



Yana Garcia
Secretary for
Environmental Protection



Department of Toxic Substances Control

Meredith Williams, Ph.D., Director
8800 Cal Center Drive
Sacramento, California 95826-3200



Gavin Newsom
Governor

SENT VIA ELECTRONIC MAIL

December 18, 2023

Khamly Chuop
Port Associate Environmental Planner / Scientist
Port of Oakland
530 Water Street
Oakland, CA 94607
kchuop@portoakland.com

RE: DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR) FOR THE OAKLAND HARBOR TURNING BASINS WIDENING PROJECT DATED OCTOBER 3, 2023
STATE CLEARINGHOUSE # [2022050647](#)

Dear Khamly Chuop,

The Department of Toxic Substances Control (DTSC) received a DEIR for the Oakland Harbor Turning Basins Widening project. The proposed project involves widening the turning basins at the Oakland Seaport (Seaport). The turning basin in the Seaport's inner harbor would be widened by 334 feet, from its current diameter of 1,500 feet to 1,834 feet and would require dredging and removal of landside property along the shoreline at the Seaport in the City of Oakland and along the shoreline in the City of Alameda. The turning basin in the Seaport's outer harbor would be widened by 315 feet, from its current diameter of 1,650 feet to 1,965 feet; widening the turning basin in the outer harbor would be conducted via dredging.

DTSC has identified that this project may affect multiple sites within the project boundaries therefore, based on our project review, we request the consideration of the

following comments:

1. The entire Alameda Site is subject to existing land use covenants (LUCs) and is under the regulatory jurisdiction of DTSC due to historical contamination. [Interim Covenant to Restrict Use of Property, Environmental Restriction \(Re: Fleet and Industrial Supply Center – Alameda Annex\)](#), dated July 20, 2000. Details of this LUC consist of:
 - a) Area 1: Area 1 is the portion of the Property so designated in Exhibit A and generally known as IR site 02. Area 1 shall not be used for residential purposes and construction activities shall not begin until DTSC determines that the soils having Polychlorinated biphenyls (PCB's) and cadmium concentrations have been properly remediated and DTSC has recorded a release terminated these Interim Restrictions (IR) for Area 1 in accordance with Article VI of the Covenant.
 - b) Area 2: Area 2 is the portion of the Property so designated in Exhibit A. Area 2 shall not be used for residential purposes and construction activities shall not begin until DTSC determines that Polycyclic Aromatic Hydrocarbon (PAH) concentrations in soil do not pose an unacceptable risk to human health or safety or the environment. Furthermore, the Area will require proper remediation to make it suitable for residential use and DTSC records a release terminating these IR's for Area 1 in accordance with Article VI of the Covenant.
 - c) Area 3: Area 3, which is a sub-area of Area 2, is the portion of the Property designated in Exhibit A and is known generally as IR Sites 04/06. Construction activities shall not begin until DTSC determines if petroleum concentrations in the soil do not pose an unacceptable risk to human health or safety or the environment. These concentrations must be properly remediated to make the Area suitable for residential use. Once DTSC has recorded a release terminating these IR's for Area 1 in accordance with Article VI of the

Covenant, construction activities may commence.

2. The site is also subject to the [Covenant to Restrict Use of Property \(Environmental Restrictions\), Fleet and Industrial Supply Center, Oakland, Alameda Facility and Alameda Annex and Alameda Naval Air Station East Housing, Alameda, California](#), dated July 20, 2000. Details include the following prohibited activities:
 - a) Construction of any water well screened for the extraction of water from the shallowest groundwater zone except as provided in the Covenant.
 - b) Extraction (except necessary construction site dewatering), utilization or consumption of water from the shallowest groundwater zone for use other than irrigation or emergency use, e.g. firefighting.
 - c) Disposal of extracted groundwater from construction site dewatering into the waters of the state except in compliance with the requirements of the Regional Water Quality Control Board, San Francisco Bay Region.
 - d) Engaging in any excavation below the threshold depth without a City (Alameda) Excavation permit.
3. A draft Operation and Maintenance Plan documents the components of the ongoing operations, maintenance activities and remediation implementation at the Site is expected to be approved shortly by DTSC. Both long-term engineering and institutional controls are present to minimize exposures between Site users and chemicals that may be present in soil, soil gas or groundwater. The engineering controls consist of:
 - a) In Area A and commercial Area B, a cap to prevent contact with native fill soils and,

- b) In Area A, a minimum 3-foot air gap beneath the concrete wharf deck to break the vapor intrusion pathway for the northern warehouse structure.

The institutional controls are as follows:

- a) In Area A and commercial Area B, prohibition of residential and other sensitive uses.
- b) In commercial Area B, non-occupancy of the southern warehouse to mitigate potential vapor intrusion concerns for this structure (see below).
- c) Prohibition of extraction and use of groundwater.
- d) Compliance with the City of Alameda Marsh Crust Ordinance.

As discussed above, the Alameda Site falls within the area covered by the Marsh Crust Ordinance. City of Alameda Ordinance No. 2824, adopted on February 15, 2000. The ordinance prohibits engaging in any excavation below specified threshold depths without an excavation permit and without taking proper measures to ensure that workers are not unduly exposed and that all contaminated material brought to the surface is properly disposed of. The proposed excavation depth at the Alameda Site is 15 feet below ground surface which exceeds the excavation depth threshold of 10 feet below ground surface and, therefore, requires a Marsh Crust Ordinance excavation permit.

Please update the DEIR on these additional restrictions:

- 1) Section 2.1 Proposed Project Location and Setting: On page 2-5, the first sentence of the first paragraph provides an incomplete list of the site owners. The owners of the Alameda Site are FIC Alameda 365 LLC; FLP Alameda 365 LLC; Alameda 365 LLC; and Alameda 365 Investors, LLC.
- 2) Section 2.2 Existing Site Conditions and Uses: On page 2-8, the first sentence of the third paragraph lists an incorrect size of the Alameda Site. Please revise the size of the Alameda Site to approximately 22 acres in this section and throughout the document.

DTSC believes the Port of Oakland must address these comments to determine if any significant impacts under the California Environmental Quality Act (CEQA) will occur and, if necessary, avoid significant impacts under CEQA.

DTSC appreciates the opportunity to comment on the Oakland Harbor Turning Basins Widening project. Thank you for your assistance in protecting California's people and environment from the harmful effects of toxic substances. If you have any questions or would like any clarification on DTSC's comments, please respond to this letter or via [email](#) for additional guidance.

Sincerely,

A handwritten signature in black ink that reads "Dave Kereazis". The signature is written in a cursive, flowing style.

Dave Kereazis
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cc: (via email)

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