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May 29, 2020

RESPONSIVENESS SUMMARY TO PUBLIC COMMENTS RECEIVED ON THE REVISED DRAFT REMEDIAL ACTION PLAN AND THE CALIFORNIA ENVIRONMENTAL QUALITY ACT MITIGATED NEGATIVE DECLARATION FOR THE FORMER PUREGRO FACILITY, LOCATED AT 1025 RIVER DRIVE, BRAWLEY, CALIFORNIA

Dear Brawley Community Members:

Thank you for your interest and comments on the Revised Draft Remedial Action Plan (RAP) and the California Environmental Quality Act Mitigated Negative Declaration (MND) proposed for the former PureGro facility located at 1025 River Drive, Brawley, California.

The Department of Toxic Substances Control (DTSC) is pleased to present the attached Responsiveness Summaries in response to all the public comments received regarding the RAP and MND, dated November 12, 2019 and October 2019, respectively. The RAP and MND were released for public review on November 13, 2019 and presented to the Brawley Community on December 10, 2019 during a community meeting hosted by DTSC. The public review and comment period ended on December 17, 2019.

During the public comment period, DTSC received roughly 100 comments, including those through mail, e-mail, and expressed by community members during the December 10, 2019 meeting.

Enclosed you will find three attachments that DTSC has prepared, as follows:

- a. A Master Response document (also translated into Spanish) to express our commitment on this project and address main topics of concern raised by many of the commenters.
- b. A RAP Responsiveness Summary in a spreadsheet that includes responses to individual comments.

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- c. An MND Responsiveness Summary in a spreadsheet that includes responses to individual comments.

DTSC thanks you for your interest in the project as DTSC ensures current and future protection of human health and the environment.

If you have any questions, please call Mr. Daniel Cordero Jr. at 714-484-5428 or via e-mail at Daniel.Cordero@dtsc.ca.gov. Or, you may contact his Supervisor, Ms. Eileen Mananian at 714-484-5349 or via e-mail at Eileen.Mananian@dtsc.ca.gov.

Sincerely,



A. Edward Morelan, PG, CEG
Branch Chief
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Enclosures: Master Response to Comments (English and Spanish), RAP Responsiveness Summary, MND Responsiveness Summary

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Former PureGro Site Master Response to Comments for the Revised Draft Remedial Action Plan

The Department of Toxic Substances Control (DTSC) received public comments during the 30-day comment period and community meeting on December 5, 2019 regarding the draft revised Remedial Action Plan (DRAP) for the former PureGro Site, located at 1025 River Drive in Brawley (Site). DTSC appreciates the community interest from all who submitted written comments and who verbally commented at the meeting. In addition to providing an individual response to each comment received (see attached Responsiveness Summary), DTSC prepared this document to summarize our response to the major themes and main topics raised by commenters.

DTSC is committed to implementing a remedy for the site that protects the health of the people of Brawley and is compliant with California law. Several comments included issues that are outside of the scope of DTSC's legal authority and expertise, and the proposed remediation of the site. Although DTSC has no jurisdiction over these matters, we have initiated contact with other responsible State and local agencies to make them aware of the comments, and to help them address these concerns.

Master Response 1: Request for Off-site Sampling into Nearby Community

DTSC is evaluating the request for off-site sampling. Environmental sampling conducted in 2004 indicated that contamination migrated off-site onto the neighboring vacant property immediately east of the Site. In 2006 the off-site contaminated soil was excavated and stockpiled on the PureGro property. These soils were contaminated at levels that did not meet residential standards. However, the excavated soil did meet commercial/industrial use levels. All other off-site samples met residential standards, including those collected between the PureGro Site and the residences to the south.

DTSC has not conducted further off-site sampling based on the results of the data collected both on and off-site of PureGro. As described above, existing off-site soil sample data does not provide evidence of a significant release of hazardous substances on the southern boundary nearest the residential properties. DTSC is currently evaluating where additional off-site sampling may be warranted. The conceptual model for potential off-site releases of hazardous substances assumes the possibility that contaminants may have migrated off-site via wind-blown dust. Therefore, we are working collaboratively with the California Air Resources Board to conduct scientific modeling to support decisions for additional off-site sampling. The air dispersion modeling may provide a scientific basis for targeting potential off-site sampling areas. Although existing data has not indicated there is an off-site threat to

public health, we are working diligently to complete our evaluation, and to prepare an off-site assessment and, if warranted, a sampling workplan to be responsive to community concerns.

DTSC plans on involving the community moving forward by providing a copy of our off-site assessment or, if warranted, a sampling workplan as soon as it is complete. We will work with our public participation staff to determine other effective ways of communication as we implement the plan.

Air dispersion modeling and potential off-site sampling, if warranted, will be conducted separately as a standalone project.

Master Response 2: Stockpile Removal

DTSC recognizes the Brawley Community's concern about the possible release of contaminants from the stockpile located on the PureGro property. The stockpile is made of dirt (100%) that was removed from the adjacent property to the east in 2006. These soils were contaminated at levels that did not meet residential standards. However, the excavated soil did meet commercial/industrial use levels. It is covered with erosion control blankets to prevent dust from leaving the Site, and it is surrounded by a fence to prevent access. It has been regularly inspected and maintained since 2006. Approximately 97% of the soil in the stockpile is safe for use at an industrial site. The remaining 3% is considered California hazardous waste. The Remedial Action Plan includes the removal and disposal of the entire stockpile. The stockpile soils will be sampled to document soil contaminants and determine disposal requirements; loaded onto trucks; and transported to the appropriate disposal facilities. The stockpile soils will be transported utilizing the routes approved by DTSC in a Stockpile Removal Workplan (SRW). The SRW will provide the detailed procedures to remove the stockpile, as well as the dust control measures that will be utilized. Examples of dust control measures include spraying water onto the soil as it is being loaded onto trucks, dust monitoring using dust meters at the fenceline, and stopping all activities when winds make conditions unsafe for workers and the community.

Master Response 3: Cleanup to Residential versus Commercial/Industrial Standards

The City of Brawley zoning for the PureGro Site is M1- Light Manufacturing. This means that the property is designated for commercial or industrial use. DTSC requires property owners to remediate properties to levels safe for their intended land use which in this case is a commercial/industrial level.

The property owner proposed a remedy that is more stringent than regulatory cleanup standards and includes a combination of residential and commercial/industrial cleanup standards. The remedy will ensure that the Site is safe for the community and future workers involved in potential reuse of the property.

Measures to be implemented where residential land use standards will be achieved include:

- A 50-foot-wide area along the property immediately to the east and along River Drive to the south. The soil in this area will meet residential standards and will be a buffer between residents and the Site.
- Certified clean soil brought in to fill excavated areas within the PureGro Site.

After hotspot removals are complete, the top 4 feet of surface soils (outside residential buffer zones) will meet a site-wide performance standard of commercial/industrial (1×10^{-5}). An engineered cover will be constructed over the entire property to keep dust from blowing off the Site. The cover will prevent pooling of rainwater and impede contaminants from getting into groundwater. All surface soils will be certified clean soil at the PureGro Site.

A Land Use Covenant (LUC) will be recorded on the property with the following restrictions:

- Restricts the property to commercial/industrial use;
- Prohibits construction or digging on the Site without first notifying DTSC;
- Requires a soil management plan for any soil movement; and
- Prohibits drilling or extraction of groundwater.

The Land Use Covenant will be filed with the Imperial County Recorder's Office. The remedy also includes an Operation and Maintenance Plan that requires site maintenance, inspection, and a Groundwater Monitoring Plan that requires groundwater well sampling and testing.

Master Response 4: Community Health Assessment

Brawley community members have expressed concerns regarding the possibility that contamination at the PureGro Site may have affected their health, and have requested a community health assessment. DTSC is responsible for investigating and cleaning up contamination at hazardous substance contaminated sites. The California Department

of Public Health (CDPH) and the Imperial County Public Health Department (ICPHD) are the agencies responsible for investigating health concerns.

In response to community concerns, DTSC is communicating with the ICPHD and CDPH to relay the community's health concerns and the requests for a health assessment. More information on the roles of each agency can be found at:

- California Department of Public Health (www.cdph.ca.gov)
- Imperial County Public Health Department (<http://www.icphd.org/>)

Master Response 5: Health Risk Assessment

In 2010, DTSC approved a Human Health Risk Assessment (HHRA) for the Site. The HHRA evaluated the risk of potential human exposure from over 500 soil samples collected on the property between 2005 and 2008. The potential risk of exposure from Site contaminants was evaluated for four hypothetical groups:

- Residents living near the Site
- Someone doing construction on the Site (onsite construction workers)
- Someone working on the Site after development – (commercial/industrial worker)
- Trespasser walking on the Site

The HHRA did not include soils in the stockpile, and evaluated the site as-is, without any soil covering. The location and amounts of the chemicals found at the Site without site controls and before cleanup were used to estimate risk. It was determined that the potential risk levels for residents living near the site or walking or playing next to the Site were very low. The potential risk calculated for a construction worker, commercial/industrial worker or a trespasser, while higher, was also within an acceptable range.

The cleanup plan proposes to remove the entire soil stockpile as well as the most contaminated soils known as "hot spots". The remedy includes soil sampling around the "hot spot" areas on the Site to refine the boundaries of the areas to be excavated. The "hot spots" will be removed to a depth of 4 feet. Following excavation, a lightweight geotextile fabric will be placed over existing site soils, and a contamination free one-foot-thick layer of clean imported soil material will be applied to the entire site eliminating any exposure. The site will be maintained pursuant to an operations and maintenance agreement and plan to ensure that the community is protected in perpetuity. As part of this agreement, DTSC will require the property owner to inspect and maintain the property and to annually report to the agency on the completion of this work.

DTSC requires that all workers follow safety measures during the cleanup activities. These measures will help protect nearby residents from dust or chemical exposure. DTSC will oversee all Safety measures. Safety measures will include:

- Dust monitoring around the Site while work takes place;
- Water trucks will spray water on the Site to keep the dust down;
- Stopping work if wind conditions make it unsafe for workers and the surrounding community; and
- Use of additional field safety protocols to prevent exposure during the COVID-19 outbreak.

Master Response 6: Disposal of Excavated Soils from PureGro Site

DTSC considers the following factors when deciding where to dispose of contaminated soils:

- Contaminant types and levels in excavated soil
- Transportation routes and distance from the Site to a landfill
- Potential impacts of moving contaminated soils in trucks to a landfill Impacts to communities surrounding the landfill
- The landfill capacity and permit for acceptance of the contaminated soil

Sampling of contaminated soil must take place before the soil goes off the Site and to a landfill. The sampling must follow DTSC guidance and regulations. DTSC will review sampling data and confirm that soils go to an authorized, permitted landfill facility. Additionally, DTSC will verify the permitting status of the landfill facility.

Currently, the following three facilities are listed as possible disposal locations:

- 1) La Paz County Landfill, Parker, Arizona
- 2) Northwest Regional Landfill, Surprise, Arizona
- 3) Painted Desert Landfill, Joseph City, Arizona

During transportation, soils must meet labeling requirements set by the Department of Transportation. Also, the soil must have a manifest to document what contaminants are in the soil and where the soil is going.

The transportation route for use by trucks coming into and out of the site is prepared with community safety in mind. DTSC requires that the route minimize the amount of truck traffic through nearby neighborhoods, meaning the shortest and safest route will be required between the site and Highway 78/111.

Master Response 7: Community Safety During Cleanup Activities

DTSC is committed to keeping the community and workers safe and to protect the environment during cleanup work at the Site.

DTSC understands that community members have concerns about the potential for exposure to windblown dust from the Site during cleanup activities. DTSC will oversee dust control and mitigation measures that take place at the Site including but not limited to dust monitoring at the Site boundaries, wetting of soils using substances to make soil stick to itself called “tackifiers”, tarps, and other means of dust control. This will protect the community during the Site cleanup activities. In addition to DTSC’s requirements, workers must also follow dust control plans, rules, regulations and requirements set by the Imperial County Air Pollution Control District (ICAPCD).

Per the ICAPCD, the contractor must check dust at the fence-line upwind and downwind of the Site. To prevent dust migration, ICAPCD rules limit the amount of site-related dust that can be in the air. On windy days, work will pause, and workers will wet the soil to prevent and control dust generation. DTSC will send work notices to residents in anticipation of the commencement of fieldwork.

DTSC conducted an environmental study called an Initial Study for the cleanup activities. The purpose of the Initial Study was to determine if the remedial activities would have any significant effects on the environment, and if so, to develop mitigation measures that would render them less than significant. The Air Quality section evaluated potential air emissions from the cleanup activities including exhaust from the trucks moving dirt on the site, transporting soils to a landfill and other factors. Based on the evaluation, it was determined that construction activities would not cause a significant impact to air quality.

For worker safety, remediation work will pause when the heat or other weather conditions create unsafe working conditions. When work stops, monitoring, maintenance, and dust control at the site will continue in accordance with the site-specific Dust Control Plan following ICAPCD guidance. Until the stockpile is removed, it will continue to be covered with erosion control blankets.

Master Response 8: Groundwater Evaluation and Remedy

Groundwater sampling took place in 2005 and 2008 and continued every year from 2010 until 2019. Groundwater at the Site is between approximately 20 and 30 feet below ground surface. Site related contaminants have been detected above screening levels in groundwater at the center of the site, within Site boundaries and have not been found to be migrating off-site. This is due to a very slow groundwater flow. In the past 9 years, only a few samples have detected elevated levels of contaminants above screening levels.

The groundwater remedy includes monitoring in accordance with the Groundwater Monitoring Plan to ensure that contaminant levels remain low and do not migrate off-site. The remedy includes installation of new monitoring wells that will allow DTSC to track groundwater concentrations and groundwater movement on site. The remedy also includes an Operation and Maintenance Plan (O&M Plan) which will provide for long-term stewardship of the monitoring activities at the Site. DTSC will continue to oversee monitoring activities to ensure that the remedy remains effective. That oversight includes reviews of remedy performance and effectiveness every five years after completion of the remediation.

A LUC will also be recorded on the property to prohibit drilling or extracting groundwater from the Site. Both the O&M activities and LUC requirements will be reviewed on an annual basis. The LUC and O&M activities will remain in effect in perpetuity, or until DTSC determines that the Site no longer needs them.

The groundwater under the PureGro Site is not used for drinking water or to irrigate crops. Groundwater has high salinity and can only be used for industrial purposes. The remedy is designed to impede site contaminants from continuing to impact groundwater by constructing a specially designed cover (engineered cover) on the entire Site. The cover will include a demarcation layer (i.e., lightweight geotextile) and 1-foot of soil materials. These layers will create a barrier over the Site to prevent exposure to the soil and minimize surface water infiltration associated with surface water ponding. A Remedial Design document will contain the specific details of the cover design. A DTSC Professional Engineer will review and approve the Remedial Design document before the cover is installed. Monitoring the integrity of the cover will be included in the O&M activities. If monitoring data reveals that the cover is not performing as designed, or if the groundwater use designation changes, DTSC will re-evaluate the remedy.

