Lincoln Heights Community Response to
"Draft Site Characterization Report and Removal Action Workplan - Avenue 34"

October 28, 2021

We offer the following questions and concerns regarding this grossly incomplete Site Characterization Report and premature and insufficient Removal Action Workplan.

This is a hugely impactful project on a massively contaminated property. This project calls for housing as many as 1,400 people on a property with PCE contamination tens of thousands of times higher than the residential screening limit, with dozens of other confirmed contaminants also at dangerously high levels in the groundwater, soil, and soil vapor. The investigation to date has failed to fully characterize the nature and extent of the contamination. The proposed remedial actions will leave much of the known contamination in place, as well as contamination yet to be identified as the site characterization is completed. This will place future inhabitants and neighbors immediately adjoining the project site at risk of harm. DTSC and the project proponent have entered into an agreement that stipulates the "*developer shall perform the work in accordance with applicable local, State and federal statutes, regulations, ordinances, rules and guidance*." This Site Characterization and Removal Action Workplan fails to meet that requirement, and therefore must not be approved until it is in line with such statutes, regulations, ordinances, rules, and guidance.

This Site Characterization identifies a present and future risk to the neighboring residents and workers. It fails to elaborate on those risks this site poses to the surrounding community. Therefore, this Site Characterization is incomplete. We insist that DTSC acknowledge and satisfy the community's demand to ensure a comprehensive investigation and cleanup prior to the commencement of the proposed project. The developer's financial interests cannot supersede the health and wellbeing of the community that already lives and works here, and those who will live and work here in the future.

It is important for DTSC to be aware that this developer has lied to our community for nearly two years, having said at public hearings, in written communications, in letters to City agencies, and on their own website, that multiple borings had proven the site was not contaminated. I'm attaching an image below from the developer's website as it appeared in October of 2020. The proponents clearly state, "*Avenue 34 is located on a site that has no hazardous materials*." They additionally claim that 30 soil borings had "*indicated it is not impacted by subsurface contamination. The site is not contaminated*." They later represented to DTSC in their Voluntary Agreement that they had in fact *never* conducted any sampling for contamination. They also paid actors to misrepresent themselves as members of our community at a City Planning Commission hearing, in an attempt to drown out the legitimate concerns of this neighborhood (link: YouTube). They have recklessly pursued their profits at the expense of the health and safety of this low-income, majority Latino and Asian community. This is clearcut environmental racism, and DTSC must not be a party to it.

We look forward to DTSC's responses to the following questions and comments, and hope these concerns can contribute to the completion of a comprehensive site characterization report and removal action workplan.

General Questions and Comments:

1. **Site Characterization is incomplete**

This site is highly contaminated. The most recent testing identified levels of PCE vapors, for example, as high as 640,000 ug/m3, which is calculated to create a vapor intrusion risk over 41,000 times higher than the residential screening limit. That's also nearly three times higher than the last testing's findings. TCE was found at levels nearly 10 times higher than the last testing event, at 100,000. TPH-v was found at 1.8 million ug/m3. According to the environmental consultants, "*TPH-v, PCE and TCE were typically found at the highest concentrations and were detected in all CE soil gas sampling locations*." Contamination has reached the groundwater and deep soil, and will continue to offgas indefinitely.

The current report makes no attempt to calculate the total mass of the contamination, or to characterize the contaminant plumes, a critical first step before designing an efficacious vapor removal or soil removal plan. The site is adjacent to the Arroyo Seco River, although the documents make little mention of the river and the site's potential impacts on each other. There are no detailed cross section drawings of the underground geology. Also, previous studies have shown that the soil is largely composed of indeterminate fill material, which makes predictions of contaminant migration difficult. This is borne out by the recent findings, which contradict what DTSC predicted more than a year ago based on what they thought they understood about the movements of contaminants from adjacent properties. There are also huge discrepancies in the levels of chemicals found from one testing event to the next. This is to be expected, which is why multiple tests must be conducted over time to establish reliable trends. It is not enough to perform a couple of discrete tests and claim that the site is fully characterized.

Furthermore, this most recent testing discovered sewer lines running through areas of high toxicity. These utilities travel off the property, under neighbors' homes. It's essential that these findings be fully assessed as preferential pathways for vapor migration before considering a remedy for the site. There is a century-old rail line directly adjacent to the property, and an abandoned underground oil well within a block. The site was previously occupied by the Los Angeles Sand and Gravel Co., whose actions on the site may have contributed to the geological character and TPH contamination at the site. The absence of investigation of these features shows that site characterization is grossly incomplete.

2. **It is premature to be proposing remedies**

We object to the existence of this Removal Action Workplan at this point in time. Without first completing a site characterization it is impossible to design an effective cleanup remedy. The proponent submitted this Removal Action Workplan simultaneously with their most recent testing results. This is irresponsibly premature, and in complete disregard for both well established guidance and for the order of events as outlined in Voluntary Agreement between the project proponent and DTSC. According to the procedures laid out in their Voluntary Agreement the proponent must wait for a decision

on the site investigation report before submitting a cleanup plan, following the direction to do so from DTSC. They must also submit a Community Profile and CEQA documentation along with the RAW. Have they submitted a Community Profile as required by their contract? Incidentally, the CEQA documentation for this project is under appeal (LA City Council file 21-0024), and the proposed remedies cannot be enacted currently, as they would require grading permits that the City may not issue pending resolution of the appeal.

3. **Proposed remedy does not fully address known contaminated areas**

The proponents' primary proposed cleanup remedy is to conveniently excavate soil in the exact area they already plan to construct an underground parking lot. This proposal fails to address the vapors that have been identified across the entire property, or those that exist below the level of this excavation. In this document, they go so far as to advocate for this method because it will bear little impact on their existing budget or construction schedule.

The other proposed cleanup action is the installation of a vapor extraction system. This could be an effective method, if employed effectively. However, they propose only three SVE points in close proximity to each other in the extreme NW corner of the property, presumably to be out of the way of their construction. That corner is not where the highest concentrations of toxins have been identified. Vapor extraction should involve a network of wells across the entire property, as vapors are elevated across the entire property. The system should be tested as it operates to ensure effectiveness before the construction of 468 homes begins. This method has been employed on neighboring sites with similar contamination, including Welch's to the north, and Kennington one block to the south. Contaminated soils and vapors must be removed to predetermined cleanup levels before new homes are built above them.

