UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

Via Electronic and U.S. Postal Service Mail

JAN - 6 2015

Mr. Tim Simon
Head of Facilities
Aspire Public Schools
1001 22nd Ave
Oakland CA 94606
tim.simon@aspirepublicschools.org

Subject: Toxic Substances Control Act Polychlorinated Biphenyls, U.S. EPA Region 9 Cap Modification Approval for Aspire Public School, 1009 66th Avenue, Oakland, California

Dear Mr. Simon:

Thank you for submitting the plans to modify the existing cap at the Aspire Public School in Oakland, California to add a gymnasium to the school. Such plans are the subject of this approval. The proposed cap modifications, as conditionally approved below, will allow College for Certain, LLC (CFC) to construct Building 300 (Gym). The existing cap, which covers most of the 2.5-acre school site, was constructed to prevent human and ecological receptor exposure to polychlorinated biphenyls (PCBs) remaining in soils beneath the cap. The U.S. Environmental Protection Agency Region 9 (EPA) required the existing cap in its approvals for cleanup of PCBs at the school site.[1]

EPA is approving with conditions (Approval) the *"CAP Modification Plan for the Former Pacific Electric Motors Facility 1009 66th Avenue, Oakland California"* (Plan) and *"CAP Modification Plan Addendum for the Former Pacific Electric Motors Facility 1009 66th Avenue, Oakland California"* (Addendum). The Plan and Addendum (collectively, the Amended Plan) are dated October 17 and December 2, 2014, respectively.[2] EPA is approving the Amended Plan, under the Toxic Substances Control Act regulations for PCBs in 40 CFR 761.61(c) (risk-based cleanup). EPA approved the original, existing cap consistent with that paragraph. Enclosed is ARCADIS December 19, 2014 e-mail message summarizing changes to the Plan and reflected in the Addendum.

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[1] EPA's approval for cleanup of PCBs at the Aspire Public School site is dated November 13, 2009. EPA's approvals dated April 5 and June 16, 2011 approved the cap. The Aspire school site was previously the location of the former Pacific Electric Motors Facility.

[2] ARCADIS prepared the Plan and Addendum on behalf of CFC and Aspire Public School. Representatives from EPA, Aspire Public Schools (on behalf of CFC), and ARCADIS discussed the Plan and the Addendum via several conference calls.

This Approval modifies Condition 8, Cap (protective barrier), in EPA's November 13, 2009 Approval to allow penetration and alteration of the existing cap in the specific location selected to construct the Gym. That Approval, which addressed CFC's PCB notification and cleanup plan for the former Pacific Electric Motors Facility, required a cap as a condition for site cleanup. This Approval does not modify (1) other conditions in the November 13, 2009 Approval and (2) EPA's April 5 and June 16, 2011 Approvals concerning the existing cap.

In general, the Amended Plan describes (1) changes that CFC will make to the existing cap (e.g., perforation and cutting a section) to facilitate pre-construction soil (native and cement-treated) sampling and construction of the Gym, (2) pre-construction soil analysis, (3) disposal of removed cement-treated soil and native soil, and (4) schedule of notifications to EPA related to the Building 300 construction. EPA is approving the Amended Plan with the Conditions established below. As approved, the cap modifications will not result in an unreasonable risk of injury to health or the environment; and the cap will continue to prevent exposure to residual PCBs in soils if inspected, maintained, and repaired in perpetuity.

EPA's Conditions of Approval – Modification of Existing Site-Wide Cap

1. **Sample extraction before PCB analysis; and number of pre-construction characterization samples.** Each soil and cement-treated soil sample must be thoroughly homogenized by the laboratory before extraction of PCBs via EPA SW-846 Method 3540C (Soxhlet). EPA is approving 36 pre-construction discrete characterization samples to be collected of native and cement-treated soils.

2. **Imported fill.** Any imported fill that may be used to replace soils removed from beneath the existing cap during construction of Building 300 must be sampled for PCBs consistent with Condition 1 (Imported Soil for Use at the Aspire Site) in EPA's June 16, 2011 Approval.

3. **Cap modifications proposed in the Amended Plan. Building 300 (Gym) Construction.**

a. This condition modifies Condition 8, Cap (protective barrier), in EPA's November 13, 2009 Approval. EPA is approving the cap modifications only at the location where Building 300 (approximately 9,000 square feet) will be constructed and as described in the Amended Plan. CFC must notify EPA within 30 days before implementation of any changes to the cap modifications described in the Amended Plan.

b. After construction, the foundation of Building 300 becomes part of the existing cap and subject to applicable conditions in EPA's November 13, 2009 and April 5 and June 16, 2011 Approvals. Among other, those conditions require inspection, maintenance, and repairs of the cap in perpetuity; and a restrictive land use covenant (LUC) for the entire site. The cap (including the

Building 300 foundation) and LUC are to assure the protection of the school community and members of the public from PCBs in soils beneath the cap.