Former PureGro Company Site, Brawley, California Responsiveness Summary

Public Comment Period November 13 – December 17, 2019

Comments Received from the Community Regarding the revised Draft Remedial Action Plan

1) Comment submitted by Mr. Archie T. Surbida, Resident, public comment form received by mail November 20, 2019:

Comment number	Comments/Questions	Responses
1.	Alternative 5 is a very good Idea. I Like it.	Thank you for your comment.

2) Comments submitted via letter from Comite Civico del Valle & Greenaction for Health and Environmental Justice, received by e-mail dated December 3, 2019:

Comment number	Comments/Questions	Responses
1.	All contamination must be removed from the site due to its proximity to homes, with the site being remediated to residential standards	Thank you for your comment. Please see Master Response #2 and 3.
2.	What is the purpose of a “protective cover” over part of the site, as that indicates that the cleanup of the site will not be complete – which is unacceptable.	Thank you for your comment. Please see Master Response #3.
3.	Comite Civico, Greenaction, and the California Environmental Justice Coalition insist that contamination must only be disposed of at a facility with the least possible environmental justice impact, to a facility not sited with racially discriminatory permit processes, and to a facility not operating on an expired permit. Therefore, the soils and contamination must not be sent to the Kettleman Hills, Buttonwillow or Westmorland hazardous waste landfills, as all three have major environmental justice impacts, were all sited with racially discriminatory permit processes, and all	Thank you for your comment. Please see Master Response #6.

	three have expired permits. In addition, the material must not be incinerated. Also, we do not support shipping the contamination to out of state solid waste landfills that accept California hazardous wastes.	
4.	DTSC must conduct extensive soil testing in the neighborhoods immediately adjacent to the site to determine if contamination has spread beyond the property boundary, and if so, conduct remediation of all impacted areas.	Thank you for your comment. Please see Master Response #1.
5.	DTSC must work with Comite Civico and the rest of the community to develop and implement a plan to protect residents and the environment from further contamination and exposure during remediation, waste and soil removal, and transportation to an appropriate disposal site. DTSC should consult with Comite Civico to determine if temporary relocation of nearby residents must be offered due to the proximity of homes to the site where soil excavation, removal and transport will occur.	<p>Please refer to Master Response #7. Prior to implementing the proposed remedial action, a workplan and/or design document will be developed which will include specific protocols to ensure the safety of on-site workers and nearby residents during remedial activities. The DTSC approved workplan will be made available to the community, and a work notice will be sent to nearby residents- to notify them of timing and details of specific actions planned.</p> <p>Dust suppression through watering of soil and-perimeter dust monitoring techniques will be used during remedial activities. Work stoppages will be implemented when wind speeds increase the potential for dust to be carried beyond the fence line. The health and safety measures implemented during cleanup activities will be protective of the community and relocation of residents will not be necessary.</p>
6.	DTSC's work on this project is subject to the mandates of the Kettleman City Title VI settlement agreement as well as state and federal civil rights laws and policies.	Comment noted.
7.	Comite Civico and Greenaction support the proposed removal of the soil stockpile, excavation and removal of other targeted soil, creation of buffer zones, and long-term institutional controls and groundwater monitoring.	Thank you for your comments. DTSC appreciates your ongoing interest and input on this project.

3) Comments submitted by Mr. Humberto Lugo, letter received by e-mail dated December 5, 2019:

Comment number	Comments/Questions	Responses
1.	While the facility itself may be industrial, the surrounding community is residential and thus deserves to be treated as a residential zone. All of the contamination must be removed from the site because of its proximity to homes. The site should be remediated to residential standards.	Thank you for your comment. Please see Master Response #2 and 3.
2.	The remediation should include extensive soil testing in the neighborhoods immediately adjacent to the site, soil sampling for areas within 1320 feet (see image 2B page 5 & Image 7) of this facility. We believe this assessment should include soil sampling, as well as indoor dust sampling (including attics) of residential homes. The assessment should test for organochlorines and other relevant toxicants known to exist in the area. This would allow us to determine if contamination has spread beyond the property boundary.	Thank you for your comment. Please see Master Response #1.
3.	The remediation should include a community health assessment.	Thank you for your comment. Please see Master Response #4.
4.	DTSC should responsibly transport and dispose of the waste while abiding by California Hazardous Waste Regulations. The contaminated and excavated soil should be disposed of in a proper manner, without placing this burden onto another community.	Thank you for your comment. Please see Master Response #6.
5.	Zero emission equipment should be used for all remediation activities.	Thank you for your comment. Please see Master Response #7. As documented in the air quality section of the California Environmental Quality Act (CEQA) Initial Study, remedial activities (including construction) will not exceed emission thresholds set by the Imperial

		<p>County Air Pollution Control District (ICAPCD). The Initial Study calculates air emissions from the activities planned during remediation. When the calculated emissions values are compared to the ICAPCD thresholds, they are significantly lower. Therefore, the emissions will have a less than significant impact.</p> <p>During remedial activities all trucks and equipment used for remediation activities will meet current and appropriate standards that are set by the California Air Resources Board. Also, all requirements set by the ICAPCD will be followed. Per ICAPCD guidelines, truck and equipment emissions will be minimized either by shutting equipment off when not in use or reducing the time of idling to 5 minutes as a maximum.</p>
6.	As a frontline community member of the California Environmental Justice Coalition, I support Greenactions & CCV comment letter, and I encourage DTSC to strongly consider our requests.	Thank you for your comments. DTSC appreciates your ongoing interest and input on this project.

4) Comment from Mr. Luis Olmedo, Comite Civico Del Valle, Transcript by Court Reporter during Community Meeting, December 5, 2019:

Comment number	Comments/Questions	Responses
1. Transcript	<p>Okay. So I'll speak to you. 50 years of this facility operating, nearly 40 years that these homes have been there. I actually -- if there was a road crossing PureGro, my house is just right on the other side of the tracks. Okay? So this is my neighborhood, too. Okay?</p> <p>DTSC never accounted for the homes to the west. That means that I was not considered. My family, my parents, who still live there, were not considered in your plans.</p>	Thank you for your comments. Please see Master Responses #1-7.

People who live to the east are not part of your plans, either, because DTSC determined that regardless of the history, regardless of the explosions that happened, regardless of the stories, regardless of all the people who have been dying and are suffering with cancer and asthma and other health illnesses, regardless of all of that, DTSC determined that with all your signs, the contamination is only in that property, despite you having witnessed people who are saying that that contamination reached their home.

I have asked DTSC numerous times to sample the neighborhood. I have been told by DTSC officials that that's not going to happen because it's a concern of the cost and what they could find. Okay? This is what DTSC has told me.

Now you come here and you give this small group three minutes to tell you their story and their experience of 50 years of suffering there, and you have a little ringer there that goes off after three minutes. DTSC should be ashamed of that.

Do you give three minutes to Chevron to make their case as to why they shouldn't go and dig out 100 percent of that contamination? Did you give them three minutes?

Okay. So DTSC needs to clean up, needs to demand and require that all the contamination be removed, that it doesn't get shipped to another environmental justice community, that the community get sampled across the street, to the east and to the west, to get samples in the neighborhood, to go out there, do wipe samples and collection of dirt, go out

there with whatever equipment you have and go out there and sample.

Now, we've asked that for a year -- over a year now. It's been over a year, and you haven't done it. So this is just another meeting where you're just dragging along the community, bringing them in to listen to the same plan, basically. And as Miguel said, just basically selling your obligation, very minimal obligation, selling it as a community benefit. It's not a community benefit.

You need to get that dirt out, you need to ship it out, you need to put it not in another environmental justice community. You need to ship it out to a place that will never harm another community ever again. Don't ship into our -- one of three toxic dumps that exists on low-income, farm-working communities. Because Westmoreland is one of them. We are home to California's worst hazardous waste, Class 1 hazardous waste. So is Buttonwillow, and so is Kettleman.

DTSC has had racist policies that are affecting us today. You brought the community to the American Citizens Club. I appreciate the welcoming, but DTSC should know, when you read American Citizens, it may be a discouragement for some people. Okay? Not that this facility -- and I very much appreciate *Tony and *Lola/Olga, and it's nothing of them. But DTSC should know better.

You brought in Chevron here to talk with name badges that don't say who their affiliation is. That is deceitful, and you're putting our community at risk. That should have been thought out. And make sure that that goes on the public record. And it doesn't matter,

	<p>because I already sent it to Sacramento. And there's a lot more documentation that I'm going to send of your poor behavior.</p> <p>Now, last time you came out here, you said, "You know what? Nothing goes above me."- That's very arrogant. But now I understand that to show up in a low-income community that is suffering, come in here with a tie, a suit, you know, looking like a politician -- obviously, you don't understand our community.- And if the buck stops with you, as you said earlier, then we're in trouble.- We need to go above you, because you've clearly had a whole year to come up with a better plan, and you didn't.</p>	
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5) Comments submitted by Eric Montoya Reyes, a resident of Brawley, public comment form submitted and Transcript by Court Reporter during Community Meeting, December 5, 2019:

Comment number	Comments/Questions	Responses
1.	Generations of exposure to the PureGro Plant followed by almost 20 years of exposure to known contaminated soil in open areas of the razed building and abandoned site has to be remedied by removing all contaminated soil, leveling the land through soil removal to the lowest safest level and/or residential level to blend with the surrounding neighborhood	Thank you for your comment. Please see Master Response #2 and 3.
2.	And a comprehensive health survey of neighborhood	Thank you for your comment. Please see Master Response #4.
3.	And new soil sampling. The doubt and anguish of the residents has to be respected and their lives made whole.	Thank you for your comment. Please see Master Responses #1 and #5. At this time, additional soil samples are planned to be collected on-site to define excavation areas that will take place as part of the remedy.

<p>4. Transcript</p>	<p>Can I hold it, or you have to hold it?· You have to hold it?· Is that some type of policy that we didn't have before?· Previous meetings, we were allowed to hold the microphone.· We're adults.</p> <p>Well, that's pretty restrictive and pretty poor for a public meeting. Just have to say it for the record. Eric Reyes, 1128 Elm Court.</p> <p>·The reason I wanted to have Dr. Martha Garcia on there, as a resident also, is because she exemplifies and personifies what that area meant to the people that moved there.· It was a -- self-help, self-equity lots where you put sweat equity, where you worked your time to put in for the down payment that they didn't have. These were low-income, majority farm workers, limited education, as Dr. Garcia said about her parents. And they put the time and effort to build their home.</p> <p>It was sold to them as a promise of a better future. It was sold to them as a promise that the sacrifice they're making, as workers, for the children, would someday pay off for them to move forward, as Dr. Garcia has, and *get leases from them and get the college education or* college lease and get – and become at a higher level of education, resources that they, as parents, didn't have. They made the sacrifices for their children. That's what we believe in.</p> <p>They were told that this house was going to be established and be a stable community where they could springboard. That was their dream. They thought they were achieving the American dream.· That's what we all strive for.</p> <p>And they didn't know about land usages. They didn't understand CEQA.· They didn't understand these issues that many of us, who work in these type of industries, understand and we look for.· What they didn't</p>	<p>Thank you for your comments. Please see Master Responses #2, #3, # 4 and #5.</p>
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know they were buying into was a community that had a toxic waste lead on top of them, that they were cornered by the railroad tracks, later on a beef plant, and PureGro.

And then when they closed down and they razed it, it was no -- pollutants that no longer even used in the United States, how dangerous they are, DDE, DDT and other cancer-causing chemicals. They were sold a bill of goods, as you would say. And why? Because the State Department that's in charge of making sure the health and welfare of our community is taken care of has taken how many years? 20 years since it's been razed. 17 years since they were found to be contaminated.

And we're here today, two years even after the last final solution was brought to us. And you've come forward, and to the lady from Chevron, I'll say, yes, it is an improvement. Yes. Because the first plan was crap. You were going to leave the contaminated soil, spread it, cap it underneath and cap it on top and monitor it. That was wrong. Had you met this way two years ago, with your final solution, I can only imagine where we'd be at today.

We respectfully ask you to respect the Community. It's residential all around. It should be left at residential. Other projects have been made to clean out and leave it at schools, as an example, and other areas. This is what you call lack of respect for the community. And we ask -- as Dr. Garcia very emphatically said they will never know. The anguish and pain those families have. And there's so many names of people who have passed away. A classmate of mine who lived there, *Juleana Cortes, she passed away from cancer. I know friends of mine who live there, *Lupe Soto and so on, who have had cancer and lived in that area. And so many other people that we know have passed away.

	<p>Now we have a second generation living there, and they really don't know about the dangers. We've tried to educate them, but they're not as pointed in it because they didn't put the sweat and the tears that these other people did to make a better life. And what were they left with, instead of an American dream, is an American nightmare.</p> <p>Hopefully, you will respect the community, you'll do what's right, you'll do a comprehensive health survey, and you do continued sampling.</p> <p>I think your risk assessment is old, and definitely your soil sampling is 20 years old, I believe. And your risk assessment is 10 years old. You're making decisions based on that. I think that's incomplete, and I think it's a discredit to the community and those who have suffered and all the families who continue to suffer and who will never know whether it's because they live there and that's why they have cancer and why their children have cancer.</p> <p>. . . . Thank you.</p>	
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6) Comments submitted by Ms. Isabel Solis, a resident of Brawley, public comment form and Transcript by Court Reporter submitted during Community Meeting December 5, 2019:

Comment number	Comments/Questions	Responses
1.	<u>Cleanup</u>	Thank you for your comment.
2. Transcript	<p>Good evening.</p> <p>Mr. Peter Garcia said it takes a while; takes time. We have waited plenty. How many more years will we need to wait for justice to be served?</p> <p>I heard somebody say, "Where are the residents?" I'll tell you where the residents are. They are unable to be here.</p>	<p>Thank you for your comments. DTSC's mission is to protect the people of California from the harmful effects of hazardous chemicals. DTSC commits to implementing a cleanup that is protective of the people of Brawley and complies with California law. DTSC is committed to implementing the Remedial</p>

	<p>My parents were original owners, and I want to mention the names of the families who have lost family members to cancer: Familia Castillo, Familia Reyes, Familia Garcia, Familia Buenrostro, Familia Valensuela, Familia Silva, Familia Garcia, Familia Moreno, Familia Mendosa, Familia Soto, Familia Reyes, Familia Islas. How much longer do we need to wait? How many more lives need to be lost? Will my children have to fight this fight, or will it be my grandchildren? Isn't it enough time? · · Thank you.</p>	<p>Action Plan as soon as possible to address community concerns with this Site.</p>
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7) Comments submitted by Dr. Martha Garcia, a resident of Brawley, public comment form submitted, and video played, Transcript by Court Reporter during Community Meeting December 5, 2019:

Comment number	Comments/Questions	Responses
1.	<p>I grew up on North Adams in Brawley and as a child it became the norm to smell a horrible stench coming from the PureGro company. However, as a daughter of farm workers, I did not realize the harm these toxic fumes could cause. My father continues to reside on that street. My mother passed away from cancer two years ago and I will always wonder if these toxic fumes had an implication. Therefore, I am demanding the sampling of the surrounding residential area,</p>	<p>Thank you for your comment. Please see Master Response #1.</p>
2.	<p>Ground water clean up</p>	<p>Thank you for your comment. Please see Master Response #8.</p>
3.	<p>And the development of a new risk assessment. Thank You</p>	<p>Thank you for your comment. Please see Master Response #5.</p>
4. Transcript	<p>Hi.· This is Martha Garcia.· I am here to make a statement in regards to the PureGro company. I grew up in with my parents.· My parents lived and my father continues to live there.· We started living there in 1984.· And as a child, it became the</p>	<p>Thank you for your comments. Please see Master Responses #2, #3 and #8.</p>

	<p>norm to smell a horrible stench coming from PureGro. And I never realized, as the daughter of a farmer – who both completed formal education -- that these toxic fumes could impact our health.</p> <p>My father continues to live on that street. My mother passed away, from cancer, two years ago, and I will never be able to know and will continue to wonder if these toxic fumes had an implication. Therefore, I am demanding, as someone that grew up on that street, that there be a residential clean-up, a reassessment and a clean-up of the groundwater. Thank you.</p>	
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8) Comments submitted by Ms. Elva G. King, a resident of Brawley, public comment form submitted during Community Meeting December 5, 2019:

Comment number	Comments/Questions	Responses
1.	The residents are low economic level people who need to know if the neighborhood is unhealthy. As a health advocate/promotora de salud, I work this neighborhood and know their issues and want them to be free of worry about where they live. They already have enough problems. Please clean the neighborhood to best level	Thank you for your comment. Please see Master Responses #2, #3 and #4.
2.	And study the area to see if there are dangerous chemical. Thank you.	Thank you for your comment. Please see Master Response #1.