Additionally, the developer proposes a plastic liner underneath the buildings' foundation. This is not a cleanup remedy, but rather an acknowledgment that toxins will persist in the soil around and beneath the excavated area that will pose a continuing risk to inhabitants. Rather than extracting the toxins that will continue to offgas from the contaminated soil and groundwater, this barrier may deflect those vapors to neighboring properties, creating new risks for those of us in the community that have been raising the alarms about this toxic site.

This is a coverup, not a cleanup.

4. **There will be extensive monitoring and maintenance requirements associated with the developer's approach**

The developer and DTSC are defaulting to limited soil excavation, the use of liners, a partial SVE system, and testing allegedly to detect future movement of contaminants and allow for mitigation as needed. This approach would require extensive ongoing operations, maintenance and monitoring. Who will fund these systems and ensure that they will continue indefinitely without failure? The developer? DTSC? We know based on the developer's tax filings that they plan to split this project into three properties to be sold to three different owners. Who will manage this mitigation system in

that scenario? This RAW proposes a Land Use Covenant that could be rescinded after five years, in an apparent preemptive move to put this problem behind them.

This all suggests that the site will not get the continued attention it demands after this band-aid is applied to cover up a gaping wound. The proposed building will house generations of people, as many as 14,000 at a time. This contamination may impact them and the surrounding community for decades if not comprehensively addressed before this project moves forward.

Questions and Comments specific to the document:

5. Page 8, Section 2.4.4 - California Environmental "*proposes to redevelop the three monitor wells on October 20th prior to the next sampling event scheduled for November 2021. Gauging of onsite water levels will be coordinated with the groundwater sampling by Apex at the adjacent former Welch's property. The second semiannual sampling usually occurs during mid-October*." What redevelopment do these monitoring wells need? Why has the community not been notified about this work, as DTSC has promised to do? When is this sampling event in November scheduled to occur? What will that sampling event include? This continued work supports the fact that characterization of the site is not complete.

6. Page 8, Section 2.5 - The RAW states that "*removal action is required for the site due to elevated concentrations of PCE detected in soil gas beneath the north and southwest portions of the site.*" Yet dangerous concentrations of PCE, as well as other toxins, have been identified across the entire property. This same document later states, on page 12, Section 3.2.1, that "*TPH-v, PCE and TCE were typically found at the highest concentrations and were detected in all CE soil gas sampling locations*." The proposal to remove essentially only the soil that aligns with their preexisting building plan is not an appropriate reaction to the contamination on this site, and will leave huge amounts of toxins in place.

7. Page 9, Section 3.1 - The narrative states that Fulcrum Resources Environmental prepared a Phase 1 Environmental Site Assessment in 2019, and "*did not identify any evidence of Recognized Environmental Conditions in connection with the subject property and recommended no further investigation for the subject property at that time.*" This narrative avoids mentioning that the 2019 Phase 1 included blatantly false information, including a mischaracterization of the groundwater gradient, and omitted readily available public information about likely impacts to the property, including information that DTSC had previously communicated to the property owner about the adjacent Welch's property. FRE used this erroneous information to conclude in error that no further investigations should be made. The Phase 1 was the primary supporting document for the Mitigated Negative Declaration, the CEQA document the City of LA cited in approving this project, which made no mention of the hazards to human health and the environment present at this site. Our community pointed out several of these

factual errors to DTSC in 2020, both before and after City approval of the project. This adds important context, and should be included in this narrative.

8. Page 11, Section 3.1 - "*The distribution and concentration of PFAS/PFOS compounds in groundwater suggest a possible upgradient offsite source for these COCs.*" What offsite source does CE suggest for these toxins? How can they rule out an onsite source for these toxins? If these toxins are migrating from an offsite source, are they likely to continue migrating onto the property, impacting future residents?

9. Page 11, Section 3.1 - "*CE concluded that groundwater testing revealed VOC (PCE, TCE, & cis-1,2-dichloroethene) and TPH impacted groundwater beneath the site, with a likely contribution from onsite activities.*" What onsite activity does CE conclude contributed to this groundwater contamination, and what evidence do they use to make that conclusion? If onsite sources have impacted the groundwater, how do the few proposed vapor extraction sites in one corner of the property do anything to mitigate the vapors that may continue to offgas from the groundwater and migrate through the soil?

10. Page 12, Section 3.2.1 - Only two potential preferential subsurface vapor migration pathways were identified, sewer lines along the southern half of the property. We have previously supplied DTSC with maps showing historical easements and underground utilities, which do not align with these two recently identified sewers. Is it CE's conclusion that these are the only underground utilities on the property?

11. Page 13, Section 3.2.1 - CE discusses the TPH-v identified in soil gas, with concentrations as high as 1,800,000 ug/m3, (at a depth of 25 feet, deeper than the proposed "remedial" excavation). CE ascribes the sewers as a likely source of this contamination. What evidence do they offer to make this assumption? If the sewer is the source, that merits further investigation. If the sewer is not the source, the close proximity of this contamination to an underground utility along which this contaminant might migrate also merits further investigation.

    This analysis makes no mention of the previous or adjacent uses of the site which are more likely to have contributed to TPH contamination than a hypothetical leaking sewer, for which CE offers no evidence. For instance, this property was occupied by …… Union Pacific Railway operated a line directly adjacent to this property since the early 20th century, which is still in operation as the MTA Gold Line. An underground oil well exists within less than 100 feet of the site, which we have alerted DTSC about before. We have also alerted DTSC of possible underground oil pipelines through the property, based on historical maps, which this site characterization has so far not made an effort to characterize.

    CE proposes further evaluation of these sewer lines "*during the site demolition work*." Investigation and characterization of these features should be completed before an according remedial action is proposed or enacted.

12. Page 14, Section 3.3.1 - The graph on page 14, *Maximum Soil Gas Concentrations w/Location*, demonstrates that concentrations of contaminants including Benzene, PCE, TCE, TPH-v, Vinyl Chloride, and cis 1-2, DCE, all exist on the site at levels above the residential screening limit at locations and depths that will not be addressed by the proponent's proposed removal action. Bromodichloromethane will also persist at levels above residential screening limits in areas outside the proposed removal. What actions does the proponent propose to remove these contaminants to levels that are safe for living and working?

13. Page 15, Section 3.3.2 - CE acknowledges elevated concentrations of TPH-GRO below the proposed level of excavation, and just above the groundwater level. They propose no actions to remove these contaminants. What assurances can be made that these contaminants will neither impact the proposed project or continue to sink and impact the groundwater?

14. Page 15, Section 3.3.2 - CE acknowledges that known concentrations of lead above the residential screening limit will be left unaddressed by their proposed removal actions.

