

ENVIRONMENTAL IMPACT REPORT**ADDENDUM****CITY OF SAN FRANCISCO REDEVELOPMENT AGENCY****VISITACION VALLEY REDEVELOPMENT PROGRAM****A. BACKGROUND INFORMATION**

From June 3 to July 21, 2008, the City of San Francisco Redevelopment Agency held a public comment period for the Environmental Impact Report for the Visitacion Valley Redevelopment Program (EIR¹). The EIR described various activities that would occur under the Visitacion Redevelopment Program in the former Schlage Lock Operable Unit and the San Francisco County portion of the Universal Paragon Corporation areas of the redevelopment site (the Site). Included among those activities were the general plans, based on information known at the time the EIR was prepared, for addressing soil and groundwater contamination known to exist at the Site. The Department of Toxic Substances Control (DTSC) was mentioned as the lead agency for cleanup activities that would occur at the Site. Those activities included the following: (1) removing some contaminated soils and off site disposal; (2) treating some soils contaminated with VOCs on site; (2) capping treated soils beneath roadways that would be covered with asphalt and/or; capping soils that are suitable for parks and open space beneath three (3) feet of soils that meet residential standards; and (4) in-situ treatment of groundwater. Soil excavation and on-site reuse of soils would require approval by DTSC in the form of a Remedial Action Plan (RAP). During the EIR public comment period, DTSC staff raised the need for the discussion land use covenants and controls in the EIR. The City of San Francisco staff responded to DTSC's concerns in the EIR Response to Comments stating that DTSC would decide what land use controls would be necessary for the Site based on the cleanup remedies approved for the Site. The final EIR that included the public comments and responses was certified on December 18, 2008 (State Clearinghouse No. 2007022049).

Subsequent to certification of the EIR, additional information was received by DTSC that resulted in some insignificant changes between the detailed remedy descriptions provided in the EIR and the

¹ City of San Francisco Redevelopment Agency, Visitacion Valley Redevelopment Program, Final EIR certified on December 18, 2008.

RAP document to be approved by DTSC for the Site. In order to provide clarification of these changes, an Addendum to the EIR is deemed appropriate. Below, the DTSC RAP project activities are compared to the EIR.

The RAP proposes to cap approximately 22,000 cubic yards of *metal*-impacted soils (containing elevated concentrations of lead and arsenic) and treating 15,000 cubic yards of VOC-impacted soils on site. While the remedy mentioned in the EIR indicates treating 17,000 cubic yards of VOC-impacted soils, on site, it did not mention capping metal-impacted soils. Also, the details of the Land Use Covenant (LUC) were not fully described in the EIR.

The EIR stated that VOC-impacted soils would be capped under roadways and recreational areas. However, according to the RAP, the metal-impacted soils will be capped under recreational areas, paved roadways and under commercial buildings and parking podiums. VOC-contaminated soils will be treated to levels which do not require capping. The purpose of the cap is to prevent any direct contact or direct exposure to the contamination. Because the metal-impacted soils will be capped, the public will be prevented from having any direct contact or direct exposure to the contamination. Maintenance of the cap will also be imposed as is routinely required for capping remedies.

In addition, the LUC, as described in the RAP, will impose requirements and restrictions, (including preventing any soil disturbance without DTSC's approval, use of a Soil Management Plan, and so forth). The detailed LUC will be recorded by the City and County of San Francisco. DTSC has determined that the remedy proposed in the RAP is protective of the public health and the environment due to these controls in addition to the cap's ability to prevent direct contact with contaminated soils.

From September 10 to October 13, 2009, the California Environmental Protection Agency, Department of Toxic Substances Control (DTSC) circulated the RAP for public review and comment on the clean up activities proposed for the Schlage Lock Operable Unit and the San Francisco County portion of the Universal Paragon Corporation Site. DTSC will rely on the analysis of potential impacts from the project contained in the certified EIR and this Addendum, prepared by DTSC in order to comply with the requirements of the California Environmental Quality Act (CEQA) [Pub. Resources Code, div. 13, § 21000 et seq] and its implementing Guidelines [Cal. Code Regs., tit. 14, § 15000 et

seq]. DTSC finds that the EIR and this Addendum adequately evaluated the impacts that would result from activities contained in the RAP. After the comment period, and approval of the RAP, DTSC will file a Notice of Determination with the State Clearinghouse to document its compliance with the requirements of CEQA.

To summarize, activities planned pursuant to the proposed RAP include the following:

- (1) Excavation and off-site disposal of 6,000 cubic yards of VOC-contaminated soil;
- (2) Excavation and treatment by aeration on-site of approximately 15,000 cubic yards of VOC-impacted soil;
- (3) Excavation and capping of approximately 22,000 cubic yards of metal-impacted soils under recreational areas, paved roadways, commercial buildings and parking podiums;
- (4) In situ (in-place) treatment of VOCs in groundwater using Enhanced Reductive Dechlorination; and
- (5) Imposition of LUCs appropriate for the Site.