9) Comments submitted by George Valenzuela, a resident of Brawley, public comment form submitted during Community Meeting December 5, 2019:

Comment number	Comments/Questions	Responses
1.	Clean neighborhood to a safe healthy level. Cancer everywhere.	Thank you for your comment. Please see Master Responses #2, #3 and #4.
2.	Study neighborhood	Thank you for your comment. Please see Master Response #1.

3.	And sample the soil.	Thank you for your comment. Please see Master Response #5. At this time, additional soil samples are planned to be collected on-site to define excavation areas that will take place as part of the remedy.
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10) Comments submitted by Rosendo Garcia, a resident of Brawley, public comment form submitted during Community Meeting December 5, 2019:

Comment number	Comments/Questions	Responses
1.	Please gather sampling of the surrounding residential area.	Thank you for your comment. Please see Master Response #1.

11) Comments submitted by Robert R. Montoya, a resident of Brawley, public comment form submitted during Community Meeting December 5, 2019:

Comment number	Comments/Questions	Responses
1.	Full Cleanup of Site to Residential Level is Needed	Thank you for your comment. Please see Master Response #2 and #3.
2.	And a Health Assessment of the Neighborhood.	Thank you for your comment. Please see Master Responses #4 and #5.

12) Comments submitted by Frank Chavez, a resident of Brawley, public comment form submitted during Community Meeting December 5, 2019:

Comment number	Comments/Questions	Responses
1.	The neighborhood deserves to have all of the site to be left at a residential level as the surrounding land parcels are zoned and is in front of a residential neighborhood.	Thank you for your comment. Please see Master Response #2 and #3.

2.	The neighborhood also deserves sampling of the surrounding neighborhood to know if the toxic chemicals are present in their neighborhood.	Thank you for your comment. Please see Master Response #1.
3.	There should be a new risk assessment updated from the 10 year old assessment. Please make our community whole.	Thank you for your comment. Please see Master Response #5.

13) Comments submitted by Johnny Wheel's, a resident of Brawley, public comment form submitted during Community Meeting December 5, 2019:

Comment number	Comments/Questions	Responses
1.	10 year Plan, No industry, No commercial, PARK, Low Water/Wise Landscape's, Community Playgrounds, Teen Center	Thank you for your comment. Please see Master Response #3. DTSC has jurisdiction over the investigation and remediation of hazardous substances at the PureGro site. Future use of the property is governed by City code and the property owner. For questions on future land use options DTSC encourages comments to be relayed to the City of Brawley.

14) Comments submitted by Jerry Gauna, a resident of Brawley, public comment form and Transcript by Court Reporter submitted during Community Meeting December 5, 2019:

Comment number	Comments/Questions	Responses
1.	When the IID was made to remove contaminated soils at Phil Swing School. They moved it to Arizona, we don't want Chevron to send it to Westmoreland, California. Send it out of our county and state. Chevron can afford. If you can't	Thank you for your comment. Please see Master Response #6.

	do it, then we hope Governor Newsom will make the changes in state commissions. Thank you.	
2. Transcript	<p>I'd like to welcome everybody here on behalf of the Brawley American Citizens Club. Thank you for coming. And this is a battle that has been fought for a few years, and we started it, but it's been going on for 40 years.</p> <p>What can be done? Like Fred said, all -- we went to all those meetings, nothing but promises. "Oh, we'll do this, we'll do that. State people are coming out; we'll do that." Nothing. Now, it's to the point where they're suggesting that they're going to remove all the dirt, and -- go four feet down. And if it's four feet down and it's still contaminated, I expect that they'd better keep going down. Because we will not accept it if that's not done. We're not -- we're in this fight to the end. And we do not fear Chevron, the politicians, or anybody. We want our people to be heard and respected.</p> <p>. . . . Thank you.</p>	Thank you for your comment. Please see Master Response #2 and #3.

15) Comments submitted by Ray Castillo, Imperial Valley Board of Supervisors, Transcript by Court Reporter during Community Meeting December 5, 2019:

Comment number	Comments/Questions	Responses
1.	<p>The County of Imperial has expressed deep concerns about possible contaminants and damage to nearby single-family homes located within the area and two schools within a half mile of the former PureGro site.</p> <p>Our main events are common throughout the year in our community, and the County is highly concerned about the risk that contaminated soil remaining on the</p>	Thank you for your comment. Please see Master Response #2 and #3. DTSC appreciates your continued input and interest in this project.

	<p>former PureGro property site poses to our disadvantaged community.</p> <p>The County remains in full support of requiring Chevron to conduct an extensive clean-up by removing all contaminated soil from the PureGro site. The County has requested the Department of Toxic Substance Control to respect the community, community's concerns, and future development of the area by requiring that Chevron bring the former PureGro site to the level of residential zoning standards.</p> <p>The County of Imperial will continue its support efforts, seeking a full and extensive clean-up of the former PureGro property for the protection of our residents, nearby properties, and the City of Brawley.</p> <p>So thank you to DTSC. And let's hope that maybe this is the time that the remediation will take place and to the satisfaction of the residents of Brawley.</p> <p>. . . . Thank you very much.</p>	
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16) Comments submitted by Thomas Perez, resident of Brawley, Transcript by Court Reporter during Community Meeting December 5, 2019:

Comment number	Comments/Questions	Responses
1. Transcript	<p>Hello, everybody.</p> <p>My name's Thomas Perez. I live about two blocks from the PureGro, so I kind of grew up with the problems that PureGro brought to the community, to the neighborhood. And I just found out, not too long ago, that -- this friend of mine that worked there told me that the majority of the people that worked there, for PureGro, are no longer here with us. They all passed away. About 90</p>	<p>Thank you for your comment. Please see Master Responses #2, #3 and #6.</p>

	<p>percent -- about 90 percent of the people that worked there are no longer here.</p> <p>So what does that tell us? What kind of place was that, or -- anyway, we brought up the time when they had a big fire and explosion. We could see those 50-barrel drums up in the air, like they show in the movies, like Vietnam, and all that, and it broke a window in my house. And it was -- and the neighborhood was evacuated. I took my little dogs and my family, and out we go, across town.</p> <p>Anyway, if I heard right tonight, that they say they were going to haul this stuff out of the neighborhood -- is that what they're doing? Okay. That's what we wanted. That's what we -- I believe I attended all the meetings, and I don't know how to put this in words, but every time we went to a meeting, they wanted suggestions. "What are we going to do?". In every meeting.</p> <p>I asked -- in one meeting, I said, "We don't need no more suggestions. Just haul that stuff out of the area. That's what we need. That's what the neighborhood needs. Make it safe for everybody."</p> <p>So, I'm glad to hear that, and I want to thank all the people responsible, the City Council, the Comite. Because I remember when I used to go to the City Council before, I was about the only one there, and nothing was getting done. So I'm very proud, I guess, and I want to thank all the people responsible now for it that brought this to this conclusion right now.</p> <p>. . . . Thank you very much.</p>	
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17) Comments submitted by Miguel Hernandez, resident of Brawley, Transcript by Court Reporter during Community Meeting December 5, 2019:

Comment number	Comments/Questions	Responses
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<p>1. Transcript</p>	<p>So, I'm Miguel Hernandez, resident of Brawley, 1605 C Street.</p> <p>. . . . Well, first of all, I do want to acknowledge that we took a small step into progress. It looks a lot better than what was presented before, in regards to the plan. However, I think, first, the setup of this meeting - it's is not helpful at all. We're here to see what the update was. Unless you read the new update, then you will know. But as a regular community member, you don't even know what the update is. And other than approaching your posters, I don't even know what to ask. Like, what should I ask? What if it's my time -- I'm hearing about this for the first time?</p> <p>. . . . I think it could have been done a lot better. Just this -- what we're doing right here, I don't think it's appropriate. I don't feel comfortable being so close to you. Sorry about that. But just that that thing is -- I don't think it's respectful to myself. That's one thing.</p> <p>. Another thing is that now we listen to you and your posters, I think it's fair, for the rest of the community now, for you to go and listen to our posters. I think you should go out there and ask the story behind each poster. That's for DTSC and Chevron and whoever's responsible for this. I think it's about time for you guys to listen to what the community has to say, to make sure that it's not just clean-up, it's not just the removal of the stockpile, but also all the cumulative impact that this all has, the beef plant and all that stuff that's around there, and do the sampling around the area, make sure that everything gets addressed.</p> <p>Don't sell your obligations, for what you're supposed to do as DTSC, as a community benefit, because that's not it. You're supposed to be doing your job here. You're supposed to be protecting our community, not siding with Chevron, not whoever. You should be doing your job and not selling it as a benefit.</p>	<p>Thank you for your comments. Your input regarding the community meeting format has been noted. Additionally, please see Master Response #1.</p>
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18) Comments submitted by Rosalinda Garcia, resident of Brawley, Transcript by Court Reporter during Community Meeting, December 5, 2019:

Comment number	Comments/Questions	Responses
<p>1. Transcript</p>	<p>Good evening.</p> <ul style="list-style-type: none"> · I'm here to ask the DTSC that they have to control what is toxic in that area. I bought my home seven years ago in that area. I lived in the east side Brawley for all my life. I've never left the east side. And I can tell you right now, I work in health -- in the health area, and I've been amazed, for the last seven years, how many people that are living in my neighborhood have passed away from cancer. And not only that, I'm in here an hour later because I myself am dealing with cancer from a family member that lives on the east side.· And who's to know where she contracted that.· Could it have been from the Santa Ana winds blowing to the east side and putting all those toxins into the air? <p>As a little girl, I recall smelling fumes coming in through the air-conditioning and playing outside and thinking, what's that horrible smell? Finally, as an adult, I realize what it was. And now that I've been going to these meetings -- we just get promised all kinds of things, "We're going to dig it up, we're going to take it out, we're going to cover it." And no solutions. We go round and round. It's a merry-go-round going round and round.</p> <p>If I would have known what I know now, seven years ago, I wouldn't have ever purchased my property close to that.· The real estate didn't care what was in that vacant lot.· My kids played in that vacant lot until one of my neighbors came to me and said, "Hey, do you know what's in that vacant lot?"</p> <p>I'm, like, "No."</p>	<p>Thank you for your comments. Please see Master Responses #1-6.</p> <p>DTSC has no data indicating that contaminants migrated off-site from PureGro. In addition, the approved human health risk assessment did not indicate a risk to the residents from dust blown from PureGro to the neighborhoods. Home grown produce and fruits should not be a concern since the approved HHRA did not indicate a risk to off-site residents.</p>

Once I was told, I was, like, okay, so my kids didn't no longer play in that area. But I still live in that area, because I couldn't, like, get up and sell what I had just purchased.

And then I'm thinking, okay -- I lay in bed thinking, okay, well, all these houses have fruit trees, and who's to say that all that soil is not contaminated?

So, you guys need to test that soil, surrounding soils, and make sure there's no toxins in those soils. What if we're all eating that fruit, and it's all Contaminated? Who's to know?

So, I look at my fruit trees now, and I feel sorry, because I haven't been eating the fruit for the last three-to-four years. After I found that out, I'm, like, oh, no; I don't think so.

So, I mean, why? Why should we live like that? Why can't we have clean land? Why -- there's no reason.

I know Chevron comes in and thinks, oh, you guys, you know, I guess, kind of carrying all this power and stuff, but we're a community. There's people here that I've known for a long time, people have known my parents. We've lived here. But if you would go back and see the records of how many people have passed from cancer -- different type of cancers, not just a particular type. And a lot of them are from internal organs, like organs that don't normally -- no. Just -- I can't declare much, but the status of what's going on in the healthcare that we see where these people are coming from, the majority of these people are from the east side of Brawley. So I'm just, like, really amazed.

And I -- I'm here to ask -- or to demand that we have clean lands; and when you do take those toxins, they evaluate the depth of how deep that toxin is and remove, completely, all of it. And when they do remove it that they take it to a place where it doesn't harm any more people.

It's not fair to go and dump it somewhere else

and let somebody else deal with it, because it's not -- that's not fair. That should not be their problem, and it should not be anybody's problem. That should just be put somewhere it no longer exists and get near people. That's my feeling with that.

And I do appreciate that you're here, that you guys are looking, but I just feel like we're in a merry-go-round. We go round and round and round and round, with no solution to this problem. I think it's time. Because I'm sure if you come over and I invite you to a big bowl of my fruits that are growing on my tree, I'm sure -- and I should have brought you guys some, because they're ripening -- and said, "Here, have some of my fruit from my very own yard." Would you eat it?

You know how many people do gardens and they grow Calabazas and *sandias and all kinds of fruits and vegetables, and they have eaten it in the past? And up to this day, I don't know if they still do, but I know one of my neighbors does. Would you have eaten that fruit if I brought that to you today? That's my question right now to you. I can go home and grab some. It's ready. I have beautiful oranges and grapefruit in my backyard. Would you like some? Yes or no? It's a yes-or-no answer.