15. Page 15, Section 3.3.2 - CE claims to have "*determined that arsenic impacted soil is restricted to areas immediately surrounding CEB5 and CEB9*." There is no way to conclude that arsenic is "restricted" to these sampling points, especially since sampling points are much more sporadic on the eastern side of the property.

16. Page 15, Section 3.3.2 - CE suggests that the hexavalent chromium is naturally occurring on the site, as "*no onsite source is identified*." Hexavalent chromium is associated with welding and chrome plating, both of which are known and likely former applications at this property. This statement should be removed. It demonstrates willful dismissal of historical data, and attempts to offer alternative characterizations without providing supporting evidence, in an attempt to deflect further investigation or proponent responsibility.

    Although CE suggests that "*all shallow <20 feet) soil containing hexavalent chromium above the risk-based soil goal will be excavated and removed from the site*," their Removal Action Workplan does not address the concentrations identified at CEB21.

17. Page 16, Section 4.0 - A conceptual site model should include sources, concentration gradients, and movements of contaminated liquids and vapors. The consultants should prepare a dynamic model including sources, pathways, and discharges, along with vapor movements around and through barriers and preferential pathways. This model should be completed before an appropriate remedy is considered.

18. Page 17, Section 4.0 - CE concludes that, in addition to the complete exposure pathway to future onsite residents and workers, "*current nearby residents and commercial workers are also subject to VI and dust exposure.*" That is the extent of consideration given to nearby residents and commercial workers in this Site Characterization. This

acknowledgement is deeply troubling. What level of risk does CE consider to exist for neighboring residents and workers? Has CE conducted any testing offsite, or has such testing been proposed? How will the proposed removal actions reduce this risk to neighbors if much of the VOCs, including those adjacent to underground sewers traveling between properties, will be left in place by this proposal? What investigations will be done before and after removal actions to confirm that these exposure pathways have been addressed?

The "Vapor Intrusion Guidance" written by the DTSC in 2011, outlines the need to assess pathways by which toxic vapors may be migrating in subsurface soils, specifically along utility corridors, where they could be impacting nearby properties. The Guidance states: "*Vapor intrusion site investigations should include an evaluation of utility corridors. Vapors and free product liquids in utility corridors can potentially migrate long distances, longer than predicted with conventional fate and transport models……Vapors can migrate in any direction along the corridor, while free product liquids will migrate in a downslope direction along the bottom of the corridor trench……The locations of all utilities within, or adjacent to, subsurface contamination should be identified, regardless of whether the contamination is currently limited to property boundaries. If records show utility corridors might provide a conduit for contaminant migration, collection of active or passive soil gas samples is necessary to determine whether the backfill material of the conduit or adjacent soil is contaminated. The investigation of the corridor should continue until the extent of the contamination is delineated. If utility corridors are contaminated, monitoring the corridors with permanently installed vapor wells may be necessary."* (Source: Guidance for the Evaluation and Mitigation of Subsurface Vapor Intrusion to Indoor Air – Vapor Intrusion Guidance, DTSC, Cal/EPA, October 2011, page 13).

The proponent and DTSC have signed an Agreement which requires that the "*developer shall perform the work in accordance with applicable local, State and federal statutes, regulations, ordinances, rules and guidance*." This includes guidance on assessing the extent to which toxic vapors may have migrated below ground level along utility corridors to and beyond the project site. This Site Characterization and Removal Action Workplan fails to meet DTSC's own guidance, and therefore must not be approved until it is in compliance with such guidance.

19. Page 18, Section 4.0 - CE concludes that the "*primary VOC hazard is indoor air exposure through vapor intrusion (VI) for the inhalation pathway… SVE is recommended to reduce the VI potential*." This would seem to be an endorsement of the second option considered in the RAW, a network of Soil Vapor Extraction points across the property, which would reduce the levels of VOCs before construction. However, CE goes on to say that instead "*the developer has elected to include the installation of VIMS as part of the future foundation work*." We know from the RAW that the proposed action includes only a partial SVE system, in one isolated corner of the property, away from the proposed construction and not in areas either of the highest concentration of VOCs, or in the area towards which contamination is traveling, or in the areas left unaddressed by the soil excavation proposals. The developer wants for the VIMS to do the heavy lifting, with the

partial SVE system more of a token than a comprehensive cleanup approach. Does this point to a disagreement between what CE proposes as the most effective method for reducing the risk to future residents, and what the developer has chosen as a more expedient way to complete this proposed project, in rejection of the environmental consultants' advice? SVE and VIMS are not contradictory, and could be offered as another, as-yet undiscussed proposal, in which vapors are extracted across the entire, impacted soil is removed across the entire site, and finally then a protective mitigation system is installed. Once extraction of vapors and impacted soil was complete, then construction could commence. We insist that this patently obvious proposal be given the consideration it clearly merits, and has so far not received.

20. Page 21, Section 5.3 - Regarding calculating attenuation factors, CE states that "*DTSC has agreed that mitigation using the more stringent 0.001 AF is appropriate for this site*." Has DTSC agreed with this, as the environmental consultants claim? They refer to a DTSC screening level that is not specific to residential safety.

    Furthermore, in DTSC's notes responding to this document, DTSC asks for this sentence to be deleted, but goes on to state that "*DTSC will evaluate the calculated risk range using the AF of 0.03 and 0.001… to make proper risk management decisions for the Site*." Why would DTSC request the inclusion of a screening level for a use other than the one being proposed?

    This proposed project would house as many as 1,400 people, including low-income residential units. If this site is to be considered for residential use, the only "proper risk management decision" is to remediate the site to levels that are safe for residential use.

21. Page 21, Section 5.3 - CE notes that the calculated "*risk-based concentrations are for individual contaminants, and do not account for cumulative effects of multiple COCs*." What are the calculated cumulative effects of the known contamination currently, and what is the goal for those cumulative effects that cleanup actions will attempt to meet?

22. Page 22, Section 6.1 - This section identifies two candidate removal action plans. (They say "three" removal action plans, but as the first is to do nothing, it cannot be considered a "removal" plan.) This section is deeply misguided, as it presents these two options as legitimate and mutually exclusive. On their own, each option is neither legitimate nor exclusive of the other. Another option could be considered, which would include a network of vapor extraction wells across the entire property *and* soil removal, also across the entire property. This method has been used very recently at sites in close proximity impacted by similar contaminants originally spilled onto this property, in some cases by the same businesses that polluted this property. This clearly obvious option should be considered and evaluated just as the others are.

