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## Los Angeles Regional Water Quality Control Board

July 9, 2021

Ms. Sasha Renee Perez  
Councilmember  
City of Alhambra  
111 South First Street  
Alhambra, CA 91801

**SUBJECT:      RESPONSE TO YOUR JUNE 17, 2021 LETTER REGARDING SITE A AND SITE B OF  
1000 SOUTH FREMONT AVENUE, ALHAMBRA**

Dear Ms. Perez:

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Per your request, a Teams meeting was held on June 16, 2021 to discuss Site A and Site B of 1000 South Fremont Avenue, Alhambra (hereafter, Site A and Site B), two cleanup sites previously overseen by this Regional Board, on which the Alhambra “Village Project” is proposed to be developed. The participants of the Teams meeting included technical, legal and managerial staff from the Regional Board, technical and legal consultants for and the managerial staff of the Ratkovich Company, you and your colleague Mr. Jeffrey Koji Maloney, City Councilmember of Alhambra.

Thereafter, on June 17, 2021, you sent the Regional Board a letter requesting responses to questions on certain issues related to the No Further Requirements (NFR) letters previously issued by this Regional Board to Site A and Site B. Your June 17, 2021 letter summarizes a list of items you would like further clarification on, with a focus on if the rationale and standards used in issuing the June 19, 2017 Soil NFR for Site A and Site B are still valid given the updated draft Supplemental Guidance for Screening and Evaluating Vapor Intrusion. This letter provides some background on the sites, the standards used to determine whether to issue an NFR letter, and responds to the issues raised in your June 17, 2021 letter.

### SITE A AND SITE B of 1000 SOUTH FREMONT AVENUE

Both Site A and Site B share the same address of 1000 South Fremont Avenue, Alhambra. Site A includes parcels APN 5342-001-022, 023, 024, 026, 027, 028 and Site B refers to APN 5342-001-025. Regional Board staff oversaw the environmental investigations at both Site A and Site B. Following the completion of the necessary site investigations, including a risk assessment based

LAWRENCE YEE, CHAIR | RENEE PURDY, EXECUTIVE OFFICER

on site specific factors, the Regional Board, on June 19, 2017, issued a NFR determination, for soils only, letter to Site A without a land use covenant and to Site B with a land use covenant, respectively. The NFR letters for Site A and Site B were issued in 2017 based on the appropriate State of California regulations and guidelines, including the guidance for vapor intrusion risk evaluation, in use at the time.

#### GUIDANCE UPDATE

In 2015, the USEPA Office of Solid Waste and Emergency Response (OSWER) published a Technical Guide for Assessing and Mitigating the Vapor Intrusion Pathway from Subsurface Vapor Sources to Indoor Air (OSWER, 2015). The primary function of this technical guide in 2015 was to establish a recommended framework for assessing vapor intrusion that relies on collecting and evaluating multiple lines of evidence to support risk management decisions (Section 1, Page 1 OSWER, 2015). As a framework, this guidance provides context for planning and conducting vapor intrusion investigations, rather than a prescriptive step-by-step approach to be applied at every site (Section 3.2, Page 39 OSWER, 2015). The 2015 OSWER includes a default conservative attenuation factor of 0.03 yet still allows additional opportunities for the end user to incorporate site-specific data into the assessment of potential vapor intrusion, including attenuation factor data (Section 7.1, Page 117, OSWER, 2015). This conservative attenuation factor was not immediately incorporated into the State of California guidelines. Therefore, the 0.03 attenuation factor was not used when the June 19, 2017 Soil NFRs for Site A and Site B were considered.

As the state of science on soil vapor intrusion improves, the California Environmental Protection Agency (CalEPA) takes actions to update its guidance on vapor intrusion. In February 2020, CalEPA released draft Supplemental Guidance for Screening and Evaluating Vapor Intrusion (Supplemental Guidance). Following extensive public comment that concluded last summer, the revised Supplemental Guidance is expected to be finalized sometime in 2021.

#### SITE A AND SITE B NFRs

A review of the 2017 Soil NFRs for Site A and Site B (attached) indicate the following:

1. Site A received a soil NFR without an environmental land use covenant (LUC) after it was determined having met the cleanup objectives for a residential land use scenario;
2. Site B received a soil NFR with an LUC after it was determined having met the appropriate cleanup objectives. The LUC for Site B (attached) states that the site shall be limited for industrial and commercial land use scenarios, without additional vapor mitigation and monitoring requirements (Page 3, LUC). If Site B is being considered for a residential land use scenario, specific vapor mitigation system (including vapor barrier and passive vapor collection beneath the entire residential structure) and monitoring program shall be implemented (Page 5, LUC).

The vapor mitigation system and vapor monitoring program are intended to effectively eliminate or significantly minimize the exposure pathway for any residual sub-slab soil

vapors to enter the future building space. Therefore, as an institutional control, the vapor mitigation system and vapor monitoring program are included in the LUC to provide an adequate level of protection for a potential future residential land use scenario.

#### SUMMARY

A further review of its 2016 Soil Closure Risk Evaluation indicates that Equipoise considered site-specific conditions and used an average modeled attenuation of 0.001 for Sites A and B in shallow soils during the Tier 2 risk evaluation process. The tiered process and assumptions used in the 2016 Soil Closure Risk Evaluations were extensively reviewed and validated by the Office of Environmental Health Hazard Assessment (OEHHA). On July 1, 2021, OEHHA stated that the DTSC October 2011 Vapor Intrusion Guidance used by Equipoise 2016 is still valid.

Given the concerns raised, we recommend the following:

- 1) The revised Supplemental Guidance is expected to be finalized soon. It is prudent that the developer conduct a professional review of soil vapor risk assessment approach used in the Equipoise 2016 Soil Closure Risk Evaluation versus the updated approach in the revised Supplemental Guidance and bring it up to date as appropriate.
- 2) A Soil Management Plan (SMP) is intended to provide a post-closure process to effectively handle any encountered soil impact unidentified prior to development activities. The SMP has become a required submittal for any site receiving a soil NFR. We recommend that an SMP be prepared and submitted for the Regional Board's or its designee's review and approval.
- 3) In addition, the LUC for Site B requires the implementation of a soil vapor mitigation system and a vapor monitoring program. We recommend that the developer prepare a soil vapor mitigation system design and vapor monitoring workplan for the Regional Board's or its designee's review and approval.

Responses to your specific questions are summarized in the attachment.

We thank you for your interest in our overseen projects and looking forward to working together with you for a cleaner and safer community in Alhambra.

**Should you have any questions regarding this matter, please contact Mr. Jeffrey Hu at (213) 576-6803 ([jeffrey.hu@waterboards.ca.gov](mailto:jeffrey.hu@waterboards.ca.gov)).**

Sincerely,

\_\_\_\_\_ for  
Renee Purdy

Executive Officer

Attachment: Specific Responses to Ms. Perez's questions  
2017 Soil NFRs for Site A and Site B  
Site B LUC

Enclosure: Letter from the City of Alhambra Councilmember Dated June 17, 2021

cc: Mr. Jeffrey Koji Maloney (jmaloney@cityofalhambra.org)  
Ms. Megan Moloughney (mmoloughney@ratkovich.com)  
Ms. Sophie Froelich  
Ms. Tracy Egoscue (Tracy@egoscuelaw.com)  
Mr. Martin Ray (mray@cityofalhambra.org)  
Mr. Rick Blackmer (rick.blackmer@equipoisecorp.com)  
Ms. Jillian Ly