Uh-huh. That's what I thought. Okay. With that said, and with your reaction, I appreciate it. If you dealt with the problem as if those fruits were in your backyard, as if that contamination is in your valley, in your area of your life. Because then it sits in my life. I brought my two little kids at the time to live in that area without knowing the problems, the direct problems. I would have gone way over where half the city councils live, on the west side of Brawley, if I would have known what I know now. But I didn't. And my parents raised us here.

But if you want, you guys really to make it fair, to make an American's -- all those houses that

	<p>were built in that area were an American dream to have a home, to build a home and have a home. And then you guys -- or whoever put all that junk in there, that's not fair. It's not fair to the people that bought the land and people that live there now.</p> <p>And my offer for my fruit still is up for all of you guys. Whoever wants some, I'll bring you some over, and you guys can have my beautiful grapefruits and oranges, if you'd like.</p>	
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19) Comments submitted by Martin Pasillas, resident of Brawley, Transcript by Court Reporter during Community Meeting, December 5, 2019:

Comment number	Comments/Questions	Responses
1. Transcript	<p>Hello. How are you doing, sir?</p> <p>Two years ago, my mother lost her eye. And it wasn't because of genetics or anything; it was because there was a contaminant in the air. There was something going on in the air. Something was just flying by, an it flew down through her eye. She has been struggling now, but I can say she worked that out really good right now. She's trying to keep it day by day. I just wanted to point that out right now, you know?</p> <p>It's -- it's a responsibility to take care of a lot of people, yes. But I just want to know when do you have the time to just think and say, "I need to help these people"? Why? Because they're people. They're humans.</p> <p>And just my last thing, just the last thing I'm going to say: You value more the protection of Chevron and PureGro than the protection of the people in the community? That's all I got to say.</p>	<p>Thank you for your comments. DTSC's mission is to protect the people of California from the effects of hazardous wastes and toxic harm. DTSC commits to implementing a cleanup that is protective of the people of Brawley and complies with California law. DTSC is committed to implementing the Remedial Action Plan as soon as possible to address community concerns with this Site.</p>

20) Comments submitted by Esther Bejarano, resident of Brawley, Transcript by Court Reporter during Community Meeting, December 5, 2019:

Comment number	Comments/Questions	Responses
1. Transcript	<p>Yes. My name is Esther Bejarano. I'm a community health educator. And -- Peter?</p> <p>MR. GARCIA: Peter, yes.</p> <p>· MS. BEJARANO: Peter. So, we've been doing some surveys for the past week, around the community, and I heard you -- I'm not sure if it was you or somebody else that said the priority for DTSC is protect the health. And I just wanted to say we do not need to lie. You know, it's not good to be compulsive liars. Because as I've walking out there. There hasn't been any surveys. There hasn't been any questions.</p> <p>I spoke to somebody who built their houses right across the street. I asked them, "Have you ever had somebody come to your home and ask you anything about PureGro?". Never.</p> <p>I went to over 15 homes in the last two, three days. Everyone has cancer, seizures, pulmonary diseases. Everybody who I spoke to gave me their testimony. It's overwhelming to see the amount of disrespect DTSC has done to that community and to Imperial County, as a whole.</p> <p>I don't understand how you are still standing here with a tie, yes. I don't understand how you can sleep at night. Because if you would have taken one minute and go out there and talk to families, you would see, first of all, the lies that DTSC is saying, and you would understand the frustration and why so many people can't be here today, because they're caring for their 32-year-old daughter that has seizures all of a sudden, that had two strokes.</p> <p>The gentleman across the street, his wife has cancer; she's 83. He's 86; he has bone cancer. His father passed away with cancer. The best friend, across the street, has breast cancer. Everyone has</p>	<p>Thank you for your comment. Please see Master Response #4. DTSC was out in neighborhoods the week of November 18, 2019 interviewing residents and informing them of the opportunity to provide comments on the draft RAP and/or attend the public meeting on December 5, 2019. In addition, a community update in English and Spanish was posted on DTSC's project website and sent to every household within an approximate half- mile radius of the PureGro site that gave information about the cleanup plan being proposed, the date of public meeting and contact information. Anyone who had an email address on file with DTSC was also sent an electronic copy of the notification in English and Spanish.</p> <p>DTSC encourages you to send us your email or mailing address so that we can make sure you are on our mailing list for future updates. If you have any questions please contact Mrs. Elsa Lopez at (818) 717-6566.</p>

	<p>cancer, seizures. Students are depressed because they can't drive to IVC because they have seizures.</p> <p>Everyone in the community is suffering from a health illness. You need to clean up the entire area.</p> <p>We all know that when the air comes, it goes to the east. And you're telling me that you did not take any consideration to those homes. The school is three blocks from there. The principal called us and said, "We need a school notification program, because there is so much asthma, chronically missing school due to asthma."</p> <p>And so shame on you. And you shouldn't even be in that position that you are right now.</p>	
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21) Comments submitted by Stella Jimenez, District Director for Assembly Member Garcia, Transcript by Court Reporter during Community Meeting, December 5, 2019:

Comment number	Comments/Questions	Responses
1. Transcript	<p>Good evening.</p> <p>My name is Stella Jimenez. I'm the district director for Assembly member Garcia, and I'm here on his behalf to reiterate his support to the residents of Brawley.</p> <p>We need to keep in mind that these are the families who reside near, adjacent to the PureGro site, and they are the ones we need to be concerned about. And so I reiterate his support to all of the community, and we ask Chevron to consider what these residents are asking for, what they are demanding, and they reconsider the plan.</p> <p>Thank you.</p>	<p>Thank you for your comment and continued input and interest in this project. DTSC is committed to implementing the Remedial Action Plan as soon as possible to address community concerns with this Site.</p>

22) Comments submitted by Louie Valdivia, resident of Brawley, Transcript by Court Reporter during Community Meeting, December 5, 2019:

Comment number	Comments/Questions	Responses
1. Transcript	<p>My name's Louie Valdivia, and I've heard everybody tonight talking about PureGro. Well, let me tell you something. I worked there. I worked there when it was Pacific Guano. I worked there when they changed it to PureGro. And I'm listening to a lot of these people talking about the contamination, the dust.</p> <p>I mean, here in the valley, most of the winds are out of the west, going east. Some of these people are complaining about the dust going to the west. I don't see how that's possible.</p> <p>There is contamination in that valley. Deep. But it's all fertilizer. Most of the stuff that's there is fertilizer in the ground. There's no chemicals. The only chemicals were when they had that fire and it blasted a lot of tanks. Other than that, I don't know what's going on.</p> <p>Now, I know that there's some stuff buried in that yard that nobody mentions, you know, so I don't know if they ever go out there and look it up, but it's there. But a lot of this stuff that's going on here, you know, people are talking, but they don't know what the hell they're talking about, to begin with.</p> <p>So, you know, Chevron, I'm sure, is trying to do their best to clean it up. Let them clean it up. Because I, like myself, and probably a lot of people, you don't know (inaudible).</p> <p>Thank you.</p>	Thank you for your comment.

23) Comments submitted by Ms. Pasillas for community members not able to attend, resident of Brawley, Transcript by Court Reporter during Community Meeting, December 5, 2019:

Comment number	Comments/Questions	Responses
1. Transcript	<p>So -- I don't need a microphone. So I'm actually here, and I'm speaking for the community members that weren't able to take it out here. So yesterday, I actually had the opportunity to speak with Guadeloupe and her husband, and they lived there for about 40 years. And I just want to say that, you know, she wanted to come out here, and she can't. You know why? Because she has uncontrolled -- she can't breathe.</p> <p>Because -- she was out there in that protest that we had, and she was representing her community, but she couldn't be there because she couldn't breathe, and she had to leave.</p> <p>Her husband, two years ago, had open heart surgery because of the contamination around her area. She has two daughters that grew up there. They went to elementary; they went to a local high school. And as soon as they had the opportunity to leave, they left.</p> <p>How is it that they raised their family and -- you know, you want to see your children succeed. But why is it that -- the main reason they left was because they didn't want to be there anymore. Why is it that they had to abandon their parents and leave to have a better opportunity? Because of the contamination there.</p> <p>And if it's one thing that I can say and speak for them is that they want more things done on sampling. They want the water there to be tested. Because sometimes, you go outside and it smells like ammonia, feces, gas. Is that normal to you? Would you be able to go outside and water your grass and be out there? No. You have to go inside, and your glassed eyes -- or</p>	<p>Thank you for your comment. Please see Master Responses #1, #2, #3, #4 and #8.</p> <p>DTSC is not aware of any odors coming from the PureGro property. DTSC recommends contacting the Imperial County Air Pollution Control District to investigate community odors.</p>

	<p>grassed eyes.</p> <p>And, I mean, example. We should have had this meeting out there, just so you can experience one hour of being near five feet. And I really need you to consider the impact that this has had on a lot of guys. Like Isabel said -- she mentioned all the family names. And let's be realistic. We're all Mexican. Each family has at least, like, what? Ten family members?</p> <p>MS. SOLIS: And that was all in a two-block area.</p> <p>MS. PASILLAS: Yeah. Two blocks.</p> <p>MS. SOLIS: Two-block area.</p> <p>And if you were to account everything around Brawley, what would come up? A lot more. And that's why we need sampling to be done. We need everything that's within more than five feet of that ground to get dug up and placed safely in another area, where it's not going to contaminate somebody just for taking a walk.</p> <p>. . . . Thank you.</p>	
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24) Comments submitted by Mayor Kastner-Jauregui, Transcript by Court Reporter during Community Meeting
December 5, 2019:

Comment number	Comments/Questions	Responses
1. Transcript	Norma -- I'll face this way. Norma Kastner-Jauregui, new mayor for the City of Brawley. And on behalf of the City, I'd just like to say that we're here to listen to the community, to see what their needs are and to see what their concerns are. And we're open to doing what we can, as a city, to address these issues, and we would like for DTSC and Chevron to do everything in their power to meet the demands of our community, to make it a whole community, and to satisfy the needs of our community for a healthy environment.	Thank you for your comment and continued input and interest in this project.

Thank you.	
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25) Comments submitted by Eda Venegas, resident of Brawley, Submitted on December 16, 2019 by e-mail on the Public Comment Form:

Comment number	Comments/Questions	Responses
1.	<p>I agree to support the community to reach a plan with the company "PureGro" since there has been various cases of affected people because of these chemicals, and to think of the future of the children, there are substances and particles in the air even though we can't see them, but when we breathe, they harm our bodies.</p> <p>The wellness and health of my family worries me today and, in the future, and hopefully this doesn't stay in the dark and something really gets done and we are heard.</p> <p>Thank you.</p>	<p>Thank you for your comment. Please see Master Response #4.</p>

26) Comments submitted by Erin Margartia Moraga, resident of Brawley, Submitted on December 16, 2019 by e-mail on the Public Comment Form:

Comment number	Comments/Questions	Responses
1.	<p>In the area where I live there's sources that affect our quality of life and, even more importantly, they affect our health. One of these sources is PureGro's contaminated toxic site that is located blocks away from where I live and sadly very few people are aware. We want to protect our families and we are waiting they do what's best for the community.</p>	<p>Thank you for your comment.</p>

27) Comments submitted by Esther Garcia, resident of Brawley, Submitted on December 16, 2019 by e-mail on the Public Comment Form:

Comment number	Comments/Questions	Responses
1.	To whom it may concern, I want to contribute my point of view as to the situation that is taking place. I think this is something that hurts our health since we are being affected when we inhale the particles emitted by the contaminated PureGro site. I ask the relevant authorities to please address this in the best manner possible since Brawley and its surroundings are affected by this. I ask for their attention since for us, our health is very important, especially our kids'.	Thank you for your comment. Please see Master Response #2, #3, and #4.

28) Comments submitted by Lizbeth Soto, resident of Brawley, Submitted on December 16, 2019 by e-mail on the Public Comment Form:

Comment number	Comments/Questions	Responses
1.	We demand sampling of the surrounding residential area, that the cleanup meets residential health standards, that they develop a new risk evaluation. We want to protect our families and our community from toxic chemicals.	Thank you for your comment. Please see Master Responses #1, #2, #3 and #5.

29) Comments submitted by Eduardo Ortega, resident of Brawley, Submitted on December 16, 2019 by e-mail on the Public Comment Form:

Comment number	Comments/Questions	Responses
1.	It is well known that respiratory diseases, cancer and even blindness can be cause by pesticides to only name a few. PureGro was in operation for 60 years until they doors close. Contaminating not only property	Thank you for your comment. Please see Master Responses #1, #2, #3, #4 and #8. All information related to the project, including sampling data, can be found on DTSC's Envirostor webpage at:

	soils but it is surrounding also do to high winds and dust storms. Before taking any action on cleaning up the site soil and groundwater must be sample and the RESULTS must be shown to PUBLIC.	http://envirostor.dtsc.ca.gov . You can also sign up for alerts to be sent to you when new information is made available. For assistance, please contact the Project Manager, Daniel Cordero or the Public Participation Specialist, Elsa Lopez, via the contact information provided in the cover letter.
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30) Comments submitted by Esthela Garcia, resident of Brawley, Submitted on December 16, 2019 by e-mail on the Public Comment Form:

Comment number	Comments/Questions	Responses
1.	I don't agree with the project it's dangerous for everyone. They need to test the soil first.	Thank you for your comment. The Site has undergone extensive sampling for soil and groundwater. All information related to the project, including sampling data, can be found on DTSC's Envirostor webpage at: http://envirostor.dtsc.ca.gov . You can also sign up for alerts to be sent to you when new information is made available. For assistance, please contact the Project Manager, Daniel Cordero or the Public Participation Specialist, Elsa Lopez, via the contact information provided in the cover letter. Please also see Master Responses #5, #6, and #7.

31) Comments submitted by Jesus & Dahnia Fabela, resident of Brawley, Submitted on December 16, 2019 by e-mail on the Public Comment Form:

Comment number	Comments/Questions	Responses
1.	This is very dangerous for my kids and my community which are full more kids. This will provoke many respiratory diseases and infection and there wouldn't be anyone to take responsibility.	Thank you for your comment. Please see Master Responses #4 and #7.

32) Comments submitted by Jesus Fabela, resident of Brawley, Submitted on December 16, 2019 by e-mail on the Public Comment Form:

Comment number	Comments/Questions	Responses
1.	<p>The property should be treated as a non-active landfill. No soil should ever be remove!</p> <p>We are aware that the New Leaders of the city of Brawley have inherited poor judgment on chemical business approval/permits. Now, PureGro and Chevron should consider this property as a non-active landfill operations. Do not transfer any contaminated soil to a new location or site. This property should be an example for land owners and chemical businesses.</p> <p>You the new Leaders of Brawley, Business and Building Departments. Must work for our future we the resident.</p>	Thank you for your comment. Please see Master Responses #4, #6, and #7.