23. Page 26, Section 6.3.2 - The first candidate removal plan is "Vapor Extraction System Only." Built into this proposal is blatant disregard for the areas of toxins identified in soil, such as mercury, lead, and hexavalent chromium. The fact that the other candidate

removal plan manages to address these chemicals with targeted soil removal proves that this first proposal is disingenuous, as a serious proposal would make some attempt to address those chemicals of concern.

The proponents conclude that this is not the best option, as it may have to be operated "*potentially for an extended period of time*." They go on to speculate that "*a supplemental removal action (such as a VIMS) may be required if the VES work fails to achieve the required reduction in soil gas concentrations within the desired time frame*" (emphasis added). They openly propose abandoning their removal work prematurely, replacing it with a mitigation system (which would not be, as they describe it, a "removal action" at all), prioritizing their schedule over the human health and safety this cleanup must address. DTSC must ensure that the primary consideration is the effectiveness of a removal action, and not its expediency.

Furthermore, such a VES system cannot be adequately developed considering the currently incomplete characterization of soil vapors, including their sources, pathways, and departures. This proposal is a diversion. Only serious proposals that can be appropriately designed in response to comprehensive site characterization should be considered.

24. Page 26, Section 6.3.3 - The second candidate removal plan considers isolated soil excavation, along with a very limited vapor extraction system. The proponent is quick to point out that the proposed area of excavation coincides with their proposed underground parking lot. The suspicious convenience of this coincidence aside, DTSC must ask why the proponent does not suggest further soil removal, as the testing shows elevated levels of contaminated soil and soil vapors across the entire property. Contamination is certainly not isolated to the area of proposed soil removal.

    The inclusion of a vapor extraction system in this proposal is deceptive, as the proponent is not suggesting the more extensive network of the first proposal. They only propose three wells in close proximity at the extreme northwest corner of the property. This is neither where the most concerning levels of vapors are identified, nor the area towards which vapors have been identified to be traveling, nor at the location of future residential structures. Does DTSC agree with the suggestion that this would add to the performance of the removal by "*preventing offsite migration of VOCs*"? If that is the goal, would it not be more effective to conduct vapor extraction along the southern boundary, or across the entire property borders? That corner borders a train track and an empty lot. A more effective protective measure would be the eastern and southern borders. How can residential soil gas safety goals be achieved for the eastern side of the property and neighboring homes if substantial soil removal is isolated to the western side of the property and vapor extraction only at the extreme northwest corner of the property?

    In the absence of a complete site-wide SVE network, an alternative SVE network should be considered consisting of active vent wells every 25 feet along the site perimeter, along with active vents for the membrane bedding at every 25 feet along the outside walls of the buildings.

25. Page 27, Section 6.3.3 - It is clear that the proponent is advocating construction of their proposed project before achieving residential soil gas goals. They plan to install a VIMS under their buildings, with "*long term system verification sampling*," and float the suggestion of a land use covenant with unspecified restrictions. They propose that "*rescission of the LUC would be contingent on achieving the desired VI prevention (residential soil gas goals achieved)*." All this suggests that the construction will be complete long before those goals are achieved. Does DTSC guidance recommend approving new construction and habitation on properties that have not reached their residential level cleanup goals?

26. Page 30, Section 7.2 - The proponent acknowledges that grading permits will be required for the soil removal work. DTSC should be aware that the proponent's CEQA documents are currently under appeal with the City of Los Angeles (City Council file 21-0024). The appeal is on the grounds that the environmental review omits considerations of likely conditions at the site, and as such under CEQA a new environmental review must be conducted. DTSC has provided much of the evidence to support the appellants' position. No agency may issue grading, demolition, or construction permits pending resolution of that appeal.

27. Page 31, Section 7.4 - Is the proponent's statement true, that "*DTSC has determined that the approval of the RAW is exempt from CEQA review*"? If so, who made that determination, and when?

28. Page 31, Section 7.5 - This RAW does not detail the post-removal sampling that will be required. Will DTSC require comprehensive confirmation sampling of the soil and soil gases to ensure that all levels are safe for residential use, including in those areas left unremediated by this proposal, such as the vast majority of the eastern side of this property?

29. Page 31, Section 7.6 - Beyond the allowance for termination of the VIMS, what restrictions would this proposed Land Use Covenant place on this property? We are aware that the nearby Kennington site is subject to a LUC restricting that property to commercial use only, even after several years of cleanup actions were required before construction. The Welch's site, which is adjacent to Avenue 34, has been under investigation and cleanup for decades. DTSC allowed its VES to be decommissioned on the condition that the property owner agree to a LUC restricting that site to commercial only, also. Both of those sites are currently cleaner than the Avenue 34 site, and are likely cleaner than the Avenue 34 site will be when construction commences there if DTSC approves this abbreviated cleanup proposal. Why would DTSC treat this more polluted property with so much less concern, when its proposed residential use is so much more sensitive?

30. Page 32, Section 8.2 - The proponent suggests outlining the procedures for confirmation sampling "*upon approval of the RAW*." Will DTSC not require an outline of the

confirmation sampling plan prior to approval of the RAW? The community is deeply concerned that the proponent is advocating for a cleanup plan that does not bring the property to residential safety levels prior to the construction of their project, and we insist that a full confirmation testing plan that ensures the safety of the site prior to construction be outlined prior to approval of the cleanup plan itself.

Questions and Comments left unaddressed by the document:

31. We have previously informed DTSC of our concerns with a known abandoned underground oil well within 100 feet of the property, and also historical maps that may depict underground oil pipelines and other utilities on the subject property. This site characterization makes no mention of these features. Has an investigation of these historical features or uses been conducted?

32. What investigation does DTSC plan to perform to characterize the risks this site poses to the surrounding homes, workplaces, and schools?

33. Has DTSC evaluated the risk of airborne toxic soil and dust to construction workers and the surrounding community presented by the proposed removal actions?

34. We have previously drawn attention to nearby properties, also contaminated by similar contaminants as Avenue 34, which DTSC has treated in a much different manner.