B. JUSTIFICATION FOR PREPARATION OF AN ADDENDUM

In evaluating the activities described the EIR and the RAP, DTSC concludes that no new impacts to the environment would be created by the activities discussed in the EIR as compared with those discussed in the RAP and that only additional clarifying information in the form of an Addendum to the EIR is necessary for DTSC to satisfy the requirements of CEQA prior to approval of the proposed RAP. DTSC makes this finding based on the following:

Section 15164 of the CEQA Guidelines² Provides the authority for preparing an Addendum to a previously certified EIR or adopted Negative Declaration (ND). Specifically, §15164 states the following:

- (a) *The lead agency or responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in §15162 calling for preparation of a subsequent EIR have occurred.*
- (b) *An addendum to an adopted negative declaration may be prepared if only minor technical changes or additions are necessary or none of the conditions described in §15162 calling for the preparation of a subsequent EIR or Negative Declaration have occurred.*
- (c) *An addendum need not be circulated for public review but can be included in or attached to the final EIR or adopted Negative Declaration.*
- (d) *The decision-making body shall consider the addendum with the final EIR or adopted Negative Declaration prior to making a decision on the project.*
- (e) *A brief explanation of the decision not to prepare a subsequent EIR pursuant to §15162 should be included in an addendum to an EIR, the lead agency's findings on the project, or elsewhere in the record. The explanation must be supported by substantial evidence.*

According to CEQA Guidelines §15162, once the EIR or Negative Declaration has been certified, a lead agency need not prepare a subsequent EIR or Negative Declaration unless . . . *on the basis of substantial evidence in light of the whole record . . .* one or more of the following conditions occurs:

- (1) *Substantial changes are proposed in the project which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant*

² [Cal. Code Regs., tit. 14, § 15000 et seq].

environmental effects or a substantial increase in the severity of previously identified significant effects;

(2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

(3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the Negative Declaration was adopted, shows any of the following:

(A) The project will have one or more significant effects not discussed in the previous EIR or Negative Declaration;

(B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;

(C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

(D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

In this case, the differences between the EIR and the RAP do not constitute a “substantial change” to the project that would require “major revisions” to the EIR due to new or increased impacts (refer to §15162 [a][1]). Because these differences would not result in new or greater impacts not discussed in the EIR, no additional mitigation measures are necessary (refer to §15162[a][3]).

Substantial evidence supporting DTSC's decision not to prepare a subsequent EIR pursuant to CEQA Guidelines §15162 as a result of the insignificant changes to the RAP is provided below in Section C: *Applicability of Previous CEQA Analysis and Conclusions*. The environmental analysis presented in Section C evaluates potential impacts of the changes specifically in light of the environmental findings in the previously-adopted EIR and subsequent Addendums. This evaluation demonstrates that the changes in the RAP will not create new or greater significant environmental impacts than those identified in the previous EIR, and as such, a subsequent EIR to address this new information is not required.

C. FINDINGS OF THE APPLICABILITY OF PREVIOUS CEQA ANALYSIS AND CONCLUSIONS

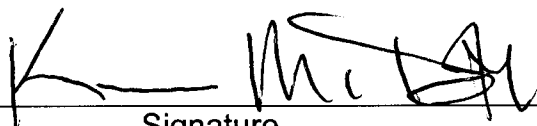
The differences between placing metals-impacted soils beneath roadways rather than VOC-impacted soils and imposing LUCs will not result in any significant effects on the environmental issues, including hazards and hazardous materials, land use, population and housing, visual factors, transportation and circulation, air quality, cultural and historical resources, hydrology and water quality, noise, public services and utilities and service systems. No additional DTSC mitigation measures are necessary to approve the project, and no DTSC monitoring plan is required pursuant to Public Resources Code Section 21081.6. These findings would not be changed with approval of activities associated with the RAP.

G. CONCLUSION

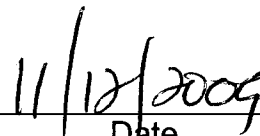
While the differences presented in the RAP described above provide more current detail regarding proposed remediation activities for the Site (capping of metals-contaminated soils rather than VOC-impacted soils under roadways and specific LUCs), the changes do not significantly alter the findings or conclusions reached in the previously adopted EIR, and this Addendum to the EIR satisfies the requirements of CEQA prior to approval of the RAP by DTSC. No changes to the planned land uses for the EIR project would result from the insignificant RAP differences. Consequently, no changes to the EIR conclusions are necessary.

F CERTIFICATION

I hereby certify that the statements furnished above and in the exhibits, attached or incorporated by reference, present the data and information required for this evaluation to the best of my ability and that the facts, statements and information presented are true and correct to the best of my knowledge and belief.



Signature



Date

Karen M. Toth

Name

Supervising Hazardous Substances
Engineer I

Title

510-540-3834

Telephone