4. **Current status of existing cap before construction.** Consistent with Condition 9 in EPA's November 13, 2009, CFC must provide a report that documents the physical condition of the cap, including photos taken during the inspection. This report must be submitted within 30 days before construction of Building 300 commences.

5. **Compliance with this Approval and applicable regulations.** The Parties must comply with all the conditions in this Approval and implement the Amended Plan as modified by this Approval.

   This Approval does not relieve the Parties and their consultants from complying with other applicable TSCA PCB and Federal regulations, or state and local regulations and permits. Departure from this Approval without prior written permission from EPA may result in revocation of this Approval. If additional information demonstrates that EPA cannot make a no unreasonable risk determination, EPA will modify or revoke this Approval. Nothing in this Approval bars EPA from imposing penalties for violations of this Approval or for violations of other applicable TSCA PCB requirements or for activities not covered in this Approval.

This approval does not cover other contaminants present in soils beneath the cap and vapor intrusion issues being addressed by CFC with the Alameda County Department of Environmental Health. This Approval does not cover or apply to the Building 300 design, structural features, and ability of that building's foundation to properly support any estimated load(s) used to develop the building design.

We look forward to continue being of assistance to CFC, Aspire Public School, and ARCADIS on PCB matters associated with construction of the Gym. If you have questions about this Approval, please contact Carmen D. Santos at 415.972.3360 or via email at santos.carmen@epa.gov.

Sincerely,

for

Jeff Scott, Director
Land Division

Enclosure

Cc: Erica Kalve, ARCADIS
Jerry Wickham, ACDEH

Santos, Carmen

From: Kalve, Erica <Erica.Kalve@arcadis-us.com>
Sent: Friday, December 19, 2014 1:14 PM
To: Santos, Carmen
Cc: Tim Simon (Tim.Simon@aspirepublicschools.org); Tan, Angeline
Subject: Summary of CMP and CMP Addendum - 1009 66th Avenue, Oakland, California

Dear Carmen,

Thank you again for the productive meeting this morning to discuss the Cap Modification Plan (CMP), dated October 17, 2014, and the CMP Addendum, dated December 4, 2014, for the Former Pacific Electric Motors Facility located at 1009 66th Avenue in Oakland, California. Below is a summary of the CMP sections and modifications made by the CMP Addendum:

CMP Section		Modified? (Yes/No)	Comment Regarding Modification
1.0	Introduction	No	--
2.0	Background Information	Yes	Section 2.5 of the CMP was modified by the CMP Addendum to describe the soil management strategy. Specific subsections updated include:
2.5.1	Soil Management Strategy	Yes	- See section 3.1 of the CMP Addendum. As specified, soil will not be reused onsite.
2.5.3	Stockpile Management	Yes	- See section 3.1.1 of the CMP Addendum. As specified, soil will be placed directly onto roll-off bins and the lids will be secured (i.e., with locks) or loaded onto trucks for immediate off-site disposal in accordance with Aspires' written permission.
2.5.4	Soil Characterization and Off-Site Reuse/Disposal	Yes	- See section 3.1.2 of the CMP Addendum. As specified, results of pre-demolition sampling will be used to pre-characterize and profile soil for off-site disposal. For clarification, the soil samples will be collected in situ prior to demolition of the existing cap.
3.0	Site Modifications	No	--
4.0	Pre-Demolition Soil Sampling Plan	Yes	Section 4 of the CMP was modified by the CMP Addendum to include additional soil sample locations. For clarification, a total of 36 soil samples from a total of 26 boring locations will be collected as described in Section 2 and shown on Figure 3 of the CMP Addendum. Specific subsections updated as follows:
4.1	Soil Borings	Yes	- See section 2.1 of the CMP Addendum. As specified, an additional fourteen soil borings will be included in the pre-demolition soil sampling plan.
4.2	Soil Sample Collection	Yes	- See section 2.2 of the CMP Addendum. As specified, samples will be collected from 0.5 to 1.0 feet below ground surface from the fourteen additional soil boring locations.
5.0	Demolition Plan	Yes	Section 5 of the CMP was modified by the CMP Addendum to present revised calculations of the estimated removal quantities. Other information presented in Section 5 of the CMP was not modified by the CMP Addendum.

6.0	Waste Segregation and Disposal Plan	Yes	Section 6 of the CMP was modified by the CMP Addendum to describe management of material containing cement treated native soil and native soil in accordance with the CMP Addendum.
7.0	New Cap Plan	No	--

We are seeking approval the CMP for portions of the plan that were not modified by the CMP Addendum, and approval of the CMP Addendum.

Please let us know if you would like any additional clarification. I am available today and early next week, if needed.

Best Regards,
Erica

Please note my new contact information is provided below.

Erica Kalve, PG | Senior Geologist | erica.kalve@arcadis-us.com

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