    Welch's, which is adjacent to the north, is also primarily impacted by PCE, TCE, and TPH. DTSC recommended a soil vapor extraction system which operated for a year and a half, and was followed up six months later by confirmation sampling. That site has been under investigation and remediation in various ways since the late 1980's, and has still not received a closure letter. The record of communication between the owner of Welch's property and DTSC shows that the property owner has been eager for years to build on his property. DTSC has consistently replied that the sampling results, not a predetermined schedule, will guide their decisions. It is notable that DTSC "*agreed that the SVE system could be decommissioned as long as a land use covenant (LUC) is prepared, limiting Site land use to commercial/industrial*." (source: Welch's First Semi-Annual 2016 Groundwater and Soil Vapor Monitoring Report, p. 17)

    Kennington, which is one block to the south, was also impacted by many of the same contaminants as Avenue 34. That property was previously occupied - and polluted by - ITT Cannon, which also previously occupied the Avenue 34 property, and likely contributed to its contamination as well. DTSC required massive soil removal (including down to 45 feet below surface, into the groundwater), vapor extraction, and active treatment of the subsurface contaminants for many years before approving construction. DTSC required the property owners to sign a LUC prohibiting residential, as well as many other sensitive uses. The LUC runs with the land and binds current and future owners to the restrictions. It is *not* rescindable after five years, as the proponent for the Avenue 34 project propose their LUC to be. (source: Kennington Covenant to Restrict Use of Property)

It is striking that for years before DTSC would approve uses on those two sites, the levels of contamination were already *lower* than the levels that are currently identified at Avenue 34, and eventual land use approvals would come with strict restrictions for both sites. DTSC is considering imminent approval of residential construction at Avenue 34, despite much *higher* levels of contamination, and a much more abbreviated cleanup plan that is unlikely to bring contaminants to residential screening levels across the property. DTSC must explain and account for this deviation from DTSC's recent and current treatment of similar nearby sites.

35. A complete site characterization should include a thorough groundwater and vapor model with bedrock, soil/alluvium/fill, ground surface contours, and probable sources of groundwater. This should include the entire subject property, and also the surrounding areas for at least as far as the investigation of the identified underground pathways confirms the contamination to have traveled. As a comparison, DTSC has overseen the investigation and cleanup at the former Diceon factory. Like the Avenue 34 property, that was a former manufacturing factory in a mixed-use light industrial and residential setting. The Diceon conceptual site model illustrates the extent of contaminants' travel into the surrounding neighborhood, as the model for Avenue 34 should include, but currently lacks. That model also includes cross-sectional diagrams of the contaminants distributions vertically on the site, and their interactions with the geology and hydrology on the site. There has not been enough investigation at Avenue 34 to even plausibly approximate such a model. (source: Diceon Interim Remedial Action Plan and DTSC Approval Letter)

36. This document makes no mention of the impacts that implementation of a VIMS on a site that would continue to be impacted by high levels of contamination might have on the movement of those vapors, including their potential impacts to the surrounding community. With a new, deeper barrier in place, the movement of vapors might be deflected towards surrounding properties. A plan for assessing these risks before approval of this action, and a requirement for offsite sampling both before and after the VIMS installation is necessary to protect the safety of the surrounding community.

Sincerely,

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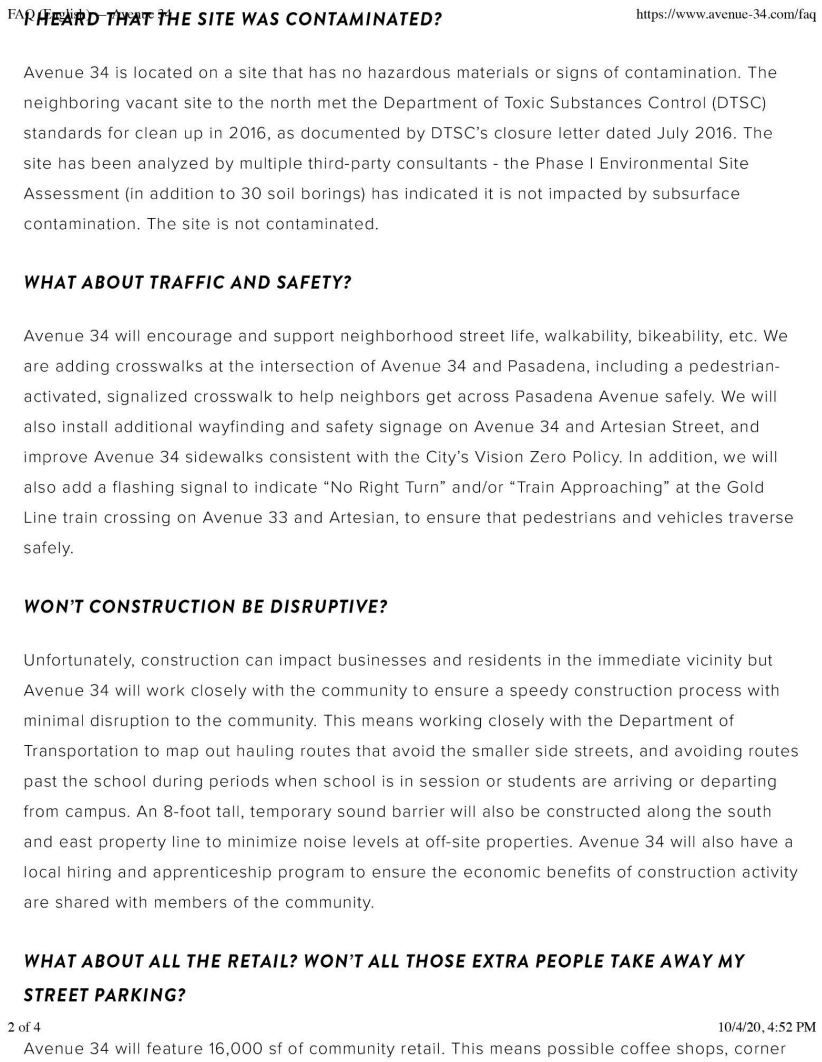


FAQ (English) – Avenue 34 https://www.avenue-34.com/faq

I HEARD THAT THE SITE WAS CONTAMINATED?

Avenue 34 is located on a site that has no hazardous materials or signs of contamination. The neighboring vacant site to the north met the Department of Toxic Substances Control (DTSC) standards for clean up in 2016, as documented by DTSC's closure letter dated July 2016. The site has been analyzed by multiple third-party consultants - the Phase I Environmental Site Assessment (in addition to 30 soil borings) has indicated it is not impacted by subsurface contamination. The site is not contaminated.

WHAT ABOUT TRAFFIC AND SAFETY?

Avenue 34 will encourage and support neighborhood street life, walkability, bikeability, etc. We are adding crosswalks at the intersection of Avenue 34 and Pasadena, including a pedestrian-activated, signalized crosswalk to help neighbors get across Pasadena Avenue safely. We will also install additional wayfinding and safety signage on Avenue 34 and Artesian Street, and improve Avenue 34 sidewalks consistent with the City's Vision Zero Policy. In addition, we will also add a flashing signal to indicate "No Right Turn" and/or "Train Approaching" at the Gold Line train crossing on Avenue 33 and Artesian, to ensure that pedestrians and vehicles traverse safely.