33) Comments submitted by Maria Luisa Sandoval, resident of Brawley, Submitted on December 16, 2019 by e-mail on the Public Comment Form:

Comment number	Comments/Questions	Responses
1.	To whom it may correspond. I do not agree with the cleaning of the toxic dump located at 1025 River Drive	Thank you for your comment. The Site has undergone extensive sampling for soil and

	<p>in Brawley. We want them to attack their work as it should, before making any movement, examine what is in these lands before causing permanent damage to many people. First, check the area. Because can cause harm to the people we live near the property and especially for children because there is an Elementary School near there. Take into account health mainly. So before taking action, please check the area so as not to affect the community that lives nearby. And show us results.</p>	<p>groundwater. All information related to the project, including sampling data, can be found on DTSC's Envirostor webpage at: http://envirostor.dtsc.ca.gov. You can also sign up for alerts to be sent to you when new information is made available. For assistance, please contact the Project Manager, Daniel Cordero or the Public Participation Specialist, Elsa Lopez, via the contact information provided in the cover letter. Please also see Master Responses #5, #6, and #7.</p>
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34) Comments submitted by Mariela Garcia, resident of Brawley, Submitted on December 16, 2019 by e-mail on the Public Comment Form:

Comment number	Comments/Questions	Responses
1.	<p>I don't agree with the project because it's dangerous for us and our kids. It's not safe to remove the dirt without testing it first.</p>	<p>Thank you for your comment. The Site has undergone extensive sampling for soil and groundwater. All information related to the project, including sampling data, can be found on DTSC's Envirostor webpage at: http://envirostor.dtsc.ca.gov. You can also sign up for alerts to be sent to you when new information is made available. For assistance, please contact the Project Manager, Daniel Cordero or the Public Participation Specialist, Elsa Lopez, via the contact information provided in the cover letter. Please see Master Responses #5, #6 and #7.</p>

Comments Received from Community Regarding the Draft Mitigated Negative Declaration and Initial Study

The following comments were submitted in a letter titled “CEQA Comment on Draft Initial Study/Mitigated Negative Declaration Revised Draft Remedial Action Plan; PureGro Facility in Brawley, CA” submitted by Mr. Luis Olmedo, Comité Civico Del Valle, Letter received via e-mail dated December 16, 2019. Comments and responses have been separated by section of the letter.

Bulleted items listed in Introduction (pgs. 2 - 3)

Comment Number	Comments/Questions	Responses
1.	Off-site sampling in the neighborhood is needed	Thank you for your comment. Please see Master Response #1.
2.	DTSC must do final confirmation soil vapor sampling and analysis using National Contingency Plan (“NCP”) compliant 2015 soil vapor guidance for volatile organic compounds (“VOCs”) to ensure there is no “fair argument” of environmental impacts.	When samples were collected in 2005, they were collected from the areas of highest potential use. A total of 18 soil vapor samples were collected. As described in the Final Remedial Investigation Report, dated August 2014, the soil vapor samples contained low concentrations of VOCs that were several orders of magnitude below the commercial/industrial California Human Health Screening Levels (CHHSLs) for shallow soil gas (CalEPA 2005), and the air monitoring samples contained no detectable concentrations of organochlorine pesticides (OCPs). As presented in the DTSC approved Baseline Human Health Risk Assessment and Ecological Scoping Assessment, dated November 2010, soil vapor exposure is not a pathway due to the infrequent detections of constituents in soil vapor samples at concentrations below CHHSLs. in combination with the low permeability of the soil, absence of buildings at the site, and nature of future redevelopment activities that deem the vapor intrusion pathway as incomplete.

3.	More soil excavation is needed, laterally and vertically to address hotspots.	Thank you for your comment. Please see Master Response #5.
4.	Groundwater treatment should be implemented to remove VOCs	Thank you for your comment. Please see Master Response #8.
5.	More detail on mitigation measure HAZ-2 is needed, including fence line air monitoring during construction.	<p>Thank you for your comment. Please see Master Response #7.</p> <p>As described in Section IX Hazards and Hazardous Materials in the Mitigation Measure HAZ-02, a Dust Control Plan will be implemented during construction. The minimum specific measures that will be implemented as part of the Dust Control Plan are provided in the Initial Study in Section 3.3 on Page xviii and Section IX on Page 43. The measures listed in the Dust Control Plan include both measures set by the Imperial County Air Pollution Control District (ICAPCD) and Project-specific measures that will be implemented to control and mitigate dust associated with the Project.</p> <p>As described in Section 3.3, Page xix, an anemometer will be maintained onsite to gather continuous, real-time wind speed data. In addition, airborne particulates will be monitored with dust monitors in compliance with all applicable regulations to verify and document the effectiveness of dust suppression measures. The location and number of dust monitors may change during the course of construction based on wind direction and other factors, but at a minimum, monitors will be placed at the perimeter of the property on the upwind and downwind sides and will continuously monitor air during Project activities.</p> <p>The performance standards for wind generated dust are identified in Section 3.3 Dust Control and in Section IX, Hazards and Hazardous Resources. The specific performance standards</p>

for Mitigation Measure HAZ-02 wind generated dust are stated on Page 43: *work will be stopped when winds reach 25 mph and work will not resume until wind speeds are below 25 mph.* The performance standards to maintain 20 percent opacity are stated on Page 43: *if Visual Dust Emissions (dust emissions visual by the observer) reach 20 percent, work will be stopped until opacity decreases below 20 percent.*

For assurance that the measures will be implemented, the minimum measures to control dust, including identification of performance standards are included in the Project Description, and the Project will be implemented as described. The Mitigation Monitoring and Reporting Plan (MMRP) which DTSC will adopt with approval of the Project identifies the timing of all mitigation measures and responsible parties for measure implementation. The draft MMRP is included in Appendix E of the Draft Initial Study. DTSC will be responsible for ensuring that all measures identified in the MMRP are implemented throughout construction.

In general, the dust monitoring stations will be positioned at the site perimeter daily to monitor the particulate level upwind (background) and downwind of Project activities. These monitoring stations will continuously record dust concentrations. The dust monitors will be checked periodically as necessary, and downwind dust concentrations will be compared to upwind concentrations. If the downwind station indicates an exceedance, additional dust suppression activities be implemented. Visual opacity monitoring will be performed by trained/certified staff at appropriate intervals to assess visible dust migration from Project activities. Opacity observation time may be adjusted, and frequency increased during potential dust

		<p>generation activities (i.e., heavy truck traffic, soil loadout, material delivery). When opacity observations reach an action level, additional dust suppression activity will be implemented. Opacity readings will be recorded on a monitoring form throughout construction. Because of the transitive nature of construction, the location of monitors may change to accommodate the location of work, equipment being used, and overall conditions at the Site.</p>
6.	<p>Performance standards on cleanup must be specified in plain language.</p>	<p>The performance standards that the PureGro Remedial Action Plan remedy must meet are Commercial/Industrial Cleanup level for the top 4 feet of soil (before clean soil cover) of 1×10^{-5} (1 in 100,000) and 1×10^{-6} (1 in 1 million) for the residential buffer zones.</p> <p>CEQA Guidelines 15140 state that applicable documents shall be written in plain language and may use appropriate graphics so that the decision makers and public can rapidly understand the document. The IS includes simple tables, figures, and maps and is written in plain language as required by the Guidelines.</p> <p>The RAP featured a brief “Community and Executive Summary” that explained the RAP and proposed remedy in plain language. Similarly, numerous public outreach mailings, website updates, meetings, posters, and other materials were written in plain language (in both Spanish and English) and distributed to the community throughout the process.</p>
7.	<p>Inconsistencies in cost estimates must be explained.</p>	<p>Key components to the cost differences for all alternatives proposed in 2018 to 2019 are:</p> <ul style="list-style-type: none"> • The disposal cost estimates per cubic yard have increased.

		<ul style="list-style-type: none"> • The original estimates did not include off-site disposal of the stockpile (+\$3 Million). • Material will now need to be imported for surface drainage and stormwater control. • Costs for long term O&M, the amount of soil being excavated, and other items were refined. • Differences in cover construction
8.	A construction noise significance threshold must be identified and evaluated under the “fair argument” standard.	<p>CEQA requires a Lead Agency to determine the significance of all environmental impacts (California Public Resources Code [PRC] Section 21082.2; State CEQA Guidelines Section 15064). A threshold of significance for a given environmental impact defines the level of effect above which the Lead Agency will consider impacts to be significant and below which it will consider impacts to be less than significant. Thresholds of significance may be defined either as quantitative or qualitative standards, or sets of criteria, whichever is most applicable to each specific type of environmental impact. For the IS, the CEQA Checklist Appendix G thresholds were used to assess whether significant environmental impacts would result from implementation of the proposed Project.</p> <p>As described in Section 2.5, Table 2, the Project will occur over the course of 16 months, with a 5-month hiatus and 11 total months of active construction. The Project’s construction activities will occur over months, not years per the schedule summarized in Table 2.</p> <p>As described in Section XIII, the proposed Project will occur as close as 100 feet from residences along River Drive. This applies to two residences, while the remaining several hundred in the adjoining neighborhood are further from the Project site, with the residences east of the Project site being at least 1,000</p>

feet away. All noise resulting from Project activities will occur during construction. Because of the nature of construction, noise will not be consistent or pervasive throughout the day, and noise levels will rise and fall depending on the location of equipment on the 11-acre site. In most instances, noise sources will be much further than 100 feet from residences on River Drive. On these facts, the IS determines that noise levels, even for the few nearest sensitive receptors will not be substantial compared with existing conditions. Table 16 on Page 55 of the IS summarizes the typical noise levels for construction equipment at 50 feet. Because noise dissipates with distance, the noise levels represented in Table 16 would be less at 100 feet and would be further reduced by the mitigation measures identified in Section XIII.

As identified in Section XII, page 54, the ambient noise conditions in the vicinity of the proposed Project are between 30 and 70 dBA. There are commercial businesses to the west, the Brawley Municipal Airport to the north, and the railroad to the west (within 400 feet of residences). The sensitive receptors currently experience periodic noise increases from the train as well as airplanes taking off and landing at the Brawley Municipal Airport (approximately 700 feet to the north of the Project site). Therefore, when comparing existing conditions to temporary conditions of the Project, the IS/MND determines that noise impacts will increase temporarily but will not increase substantially as described in Section XIII. Because the Project area currently experiences periodic increases in noise, the periodic increase in noise related to construction will not result in a significant impact on the environment.

		<p>With regard to potential health effects of noise, according to the U.S. Environmental Protection Agency (USEPA) physical damage to human hearing begins with prolonged exposure to noise levels greater than 85 dBA. The levels that have the potential for harm are not a single event, or "peak" temporary levels. Instead, harm to human health is associated with extended periods of noise over time such as 8 hours or 24 hours, and over long periods of time such as years (USEPA 1974). The U.S Occupational Safety and Health Administration (OSHA) indicates that effects of noise on hearing could occur for consistent noise levels above 85 dBA for an 8-hour day over prolonged periods (OSHA 2019). The key to the potential for health effects of noise is consistent prolonged exposure for several hours per day at close proximity (within 50 feet of source) and for several years of prolonged daily exposure. Because the Project's construction-related noise would be temporary and would not create consistent noise over 85 dBA or create noise for extended periods such as 8 hours per day, it would not reach the level of creating health effects.</p> <p>As described in Section XIII, page 55, the City of Brawley General Plan does not identify quantitative noise thresholds for construction activities. The General Plan addresses construction noise in Policy PSNE 8.1.2, which provides that construction noise is to be addressed through limits on construction hours (City of Brawley 2017). Consistent with the policy direction in the City's General Plan, noise impacts from temporary construction activity are considered to be reasonably addressed by conducting construction activities between the hours of 7:30am and 6:00pm Monday through Friday.</p>
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		<p>To further reduce potential noise impacts, DTSC will require the implementation of several mitigation measures including installation of a noise barrier or blanket along the southern portion of the Project site as described in Section XIII on page 58. As described in Mitigation Measure NOI-1, the blanket or barrier will reduce noise impacts by at least 5 dBA. As described in Mitigation Measure NOI-02, noise control will be implemented on equipment, and as described in Mitigation Measure NOI-03, equipment, especially stationary equipment which would be expected to produce consistent noise, will be located as far from sensitive receptors as feasible. Only equipment necessary will be used along the southern side of the Project site, and this use will not be consistent or chronic to produce a substantial noise impact.</p> <p>In conclusion, as described in Section XIII of the IS, restricting work hours per the City’s General Plan policy will reduce noise impacts to a less than significant level. Implementation of structural and procedural noise reduction mitigation measures will further reduce this less-than-significant impact.</p>
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Comments from Section V. Please Consider Off-Site Sampling in the Neighborhood (pgs. 5-7)

Comment Number	Comments	Responses
1.	Please consider off-site sampling in the neighborhood	Thank you for your comment. Please see Master Response #1.
2.	...should we not also perform confirmation sampling closer to and in the community – with homes right across River Drive?	<p>Thank you for your comment. Please see Master Response #1.</p> <p>Any sampling strategy that DTSC implements will include science-based rationale. One reason why DTSC is consulting</p>

		with the California Air Resources Board (CARB) is to inform us of the areas to sample based on air dispersion modeling.
3.	Please we urge you to do this (off-site sampling), and report back to the community in a recirculated final MND or response to comments, supported by substantial evidence in the record.	Thank you for your comment. Any off-site sampling results will be made available in a report to the community through the DTSC Envirostor website and public repositories (once COVID19 precautions are lifted).

