schools, daycare centers, and parks) across the seven jurisdictions within the Exide Preliminary Investigation Area (PIA). The purpose of the study was to ultimately estimate what percentage of the candidate lot surface area would potentially be excavated under the Remedial Action Plan (i.e., Cleanup Plan). The areas to be excavated would include pervious surfaces and not those areas covered by structures, walkways, driveways, and other hardscape. As part of this mapping effort, the DEIR utilized a GIS system to complete the mapping. A major limitation is the resulting maps are not available for review. The City of Commerce respectfully requests that this information be made available to City of Commerce residents, City staff, and the local decision makers.

Conclusion

The DEIR is very extensive and reflects the complexity of the proposed cleanup project. We recognize the difficulty in understanding the scope and extent of the proposed undertaking given that up to 10,000 individual properties will be impacted. However, this is extremely important that a clear and concise description of the affected area in Commerce and the intended impacts be provided.

We are grateful that the DTSC has provided our City with an opportunity to review and to comment on this project. We respectfully request that all future notices regarding additional meetings, outreach, and public hearings be provided to the City of Commerce in the upcoming months. We also anticipate receiving point- by-point responses to the comments included in this letter. These responses are required under CEQA as part of the preparation of the Final EIR.

If you have any questions I can be reached at (323) 722-4805, extension 2337 or via email at mbabaki@ci.commerce.ca.us.

Sincerely,



Maryam Babaki
Director of Public Works & Development Services