WON'T CONSTRUCTION BE DISRUPTIVE?

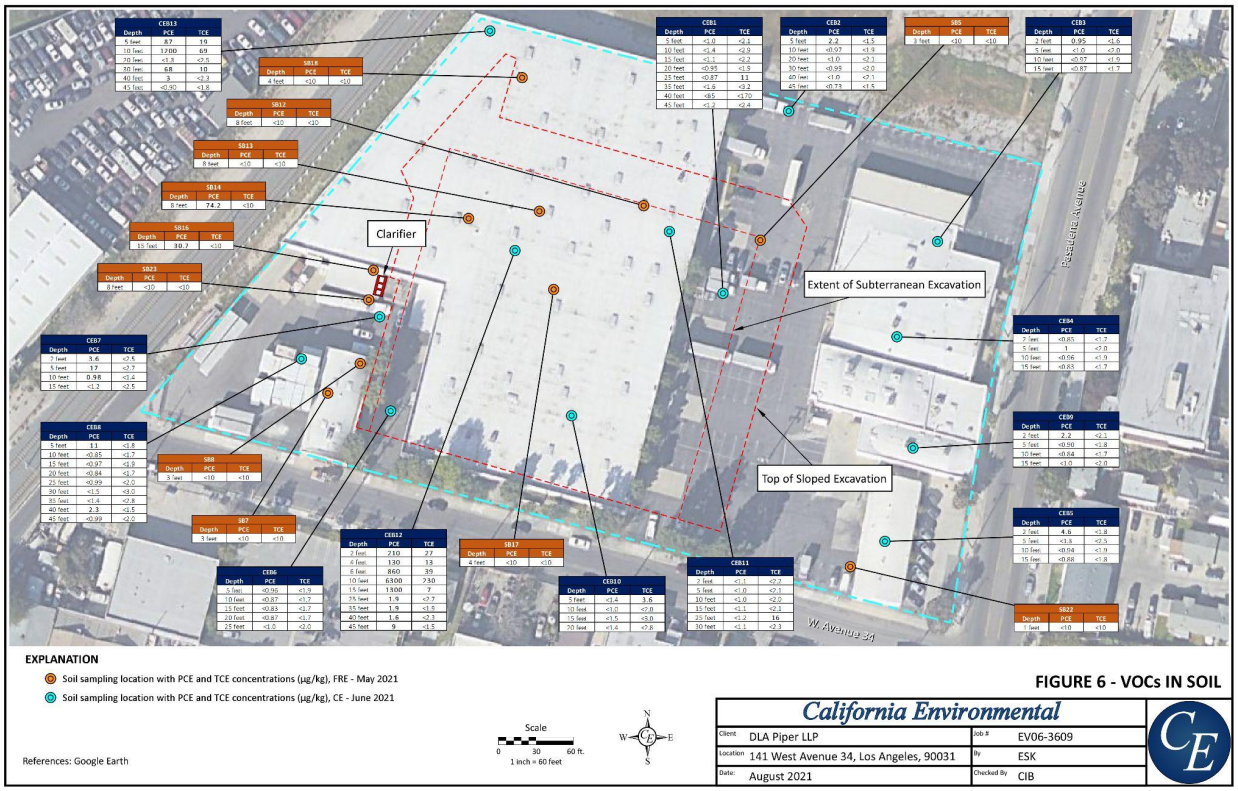
Unfortunately, construction can impact businesses and residents in the immediate vicinity but Avenue 34 will work closely with the community to ensure a speedy construction process with minimal disruption to the community. This means working closely with the Department of Transportation to map out hauling routes that avoid the smaller side streets, and avoiding routes past the school during periods when school is in session or students are arriving or departing from campus. An 8-foot tall, temporary sound barrier will also be constructed along the south and east property line to minimize noise levels at off-site properties. Avenue 34 will also have a local hiring and apprenticeship program to ensure the economic benefits of construction activity are shared with members of the community.

WHAT ABOUT ALL THE RETAIL? WON'T ALL THOSE EXTRA PEOPLE TAKE AWAY MY STREET PARKING?

2 of 4 10/4/20, 4:52 PM

Avenue 34 will feature 16,000 sf of community retail. This means possible coffee shops, corner

The developer's website, captured on Oct 4, 2020. It states "*The site is not contaminated.*"



Avenue 34 characterization, showing no concentric contamination flow models, or impacts to surrounding properties.