Comments from Section VI. The 2005 Soil Vapor Analysis and 2010 HHRA Are Outdated (pgs. 7-8)

Comment Number	Comments	Responses
1.	<p>We respectfully believe the 2010 Human Health Risk Assessment (“HHRA”), which was approved by DTSC on November 8, 2010, used old California Environmental Protection Agency attenuation factors based on the Johnson-Ettinger model (CalEPA, 1994).⁸ It also was based on soil vapor samples from just six locations taken way back in 2005.</p> <p>Instead, the more health-protective USEPA 2015⁹ attenuation factors for soil vapor should be used. EPA’s new 2015 guidance indicates (with emphasis) that “contaminants in soil, NAPLs, and groundwater can become sources for vapor intrusion if they are likely to volatilize under normal temperature and pressure conditions. Water solubility is also a factor for chemicals in source zones that come into contact with migrating groundwater. Common classes of chemicals of concern for vapor intrusion that exhibit the</p>	<p>Thank you for your comment. Please see Master Response #5 and #8.</p> <p>When samples were collected in 2005, they were collected from the areas of highest potential use. A total of 18 soil vapor samples were collected. As described in the Final Remedial Investigation Report from 2014, the soil vapor samples contained only low concentrations of VOCs. These levels were several orders of magnitude below the commercial/industrial California Human Health Screening Levels (CHHSLs) for shallow soil gas. Also, air monitoring samples contained no detectable concentrations of organochlorine pesticides (OCPs).</p> <p>The 0.03 attenuation factor referenced in this comment is applicable only when evaluating indoor air exposures which is not a complete pathway at the Site. There are, at present, no buildings or structures on the Site nor are any planned for in the future.</p>

	<p>foregoing characteristics are VOCs, such as tetrachloroethylene (“PCE”), trichloroethylene (“TCE”), vinyl chloride, carbon tetrachloride, and benzene, <i>toluene, ethylbenzene and xylenes</i> (collectively, “BTEX”).”¹⁰</p> <p>The San Francisco Regional Water Quality Control Board is already using the USEPA 2015 attenuation factors (which is 0.03 for soil gas) for its Environmental Screening Levels.¹¹ NCP consistency requires this: “The Technical Guide is intended for use at any site being evaluated by EPA pursuant to CERCLA [Comprehensive Environmental Response, Compensation, and Liability Act] or RCRA [Resource Conservation and Recovery Act] corrective action, EPA's brownfield grantees, or state agencies acting pursuant to CERCLA or an authorized RCRA corrective action program where vapor intrusion may be of potential concern.”¹²</p>	<p>The 2010 Baseline Human Health Risk Assessment and Ecological Scoping Assessment (BHHRA) concluded that soil vapor exposure is not a pathway due to the infrequent detections of constituents in soil vapor samples. Rationale for the conclusion include:</p> <ul style="list-style-type: none"> • Concentrations are below CHHSLs; • Soils at the Site have low permeability; and • Absence of buildings at the site. <p>Because the soil vapor concentrations were below CHHSLs in 2005, they would be even lower now (i.e., naturally occurring degradation) and would therefore not result in a significant exposure as noted in DTSC’s approved BHHRA.</p> <p>Additionally, as mentioned in Master Response #8, groundwater will be monitored into the future and an engineered cover will minimize surface water infiltration into groundwater. If monitoring data indicates that additional measures to ensure groundwater quality and limit contaminant migration, DTSC will require any additional measures to be implemented.</p> <p>On-site workers will be protected during construction as soil handling will be performed using conventional earthwork equipment operated by a qualified, HAZWOPER-trained, experienced contractor licensed in California to perform hazardous substance removal actions as described on Page 39 of the IS. In addition, contractors will be required to wear the appropriate personal protection equipment, and a site-specific</p>
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		Health and Safety Plan (HASP) will be prepared as described in Mitigation Measures HAZ-01.
2.	The HHRA must be revised with more recent, updated soil sampling (not 15 year old soil vapor samples never updated) and to reflect new NCP-compliant USEPA 2015 attenuation factors for soil vapors to protect potential future off-site residents, on-site commercial/industrial workers, and on-site construction workers.	<p>The risk will be calculated after hot spot removal to ensure that the performance goal of 1×10^{-5} has been achieved for the top 4 feet of soil (outside the residential buffers) Please note that the site is zoned for commercial/industrial land use and there are no buildings on the property. Therefore, there is currently no complete exposure pathway for vapor intrusion.</p> <p>Additionally, if the Site is developed in the future, DTSC will evaluate the proposed use and re-evaluate risk for any proposed use.</p>

Comments from Section VII. More Lateral and Vertical Excavation Is Needed as Part of Alternative 5 (pgs. 8-10)

Comment Number	Comments	Responses
1.	<p>Under Alternative 5, Excavations will extend only vertically to four feet below existing ground surface, and no bottom pre- or post-excavation confirmation samples will be collected. Maps in the new RAP show the primary excavation zone stops just west of B-28.</p> <p>This is insufficient. Deeper excavation is needed, and far further eastward on the site past B-28 to fully encompass boring locations B-23 and B-29 and all study areas ("SAs") F and G.</p>	<p>Pre-excavation confirmation samples will be taken to determine the full lateral extent of contamination that would require excavation. The DRAP sets a performance standard of 1×10^{-5} (commercial/industrial) for the top 4 feet of soil (outside of residential buffer zones). An additional 1-foot of clean soil cover will then be placed over the site. Specific information related to excavation activities will be addressed in the Remedial Design document.</p> <p>Please see response to Master Response #3.</p>
2.	Simply put, more lateral and vertical excavation is need as part of Alternative 5 in a Final RAP, and an explanation supported by substantial evidence must be provided as to why excavation is not needed laterally east to B-29.	Please see previous explanation (Response to comment #1 above).

Comments from Section VIII. Groundwater Cleanup Needs to Occur Now – Do Not Let Chevron Off the Hook (pgs. 10-11)

Comment Number	Comments	Responses
1.	<p>In 2018, fuel-related VOCs (“BTEX”) were detected in the groundwater samples collected from monitoring wells MW-6 and MW-8. Ethylbenzene, toluene, and total xylene were detected in the groundwater sample collected from monitoring well MW-6 at concentrations of 2,100 ug/L, 67 ug/L, and 14,000 ug/L, respectively. Total petroleum hydrocarbons as gasoline range organics (“TPH-GRO”) was detected in the groundwater sample collected from MW-6 at a concentration of 30,000 ug/L. TPH-GRO concentrations in MW-6 increased during the second quarter 208 event compared to the second quarter of 2017. 1,2-Dichloropropane was detected in the groundwater sample collected from monitoring well M@-7 at a concentration of 16 ug/L.¹³</p> <p>These are not trivial or de minimis concentrations of BTEX VOCs and TPH. Why are we not cleaning all this up, and requiring a site conceptual model for dense non-aqueous phase liquids (“DNAPLs”)?</p>	<p>The concentrations identified are from monitoring wells MW-6 and MW-7 which are located near the center of the Site. Groundwater monitoring data collected from 2005 through 2019 indicate that detections of these constituents above the comparison criteria have been limited to the central portion of the Site, have been delineated within the Site boundary, and are not migrating off-site at concentrations above appropriate comparison criteria. Detections of these constituents above regulatory criteria at this site does not currently indicate a potential risk.</p> <p>Groundwater at the Site is between approximately 20 and 30 feet below ground surface. There is no evidence of household or municipal uses of groundwater near the Site, and the City of Brawley requires all residences to use municipal water sources (i.e., residential wells are not allowed). Groundwater at the Site generally flows toward the northeast or east-northeast away from the residential properties south of the Site. For these reasons, contact with groundwater is an incomplete exposure pathway for human</p>

		<p>and ecological receptors at the Site or to the nearest surface water.</p> <p>As stated in the draft RAP, new groundwater monitoring wells will be installed along the perimeter of the site, and the wells will be sampled and monitored following remedy implementation to ensure constituents of potential concern are not migrating off-site at concentrations above appropriate comparison criteria. In addition, the current and future land use designation for the property is light manufacturing. Following remedy implementation, a land use covenant will be recorded to maintain the Site use in compliance with the current zoning and to ensure groundwater at the Site is not used for domestic or municipal purposes.</p> <p>As groundwater monitoring data is collected, if site conditions change, or if standards change such that additional remedial efforts are warranted, DTSC will require the property owner to address those concerns and implement additional measures.</p>
2.	Segregating or piecemealing soil and groundwater closure at this site (and allowing soil closure without a groundwater remedy) is contrary to Water Code sections 13304 <i>et seq.</i> , the State Board's Resolution 92-49, 14 and Health and Saf. Code sections 25356.1. Any remedy for a community must include a groundwater remedy now. Otherwise, will Chevron	Thank you for your comment. Please see Master Response #8. The DRAP includes a remedy for groundwater. The remedy consists of the construction and operation of a groundwater monitoring network to ensure that groundwater contaminants continue to be contained on-site.

ever cleanup the groundwater? Please do not leave the contaminated groundwater in place	
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**Comments from Section IX. We Want to Confirm Precise Cleanup Standards With Performance Metrics
(pgs. 11-12)**

Comment Number	Comments	Responses
1.	<p>CEQA disallows deferring the formulation of mitigation measures to post-approval studies. CEQA Guidelines sections 15126.4(a)(1)(B); <i>Sundstrom v. County of Mendocino</i> (1988) 202 Cal.App.3d 296, 308-309. An agency may only defer the formulation of mitigation measures when it possesses “meaningful information’ reasonably justifying an expectation of compliance.” <i>Sundstrom</i>, 202 Cal.App.3d at 308; see also <i>Sacramento Old City Associate v. City Council of Sacramento</i> (1991) 229 Cal.App.3d 1011, 1028-29 (mitigation measures may be deferred only “for kinds of impacts for which mitigation is known to be feasible”). A lead agency is precluded from making the required CEQA findings unless the record shows that all uncertainties regarding the mitigation of impacts have been resolved; an agency may not rely on mitigation measures of uncertain efficacy of feasibility. <i>Kings County Farm Bureau v. City of Hanford</i> (1990) 221 Cal.App.3d 692, 727 (finding groundwater purchase agreement inadequate mitigation because there was no evidence that replacement water was available).</p>	<p>Thank you for your comment. Please see Master Response # 5 and #7.</p> <p>The mitigation measures identified in the IS will be implemented during construction as described in the IS. All mitigation measures identified have specific performance metrics, and there are no measures in the IS that defer mitigation</p> <p>DTSC will require that remediation comply with DTSC-approved work plans, engineering design, project control plans and criteria (e.g., Dust Control Plan), and other requirements.</p> <p>The performance standards that the PureGro Remedial Action Plan remedy must meet are Commercial/Industrial Cleanup level for the top 4 feet of soil (before clean soil cover) of 1×10^{-5} (1 in 100,000) and 1×10^{-6} (1 in 1 million) for the residential buffer zones.</p>

Furthermore, CEQA requires that future mitigation be guided by quantitative, measurable performance standards. *Mount Shasta Bioregional Ecology Center v. County of Siskiyou* (2012) 210 Cal.App.4th 184, 207 (performance standards required for CEQA mitigation); *City of Maywood v. Los Angeles Unified School Dist.* (2012) 208 Cal.App.4th 362, 407.

Comité is concerned that the MND here abide by these CEQA mitigation enforceability rules. We respectfully want to ensure enforceable, non-deferred performance standards in plain language including:

What exactly is the cleanup standard that Alternative 5 is supposed to meet? The RAP indicates “[t]he estimated ELCRs exceed the CalEPA’s threshold of 1×10^{-6} ; however, they are within the USEPA’s (2003) acceptable risk range of 1×10^{-6} to 1×10^{-4} (one in a million to one in 10 thousand.)” Will a target of site-wide cumulative cancer risk not to exceed one in 100 thousand (1×10^{-5}) and not to exceed a non-cancer hazard index (“HI”) of 1, in fact be the **standard everywhere on-site**? Where within the risk management range (10^{-6} to 10^{-4}) will be risks to future off-site residents? Is all this based on the 2015 USEPA soil vapor guidance?

2.	DTSC appears to defer post-remedial implementation of groundwater monitoring and cleanup plan to the future. When? What performance standards is groundwater quality supposed to meet? The MND's discussion on the extent of groundwater contamination and how the leave-in-place remedy protects groundwater is improperly abbreviated.	<p>Please see Master Response #8.</p> <p>Groundwater monitoring is included and is part of the draft RAP. As stated in the draft RAP, new groundwater monitoring wells will be installed along the perimeter of the site, and the wells will be sampled and monitored following remedy implementation to ensure constituents of potential concern are not migrating off-site at concentrations above appropriate comparison criteria (maximum contaminant levels). In addition, the current and future land use designation for the property is light manufacturing. Following remedy implementation, a land use covenant will be recorded to maintain the Site use in compliance with the current zoning and to ensure groundwater at the Site is not used for domestic or municipal purposes.</p>
3.	What kind of monitoring and inspection of the proposed cap will be required? The MND's indication that the cap "will be regularly inspected" lacks the required specificity. Please put a five-year review with defined performance standards in an enforceable mitigation measure.	<p>The remedy outlined in the Draft RAP specifically includes language related to the remedy proposed for groundwater. The remedy includes drafting of a Land Use Covenant and an Operation and Maintenance (O&M) Plan. As part of the O&M Plan, DTSC requires that the property owner enter into an O&M Agreement to enable DTSC to enforce parameters set forth in the O&M Plan. Such parameters include:</p> <ul style="list-style-type: none"> • Sampling groundwater wells – frequency and contaminants to be sampled. • Analytical methods for a laboratory to process the samples • Inspection requirements

		<ul style="list-style-type: none"> • Reporting requirements <p>Both the LUC and O&M Agreement are enforceable by law. The O&M Agreement will be developed once the remedy is constructed. Per the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) 121 (c), a review is required every 5 years to determine if the remedy is still meeting the remedial action objectives set for the Site.</p> <p>All monitoring reports submitted as required by the Site's O&M Plan and Agreement undergo review by DTSC's Project Manager and Professional Geologist. Additionally, please see Master Response #8.</p>
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Comments from Section X. More Specificity is Needed on Mitigation Measures to Protect Public Health During Construction (pgs. 12-14)

Comment Number	Comments	Responses
1.	CEQA requires agencies to adopt feasible mitigation measures or feasible environmentally superior alternatives in order to substantially lessen or avoid the otherwise significant environmental impacts of a proposed project. Pub. Res. Code §§ 21002, 21081(a); CEQA Guidelines §§ 15002(a)(3), 15021(a)(2), 15091(a)(1). Importantly, mitigation measures must be “fully enforceable through permit conditions, agreements, or other measures” so “that feasible mitigation measures will actually be	All trucks and equipment will be required to meet the required CARB standards. These requirements are included in the CalEEMod modeling tool that was used to assess the project's emissions. The modeling analysis demonstrated that air pollutant emissions from onsite construction equipment and offsite truck trips associated with the use of construction equipment and truck trips would be less than significant; therefore, no mitigation measures are required. A discussion of mitigation measures is required for significant environmental effects