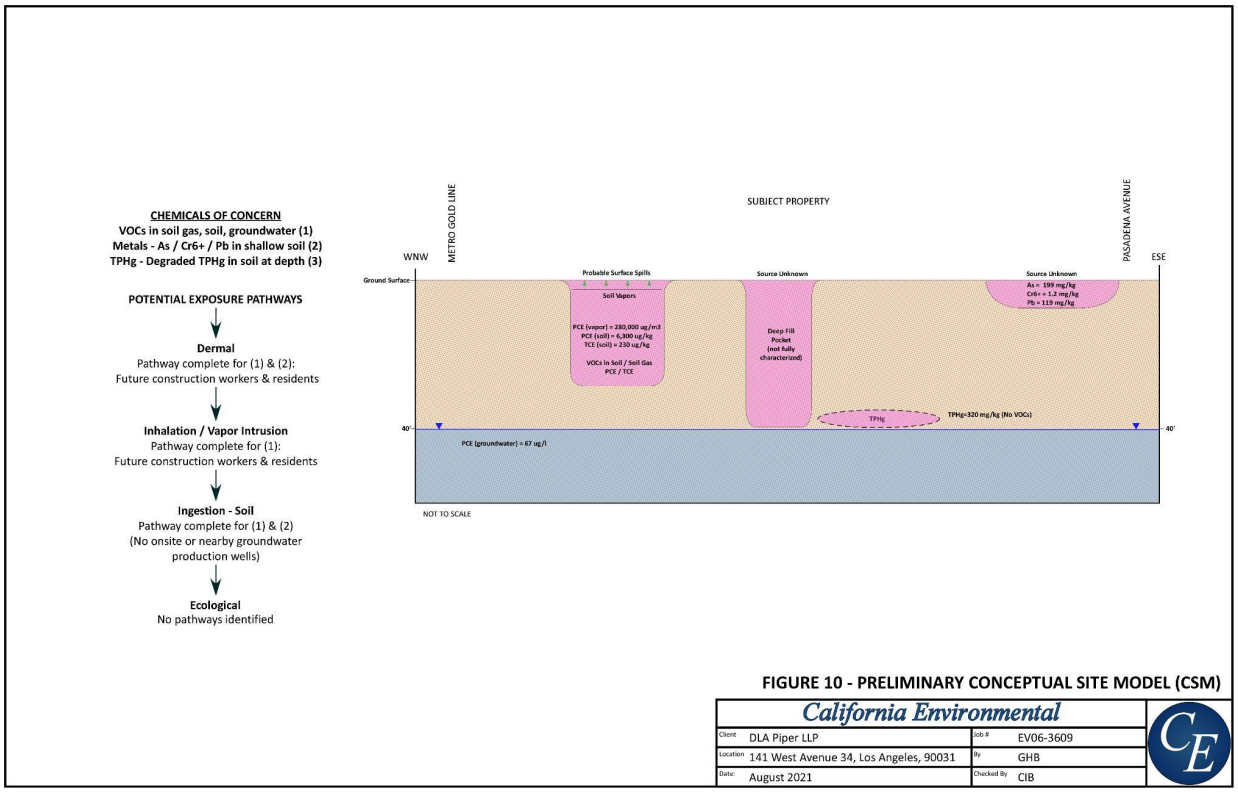


FIGURE 10 - PRELIMINARY CONCEPTUAL SITE MODEL (CSM)

California Environmental	
Client: DLA Piper LLP	Job #: EV06-3609
Location: 141 West Avenue 34, Los Angeles, 90031	By: GHB
Date: August 2021	Checked By: CIB

Avenue 34 cross section, with arbitrarily delineated rectangles standing in for confirmed contaminant depths, and acknowledgements that characterization is incomplete.

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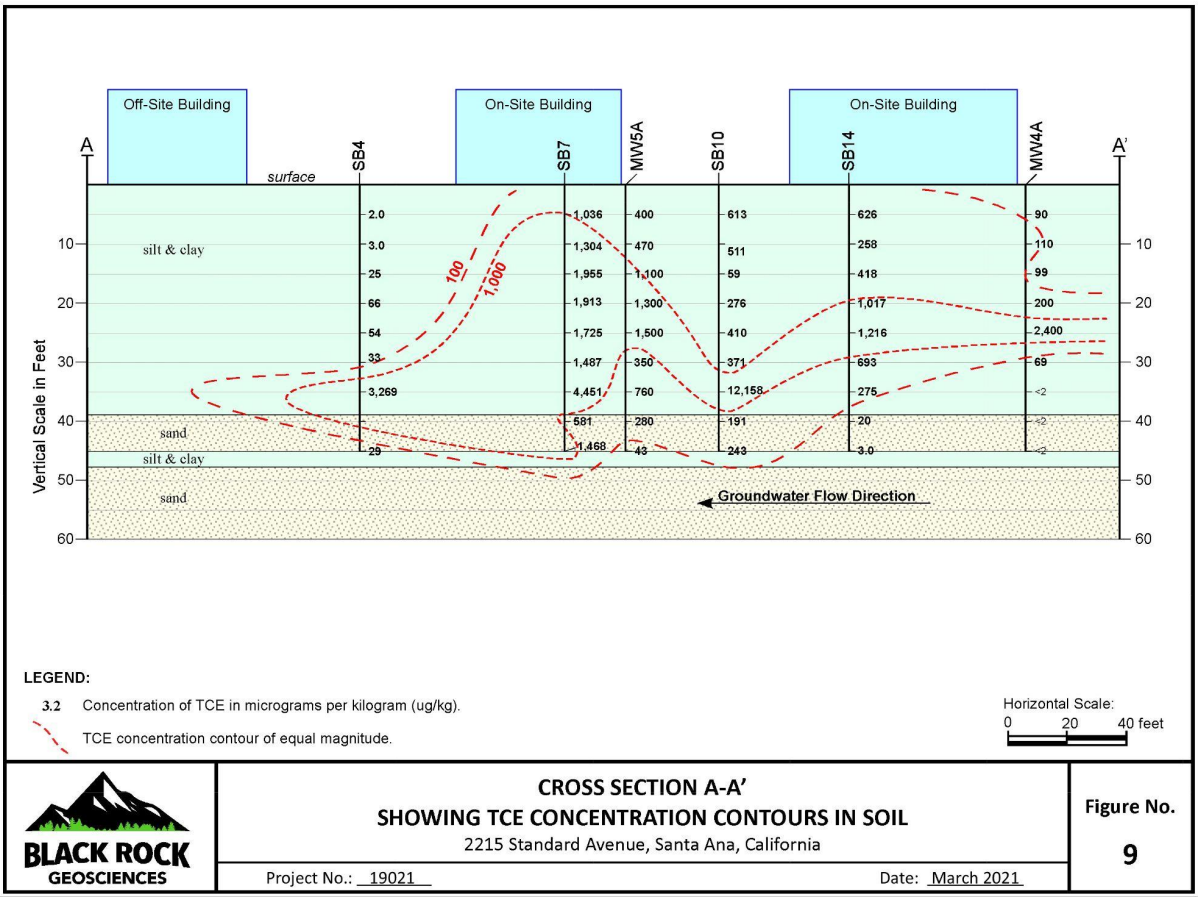

Diceon cross section, showing dynamic vertical understanding of contaminants' concentrations at different strata of the geology and hydrology.

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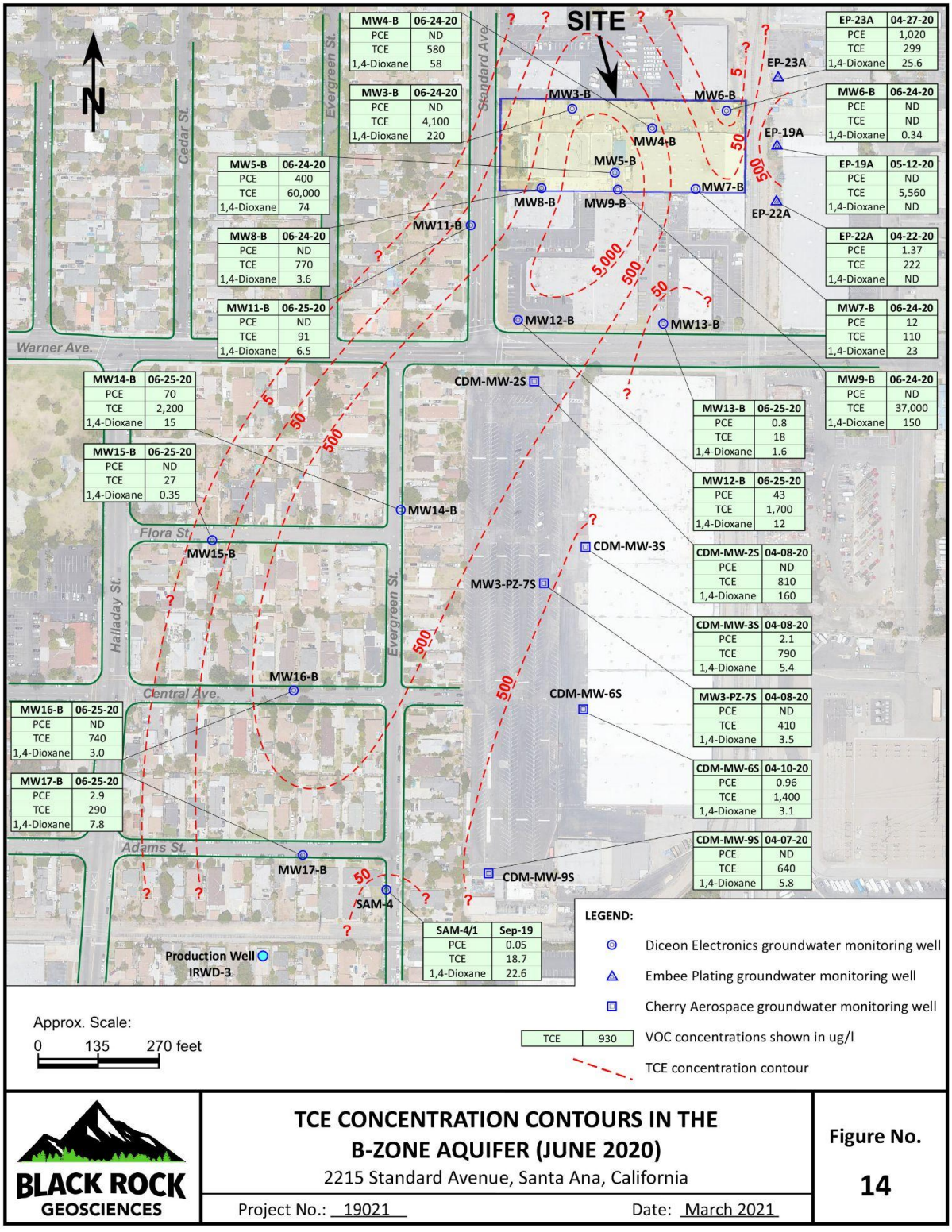
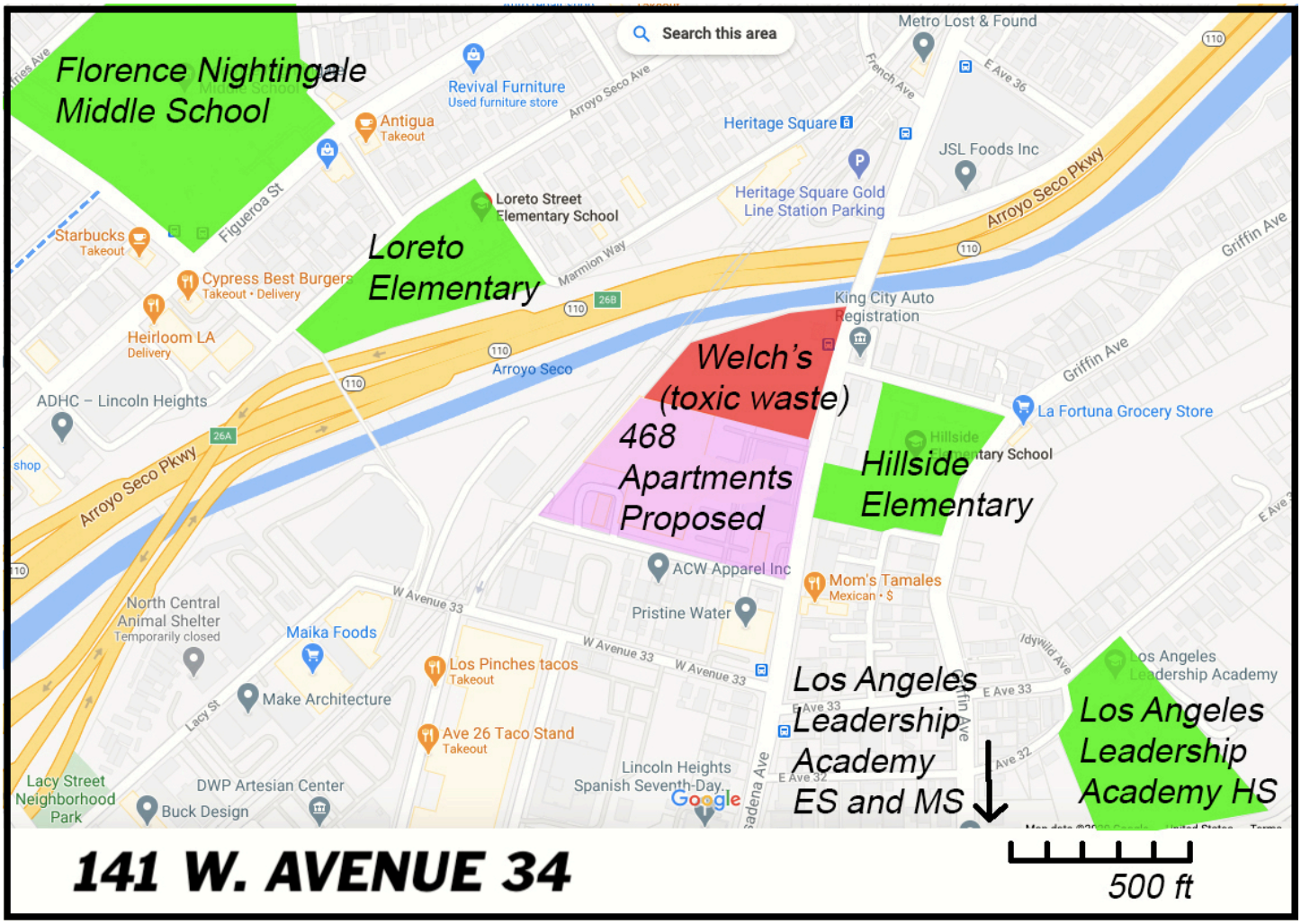


Diceon characterization, showing analysis of contaminant's travel into surrounding community.



141 W. AVENUE 34