	<p>implemented as a condition of development.” Federation of Hillside & Canyon Ass’ns v. City of Los Angeles (2000) 83 Cal.App.4th 1252, 1261.</p> <p>Is there any mitigation or pollution control equipment required for the 2,368 heavy-duty diesel truck trips that will come to the site in connection with construction? What about other equipment used during the construction of the cap? We request all off-road construction equipment greater than 50 hp be required to meet U.S. EPA Tier 4-Final emission standards to reduce NOx, PM10, and PM2.5 emissions at the site. In addition, all construction equipment should be outfitted with Best Available Control Technology (“BACT”) devices certified by the CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by California Air Resources Board regulations. At the time of mobilization of each applicable unit of equipment, a copy of each unit’s certified tier specification, BACT documentation, and operating permit from the appropriate state agencies.</p>	<p>only (Pub. Res. Code §§ 21100(b)(3), 21150). Here, the IS evaluates emissions from trucks and other equipment to be used throughout the duration of project construction. The combined emissions from all project-related sources would not exceed the significance standards identified by the Imperial County Air Pollution Control District (ICAPCD).</p>
2.	<p>Ensure the cleanest possible construction practices and equipment are used. This includes eliminating the idling of diesel-powered equipment and providing the necessary infrastructure (e.g., electrical hookups) to support zero and near zero equipment and tools.</p>	<p>As described in Section 3.2 and elsewhere throughout the IS, per ICAPCD guidelines, truck and equipment emissions will be minimized either by shutting equipment off when not in use or reducing the time of idling to 5 minutes as a maximum. Currently, there are no regulatory requirements to use zero or near zero equipment. As explained in the</p>

		prior response, emissions associated with the construction equipment and truck trips would be less than significant; consequently, no mitigation measures are required.
3.	In construction contracts, include language that requires all heavy-duty trucks entering the construction site, during the grading and building construction phases be model year 2014 or later. All heavy-duty haul trucks should also meet CARB's lowest optional low-NOx standard starting in the year 2022.	Currently, there is no regulatory requirement to meet CARB's 2022 standards. All trucks and equipment will be required to meet current and appropriate standards as stipulated by the CARB at the time of construction. No mitigation is required because emissions associated with the construction equipment and truck trips would be less than significant.
4.	Heavy duty vehicles will idle during loading/unloading and during layovers or rest periods with the engine still on, which requires fuel use and results in emissions. The CARB Heavy-Duty Vehicle Idling Emissions Reduction Program limits idling of diesel-fueled commercial motor vehicles to five minutes. Reduction in idling time beyond the five minutes required under the regulation would further reduce fuel consumption and thus emissions. The Project applicant must develop an enforceable mechanism that monitors the idling time to ensure compliance with this mitigation measure.	As described in Section 3.2 and elsewhere throughout the IS, per ICAPCD guidelines, truck and equipment emissions will be minimized either by shutting equipment off when not in use or reducing the time of idling to 5 minutes as a maximum. No mitigation is required because emissions associated with the construction equipment and truck trips would be less than significant. All mitigation requirements will be included in the contractor specifications. Contractors will be required to comply with the requirements in the specifications.
5.	The new RAP measure HAZ-2 says, "airborne particulate monitoring will be conducted in compliance with all applicable regulations to verify and document the effectiveness of dust suppression measures. Monitors will be placed at the perimeter of the property using an upwind/downwind sampling approach." What specific fence line monitoring will be used to prevent emissions of toxic and nontoxic dust? Where? And	Thank you for your comment. Please see Master Response #7. As described in Section IX Hazards and Hazardous Materials in the Mitigation Measure HAZ-02, a Dust Control Plan will be implemented during construction. The minimum specific measures that will be implemented as part of the Dust Control Plan are provided in Section 3.3 on

	<p>how often will sampling be conducted? What are the enforceable quality assurance measures and public notification required?</p> <p>The new RAP measure HAZ-2 says “factors considered in providing fugitive dust control measures will include wind direction, wind speed, and available dust control and dust suppression methods. Additionally, during times of excessive wind that could generate unacceptable dust unrelated to site activities, work will be stopped temporarily until wind speeds decrease.” What specific performance standards will be used? Where? And how often will sampling be conducted? What are the enforceable quality assurance measures and public notification required? What are the enforceable quality assurance measures and public notification required?</p>	<p>Page xviii and Section IX on Page 43 of the Initial Study. The measures listed in the Dust Control Plan include both ICAPCD measures and Project-specific measures that will be implemented to control and mitigate dust associated with the Project.</p> <p>As described in Section 3.3, Page xix, an anemometer will be maintained onsite to gather continuous, real-time wind speed data. In addition, airborne particulates will be monitored with dust monitors in compliance with all applicable regulations to verify and document the effectiveness of dust suppression measures. The location and number of dust monitors may change during the course of construction based on wind direction and other factors, but at a minimum, monitors will be placed at the perimeter of the property on the upwind and downwind sides and will continuously monitor air during Project activities.</p> <p>The performance standards for wind generated dust are identified in Section 3.3 Dust Control and in Section IX, Hazards and Hazardous Resources. The specific performance standards for Mitigation Measure HAZ-02 wind generated dust are stated on Page 43: work will be stopped when winds reach 25 mph and work will not resume until wind speeds are below 25 mph. The performance standards to maintain 20 percent opacity are stated on Page 43: if Visual Dust Emissions (dust emissions visual by the observer) reach 20 percent, work will be stopped until opacity decreases below 20 percent.</p>
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		<p>For assurance that the measures will be implemented, the minimum measures to control dust, including identification of performance standards are included in the Project Description, and the Project will be implemented as described. The Mitigation Monitoring and Reporting Plan (MMRP) which DTSC will adopt with approval of the Project identifies the timing of all mitigation measures and responsible parties for measure implementation. DTSC will be responsible for ensuring that all measures identified in the MMRP are implemented throughout construction.</p> <p>Mitigation Measure HAZ-02 states (Section IX beginning on Page 42):</p> <ul style="list-style-type: none">• Dust will be suppressed by spraying or misting the soil handling areas and haul roads with water, chemical stabilizers, dust suppressants, or other suitable material if water does not sufficiently address dust generation.• Two all-terrain watering trucks will be on-site at all times for general dust control and dust control during excavation at the stockpile and targeted excavations.• Water trucks will be positioned at the excavation location and will apply water as the excavation progresses. Similarly, during targeted excavation, water trucks will water before and after excavation.• All vehicles and equipment will use a singular, conditioned road as described in the Project Description (Page xiii).
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		<ul style="list-style-type: none">• Soil stockpiles will be immediately covered, and all stockpiles will be positioned on sheeting.• Truck beds containing soil will be covered to minimize the potential for dust generation during transport.• During soil disturbance (excavation of the stockpile, targeted excavation, and placement of the engineered cover) the area of soil disturbance will be the smallest possible to reduce the source of the dust.• At the stockpile and targeted excavation sites, water will be applied before and after excavation.• Water will be applied during placement of the engineered cover both before and after placement of the sand and crushed stone. If necessary, the sand and crushed stone will be watered prior to placement to reduce dust.• Ground cover will be replaced in disturbed areas as quickly as possible.• Vehicle speed for all construction vehicles will not exceed 15 mph on any unpaved surface at the construction Project site. Vehicle's tires will be inspected before exiting the job site and washed, if necessary, to remove excess debris and soil.• Airborne particulates will be monitored in compliance with all applicable regulations to verify and document the effectiveness of dust suppression measures. At a minimum, monitors will be placed at the perimeter of
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		<p>the property using an upwind/downwind sampling approach.</p> <ul style="list-style-type: none">• If Visual Dust Emissions (dust emissions visual by the observer) reach 20 percent, work will be stopped until opacity decreases below 20 percent. Opacity will be tested using the Visual Determination of Opacity found in Appendix A of ICAPCD's Rule 800 General Requirements for Control of Fine Particle Matter (PM 10) (ICAPCD 2012).• During times of excessive wind that could generate unacceptable dust unrelated to site activities, work will be stopped temporarily until wind speeds decrease. An anemometer will be maintained on site to monitor real-time wind speeds. If wind speeds exceed 25 mph, earth moving activities such as grading or excavation will cease until wind speeds are below 25 mph.• During construction, a noise barrier or blanket will be installed along the southern portion of the site along River Drive. The noise barrier will be up to 15 feet high and will help to contain dust and airborne particles during construction <p>In addition to the site-specific dust control measures described above, all projects within the ICAPCD jurisdiction must comply with the following, as applicable:</p> <ul style="list-style-type: none">• All disturbed areas, including bulk material storage that is not being actively used, will be effectively stabilized, and visible emissions will be limited to no greater than
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		<p>20 percent opacity for dust emissions using water, chemical stabilizers, dust suppressants, or other suitable material such as vegetative ground cover.</p> <ul style="list-style-type: none">• All on-site and off-site unpaved roads will be effectively stabilized, and visible emissions will be limited to no greater than 20 percent opacity for dust emissions by paving, application of chemical stabilizers or dust suppressants, and/or watering.• All unpaved traffic areas 1 acre or more with 75 or more average vehicle trips per day will be effectively stabilized, and visible emissions will be limited to no greater than 20 percent opacity for dust emissions by paving, application of chemical stabilizers or dust suppressants, and/or watering.• The transport of bulk materials will be completely covered unless 6 inches of freeboard space from the top of the container is maintained with no spillage and loss of bulk material. In addition, the cargo compartments of all haul trucks are to be cleaned and/or washed at the delivery site after removal of bulk material.• All track-out or carry-out will be cleaned at the end of each workday or immediately when mud or dirt extends a cumulative distance of 50 linear feet or more onto a paved road within an urban area.• During movement, handling, or transfer, bulk material will be stabilized before handling or at points of transfer with application of sufficient water, chemical stabilizers
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		<p>or by sheltering or enclosing the operation and transfer line.</p> <ul style="list-style-type: none"> The construction of any new unpaved road is prohibited within any area with a population of 500 or more unless the road meets the definition of a temporary unpaved road. Any temporary unpaved road will be effectively stabilized, and visible emissions will be limited to no greater than 20 percent opacity for dust emission by paving, application of chemical stabilizers or dust suppressants, and/or watering. <p>In conclusion, performance standards for dust, both for wind speed and opacity are identified in the IS/MND. DTSC will enforce all mitigation measures in the MMRP and will provide public notification via work notices before construction work begins.</p>
6.	Will residents living adjacent to the site be offered temporary relocation to nearby hotels/motels and be provided per diems to cover expenses associated with being displaced during the construction?	Residents will not be temporarily relocated. Impacts related to the Project construction have been minimized to a less than significant level. As a result, it is not necessary to temporarily relocate residents. Mitigation Measure HAZ-03 Dust Concern Hotline was developed to provide a resource for anyone concerned with the dust control at the Site.
7.	How will final work and human safety be verified, with public notification? Chevron should fund a technical advisor for Comité to conduct its own soil samples after the site cleanup, and to work together with us to consider what would be the best use of the site.	DTSC is committed to providing robust technical and regulatory oversight through all aspects of the project. As part of our community outreach process, DTSC will continue to meet with the community to answer questions and explain technical details of the project throughout construction as described in the Public Participation Plan.

		<p>Post remediation samples will not be collected as there will be a 1-foot thick clean imported soil layer over the site that does will not contain contaminants. Additionally, as indicated on Page xxii of the IS, future use of the Project site cannot be predicted at this time.</p>
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Comments from Section XI. Please Explain Why the Cost Estimates Fluctuate so Wildly Between the 2018 Initial RAP and the New Revised 2019 RAP (pg. 14)

Comment Number	Comments	Responses
1.	<p>Back in 2018, Alternative 2 for the cap was estimated to cost \$3.8 million in the initial RAP, now the analogous Alternative 5 for the cap remedy is estimated to cost \$8 million in the new Revised RAP. Is the proposed cap technology the same? There appears to be some differences in the description of the design and technology used for the cap between the old RAP (p. 16) and the new Revised RAP (p. 26)</p>	<p>Key components to the cost differences for all questions for alternatives proposed in 2018 to 2019 are:</p> <ul style="list-style-type: none"> • The disposal cost estimates per cubic yard have increased. • The original estimates did not include off-site disposal of the stockpile (+\$3 million (MM)). • Material will now need to be imported for surface drainage and stormwater control. • Costs for long term O&M, the amount of soil being excavated, and other items were refined. <p>Cost difference between 2018 Alternative 2 (\$3.8 MM) and 2019 Alternative 5 (\$8 MM)</p> <p>2018 Alternative 2 spread stockpiled soil over site, cap construction (geomembrane, thicker).</p> <p>2019 Alternative 5 includes stockpile removal, spot excavations, import of more clean soils (since stockpile soil</p>

		can't be used to grade site for storm water control), landscaping and construction of a wall (other than chain link), cover construction (Geotextile, thinner)
2.	Back in 2018, Alternative 3 for extensive excavation that we advocated for was estimated to cost \$7.7 million in the initial RAP, and now the same Alternative is estimated to cost \$14.1 million in the new Revised RAP. Why?	<p>See response to comment #1 above.</p> <p>2018 Cost difference for Alternative 3 (\$7.7 MM) and 2019 Alternative 3 (\$14.1 MM)</p> <p>2018 Alternative proposes removal of all soil above industrial standards, partial removal of stockpile, chain link fence</p> <p>2019 Alternative removes complete stockpile, imports additional soil for storm water control, confirmation sampling, landscaping, block wall</p>
3.	Also we request more clarity on why the new RAP suggests that Alternative 2 would cost \$8.7 million and Alternative 5 would cost \$8.0 million. From our reading, Alternative 5 seems to require more extensive work. What is the difference?	2019 RAP cost difference between Alternatives 2 and 5 Alternative 2 - Utilizes a costlier Cap, geomembrane, geotextile with more regulatory compliance requirements, longer length of time to complete (dust control, air monitoring, etc.), stormwater swales must also be installed vs. Alternative 5, a cover that is a geotextile with soil cover (not designed to prevent infiltration).
4.	We respectfully request substantive evidence in the record be provided for all these varying cost estimates. Please keep in mind that an agency cannot "uncritically rely on every study or analysis presented by a project proponent in support of its	Thank You for your comment. The cost estimates were reviewed by DTSCs Engineering and Special Projects Office, no discrepancies were identified in the analysis. Please see the revised Feasibility Study Table 4 for the estimated costs of the Project.

position...[,] [a] clearly inadequate or unsupported study is entitled to no judicial deference.” Berkeley Keep Jets Over the Bay v. Bd. Of Port Comm’rs. (2001) 91 Cal.App.4 th 1344, 1355.	
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**Comments from Section XII. Why Do construction NOx Emissions Vary Between the Old and New MNDs?
(pgs. 14-15)**

Comment by Comité #1:

The CalEEMod analysis for NOx emissions for the construction varies substantially between the 2018 MND and the new MND. It is puzzling to us why – for an analogous proposed Alternative 5 cleanup that is twice as expensive, it purportedly has only half the NOx emissions from old Alternative 2 in the 2018 MND. For example, the old 2018 MND estimates 74 lbs/day of NOx for cap implementation (see figure below):

Table 3-2 Emissions from Construction Activities

Source	Construction Emissions (lbs/day)					
	ROG	NOx	CO	SO2	PM10	PM2.5
Site Preparation and Mobilization	0.715	8.02	4.65	0.0149	39.9	4.25
Engineered Cap Implementation	5.19	74.7	33.0	0.149	75.4	9.78
Monitoring Well Installation	0.38	4.29	2.65	0.010	67.1	6.80
Site Finalization & Demobilization	4.60	47.6	20.7	0.0458	75.1	13.1

Yet, the new MND – for more work – estimates only about 40 lbs/day for cap implementation (see figure below):

Table 8: Emissions from Construction Activities

Source	Location	Construction Emissions (lbs/day)					
		ROG	NOx	CO	SO ₂	PM ₁₀	PM _{2.5}
Site Preparation and Mobilization	On site	0.504	5.61	3.74	0.0126	1.40	0.335
	Off site	0.0381	0.225	0.258	0.00118	0.477	0.0585
Stockpile Removal	On site	1.37	13.0	10.8	0.0259	0.601	0.529
	Off site	0.533	20.6	3.43	0.0929	46.1	5.15
Engineered Cover Implementation	On site	3.19	34.8	22.2	0.0501	1.54	1.41
	Off site	0.376	6.33	2.50	0.0281	30.8	3.37
Monitoring Well Installation	On site	0.258	3.02	2.07	9.43 x 10 ⁻³	0.0917	0.0843
	Off site	0.0669	0.223	0.449	1.44 x 10 ⁻³	0.511	0.0674
* * *							
Site Finalization & Demobilization	On site	0.566	5.19	4.51	0.0114	0.232	0.214
	Off site	0.0648	0.136	0.435	9.50 x 10 ⁻⁴	0.255	0.0389

This significant difference between the two MNDs in modeled NOx emissions for what appears to be the same work must be explained, and with substantial evidence. “A clearly inadequate or unsupported study is entitled to no judicial deference.” *Berkeley Keep Jets*, 91 Cal.App.4th at 1355. Are we sure there is not a “fair argument” of NOx emissions during construction requiring mitigation?

DTSC Response to Comment #1:

The Project Description in the January 2018 Initial Study/Negative Declaration (IS/ND) includes approximately 2,000 truck trips to deliver materials and equipment and to off-haul materials from the site (Section 3 Air Quality, page 7). The estimated timeframe for the Project described in the January 2018 IS is 14 weeks (5-day work week) or approximately 70 construction days (See Project Description, page 2).

The revised remedial action plan results in a different set of operational assumptions. In the November 2019 Initial Study/Mitigated Negative Declaration (IS/MND), Section 3.1 Traffic Control and Transportation Plan (Page xv) identifies a total of 2,368 truck trips (Table 4). The November 2019 IS/MND identifies a 16-month construction schedule, with a 5-month hiatus for a total of 11 months of construction. (Project Description, Section 3.6, Table 5). While the approximate total number of truck trips has increased slightly with the November 2019 Project Description, the total number of workdays has increased. This results in less than half the number of daily truck trips compared to the previous plan. Therefore, the total NOx in pounds per day would be expected to decrease as summarized below:

Table 1: Truck Trip Comparison January 2018 and November 2019

Initial Study	Truck Trips	Weeks of Construction (5-day work week)	Days of Construction	Average truck trips per day
January 2018	2,000	14	70	29
November 2019	2,368	42	210	11

The tables provided in the January 2018 and November 2019 (Table 3-2 and Table 8, respectively) summarize the construction emissions in pounds per day. Because the number of workdays has increased, the average truck trips per day have decreased, and the corresponding pounds per day of NOx have also decreased. Because the revised Project has more workdays compared with the January 2018 Project, the average truck trips per day and therefore the pounds per day of emissions is reduced. It should be noted that the number of construction days estimated in the November 2019 IS/MND does not include the 5-month hiatus period. Only the active construction period (42 5-day weeks) was used to derive the potential daily pounds per day of emissions. The CalEEMod emissions calculations are summarized in Section 3 of the IS, and the detailed output from the model is included in Appendix A (CalEEMod Data Sheets) in the 2019 IS.

The January 2018 NOx calculation and the November 2019 NOx calculation show daily emissions that are well below the applicable standard of significance. There is no substantial evidence that NOx emissions resulting from the project would be significant.

Comments from Section XIII. There is No Construction Noise Threshold in the new MND to Ensure No “Fair Argument” of Noise Impacts (pgs.15-16)

Comment from Comité #2:

The new MND concludes that the construction noise from months or years of construction 100 feet from “sensitive receptor” homes right across the street will not be significant, but it identifies no significance threshold for construction noise.

CEQA requires disclosure and mitigation of noise impacts. See *Los Angeles Unified School District v. City of Los Angeles* (1997) 58 Cal.App.4th 1019. These impacts must be explained with “plain language” and draw an explicit

connection between increased exposures to their likely human-health effects (e.g., headaches, nuisance, etc.). CEQA Guidelines § 15140; see also *San Franciscans for Reasonable Growth v. City and County of San Francisco* (1987) 193 Cal.App.3d 1544, 1548.

The new MND says that “The City of Brawley Noise Ordinance does not address construction noise, and the City of Brawley General Plan does not set numeric limits for construction noise. The General Plan addresses construction noise in Policy PSNE 8.1.2, which provides that construction noise is to be addressed through limits on construction hours . . . Because the work would occur within the allowable daytime construction timeframe, impacts would be less than significant.”

But none of this provides a noise threshold. Significant noise impacts may result regardless of proposed compliance with a noise ordinance, or lack thereof. *Keep Our Mountains Quiet v. County of Santa Clara* (2015) 236 Cal.App.4th 714, 732 (EIR is required, “even if other evidence shows the Project will not generate noise in excess of the County’s noise ordinance and general plan”). Simply put, the MND does not confirm whether there will be a “fair argument” of significant noise impacts from the Project’s construction. *Keep Our Mountains Quiet*, 236 Cal.App.4th at 733 (“compliance with the [local noise] ordinance does not foreclose the possibility of significant noise impacts.”).

These faults in methodology in the IS/MND’s noise analysis must be remedied.

DTSC Response to Comment #2:

CEQA requires a Lead Agency to determine the significance of all environmental impacts (California Public Resources Code [PRC] Section 21082.2; State CEQA Guidelines Section 15064). A threshold of significance for a given environmental impact defines the level of effect above which the Lead Agency will consider impacts to be significant and below which it will consider impacts to be less than significant. Thresholds of significance may be defined either as quantitative or qualitative standards, or sets of criteria, whichever is most applicable to each specific type of environmental impact. For the Initial Study (IS), the CEQA Checklist Appendix G thresholds were used to assess whether significant environmental impacts would result from implementation of the proposed Project.

As described in Section 2.5, Table 2, the Project will occur over the course of 16 months, with a 5-month hiatus and 11 total months of active construction. The Project’s construction activities will occur over months, not years per the schedule summarized in Table 2 of the IS.

As described in Section XIII, the proposed Project will occur as close as 100 feet from residences along River Drive. This applies to two residences, while the remaining several hundred in the adjoining neighborhood are further from the Project site, with the residences east of the Project site being at least 1,000 feet away. All noise resulting from Project activities will occur during construction. No operational noise will occur. Because of the nature of construction, noise will not be consistent or pervasive throughout the day, and noise levels will rise and fall depending on the location of equipment on the 11-acre site. In most instances, noise sources will be much further than 100 feet from residences on River Drive. On these facts and based on expert opinion, the IS determines that noise levels, even for the few nearest sensitive receptors will not be substantial compared with existing conditions. Table 16 on Page 55 of the IS summarizes the typical noise levels for construction equipment at 50 feet. Because noise dissipates with distance, the noise levels represented in Table 16 would be less at 100 feet and would be further reduced by the mitigation measures identified in Section XIII.

As identified in Section XII, page 54, the ambient noise conditions in the vicinity of the proposed Project are between 30 and 70 dBA. There are commercial businesses to the west, the Brawley Municipal Airport to the north, and the railroad to the west (within 400 feet of residences). The sensitive receptors currently experience periodic noise increases from the train as well as airplanes taking off and landing at the Brawley Municipal Airport (approximately 700 feet to the north of the Project site). Therefore, when comparing existing conditions to temporary conditions of the Project, the IS/MND determines that noise impacts will increase temporarily but will not increase substantially as described in Section XIII. Because the Project area currently experiences periodic increases in noise, the periodic increase in noise related to construction will not result in a significant impact on the environment.

With regards to potential health effects of noise, according to the U.S. Environmental Protection Agency (USEPA) physical damage to human hearing begins with prolonged exposure to noise levels greater than 85 dBA. The levels that have the potential for harm are not a single event, or "peak" temporary levels. Instead, harm to human health is associated with extended periods of noise over time such as 8 hours or 24 hours, and over long periods of time such as years (USEPA 1974). The U.S Occupational Safety and Health Administration (OSHA) indicates that effects of noise on hearing could occur for consistent noise levels above 85 dBA for an 8-hour day over prolonged periods (OSHA 2019). The key to the potential for health effects of noise is consistent prolonged exposure for several hours per day at close proximity (within 50 feet of source) and for several years of prolonged daily exposure. Because the Project's construction-related noise would be temporary and would not create consistent noise over 85 dBA or create noise for extended periods such as 8 hours per day, it would not reach the level of creating health effects.

As described in Section XIII, page 55, the City of Brawley General Plan does not identify quantitative noise thresholds for construction activities. The General Plan addresses construction noise in Policy PSNE 8.1.2, which provides that construction noise is to be addressed through limits on construction hours (City of Brawley 2017). Consistent with the policy direction in the City’s General Plan, noise impacts from temporary construction activity are considered to be reasonably addressed by conducting construction activities between the hours of 7:30am and 6:00pm Monday through Friday.

To further reduce potential noise impacts, DTSC will require the implementation of several mitigation measures including installation of a noise barrier or blanket along the southern portion of the Project site as described in Section XIII on page 58. As described in Mitigation Measure NOI-1, the blanket or barrier will reduce noise impacts by at least 5 dBA. As described in Mitigation Measure NOI-02, noise control will be implemented on equipment, and as described in Mitigation Measure NOI-03, equipment, especially stationary equipment which would be expected to produce consistent noise, will be located as far from sensitive receptors as feasible. Only equipment necessary will be used along the southern side of the Project site, and this use will not be consistent or chronic to produce a substantial noise impact.

In conclusion, as described in Section XIII of the IS, restricting work hours per the City’s General Plan policy will reduce noise impacts to a less than significant level. Implementation of structural and procedural noise reduction mitigation measures will further reduce this less-than-significant impact.

References used in this response:

U.S. Environmental Protection Agency. 1974. (September 14, 2016 last updated). EPA Identifies Noise Levels Affecting Health and Welfare (EPA Press Release Date: April 2, 1974). Washington, D.C

U.S. Department of Labor Occupational Safety and Health Administration. 2020. Website found at: <https://www.osha.gov/SLTC/noisehearingconservation/construction.html>.

Comments from Section XIV. Cost Should Not Be a Definitive Factor (pg. 16)

Comment Number	Comments	Responses
1.	DTSC should not be governed by what the new MND identifies as purportedly “cost prohibitive.” This is a residential community. We want these hazardous	DTSC is requiring a level of cleanup that is protective of the community, consistent with environmental remediation practices, and is in alignment with the City land use zoning of the Site.

	<p>substances out of our neighborhood, even if it costs more.</p>	
<p>2.</p>	<p>Moreover, there is no substantial evidence to prove what is economical or “cost prohibitive”? Who decides what is cost “prohibitive” – Chevron? The feasibility of the alternatives must be evaluated within the context of the proposed project. “The fact that an alternative may be more expensive or less profitable is not sufficient to show that the alternative is financially infeasible. What I required is evidence that the additional costs or lost profitability are sufficiently severe as to render it impractical to proceed with the project.” <i>Center for Biological Diversity v. County of San Bernardino</i> (2010) 185 Cal.App.4th 866, 883.</p>	<p>Each alternative was evaluated against the nine criteria defined in the National Contingency Plan.</p> <p><u>Threshold Criteria</u> Overall protection of human health and the environment Compliance with applicable or relevant and appropriate requirements</p> <p><u>Balancing Criteria</u> Long-term effectiveness and permanence Reduction of toxicity, mobility, or volume through treatment Short-term effectiveness</p> <p><u>Implementability</u> Cost</p> <p><u>Modifying Criteria</u> State Acceptance Community Acceptance</p> <p>Cost is only one part of the decision-making process which the responsible party proposes and DTSC concurs/rejects. DTSC evaluated all 9 criteria when determining the feasibility of the proposed remedy. The evaluation conducted considered additional feedback that was received by the community and to address community concerns, while also evaluating what necessary actions were required for the Site. Alternative 5, addressed more of the community concerns: cleanup level-combination residential and industrial, contaminant removal – stockpile removal, hot-spot removal, dust generation- Protective site cover of clean soil/gravel.</p>

Comments from Section XV. Conclusion (pgs. 17-18)

Comment Number	Comments	Responses
1.	Off-site sampling in the neighborhood is needed. You know that reasonable off-site confirmation sampling in the neighborhood remains a major priority for the community	Thank you for your comment. Please see Master Response #1 and the responses to comments above.
2.	DTSC must do final confirmation soil vapor sampling and analysis using NCP compliant 2015 soil vapor guidance for VOCs	Please see the response to Section VIII, question #1 above.
3.	More soil excavation is needed, laterally and vertically to address hot spots	As described above, confirmation Samples will be utilized to determine the exact amount of soil that needs to be excavated to meet the remedial action objectives.
4.	Groundwater treatment should be implemented to remove BTEX VOCs	<p>Thank you for your comment. Please see master response #8. Groundwater treatment is not required. Groundwater is not utilized for drinking or irrigation (there is no exposure to residents), is designated as industrial, has been determined to not be migrating off-site, will be monitored, a land use covenant will be adopted and 5-year reviews will be required.</p> <p>Also please see the response to Section VIII, question #1 above.</p>
5.	More detail on HAZ-2 including fence-line air monitoring during construction is needed.	Thank you for your comment. Please see answer #5 to section X questions above.
6.	Performance standards on cleanup must be clarified in plain language	Thank you for your comment. Please see master response #5 and #7. The performance standards that the PureGro Remedial Action Plan remedy must meet are Commercial/Industrial Cleanup level for the top 4 feet of soil

		<p>(before clean soil cover) of 1×10^{-5} (1 in 100,000) and 1×10^{-6} (1 in 1 million) for the residential buffer zones.</p> <p>CEQA Guidelines 15140 state that applicable documents shall be written in plain language and may use appropriate graphics so that the decision makers and public can rapidly understand the document. The IS includes simple tables, figures, and maps and is written in plain language as required by the Guidelines.</p> <p>The DRAP featured a brief “Community and Executive Summary” that explained the DRAP and proposed remedy in plain language. Similarly, numerous public outreach mailings, website updates, meetings, posters, and other materials were written in plain language (in both Spanish and English) and distributed to the community throughout the process.</p>
7.	Inconsistencies in cost estimates must be explained	Thank you for your comment. Please see answers #1, #2 and #3 from section XI above.
8.	A construction noise significance threshold must be identified and evaluated	Thank you for your comment. Please see the answer to section XIII above.
9.	We want to reiterate that DTSC should not be governed by new MND calls “prohibitive cost.” This is a residential community. We want these hazardous substances out of our neighborhood, even if it costs more.	Thank you for your comment. Please see answers #1 and #2 to section XIV above.

10.	We also request that DTSC send by mail or electronic mail to the address below notice of any and all actions or hearings related to activities undertaken, authorized, approved, permitted, licensed, or certified by the DTSC, through permits, contracts, grants, subsidies, loans or other forms of approvals, actions or assistance from DTSC	Thank you for your comment. DTSC will continue to include Comité Civico Del Valle on the Department's mandatory mailing list for documents specific to this project. All documents related to this project will be available on DTSC's Envirostor webpage. DTSC encourages you to subscribe to receive notices when documents are posted to this webpage. https://dtsc.ca.gov/smrp-projects/puregro-company/
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