

JORDAN DOWNS REMEDIATION MANAGER, LLC

20321 Irvine Avenue, Suite F-1
Newport Beach, CA 92660

July 23, 2015

Mr. Douglas Guthrie
President and CEO
Housing Authority of the City of Los Angeles
2600 Wilshire Blvd.
Los Angeles, CA 90057

via e-mail: Douglas.Guthrie@HACLA.org

Re: The July 20, 2015 Letter from the Legal Aid Foundation of Los Angeles Regarding
"Violations of Required Conditions of HACLA Remediation at 9901 Alameda Street, Los
Angeles, CA, 90002"

Dear Mr. Guthrie,

In response to Mr. Alexander Harndens's letter concerning perceived violations of required conditions of the environmental remediation work, the Jordan Downs Remediation Manager (JDRM) team respectfully submits the following rebuttal.

Remediation of the 9901 S. Alameda site is being performed to implement the June 30, 2014 Interim Remedial Action Plan (IRAP) as approved by the California Department of Toxic Substances Control (DTSC); characterizing perceived deficiencies in the site operations and activities as "violations" is inaccurate and misleading. The IRAP is a guidance document and not an absolute prescriptive set of requirements. DTSC personnel are highly engaged in the project management and are onsite multiple times throughout each week. Modifications to site operations and management as contemplated in the IRAP have been implemented with the full knowledge, understanding, and concurrence from the DTSC project manager and DTSC's Certified Industrial Hygienist.

In response to Mr. Harnden's list of "suspected violations of required conditions of the environmental remediation being performed," we offer the following:

1. Dust Control and Air Quality

a. Wind-related work stoppage requirements

The IRAP states that "[r]emedial activities will stop if a measured wind velocity exceeds... a sustained speed of 15 mph for more than 15 minutes continuously." *Final IRAP § 7.7.1, at 32.* A review of the weather report for July 1st shows that high winds occurred throughout the afternoon, and wind speeds reached the 15 mph threshold.

Mr. Douglas Guthrie
July 23, 2015
Page Two

Further, the IRAP Health and Safety Plan states that "...if visible emissions are suspended and transported beyond the regulated area after dust suppression, work will be suspended." *Final IRAP Health and Safety Plan §8.0, at 15*. When I visited the Site on July 1, visible plumes of dust were being generated by excavation activities, which were being conducted utilizing a large bulldozer-type vehicle. Each time the bulldozer picked up and moved a load of dirt, large clouds of dust were created, which were carried by the wind towards the north side of the site. *See Exhibit 3*. I observed that this work continued during the approximately one and a half hours I spent in the vicinity of the Site, with no evidence of a work stoppage despite the fact that wind speeds may have exceeded the IRAP's threshold and the IRAP clearly requires that work cease when visible emissions of dust are observed migrating off-site *regardless* of wind speed.

JDRM Response:

"In correlation with the property boundary monitoring, measurement of wind speed and direction will be recorded. A meteorological station will be positioned to measure instantaneous and average wind speed and wind direction. Remedial activities will stop if a measured wind velocity exceeds a sustained gust speed of 25 mph or a sustained speed of 15 mph for more than 15 minutes continuously."

The full quote from Section 8 of the IRAP Health and Safety Plan is as follows:

"Due to potential generation of dust emissions, work will be suspended when wind speed exceeds a sustained rate of 25 miles per hour. Further, if visible emissions are suspended and transported beyond the regulated area after dust suppression, work will be suspended."

However, these statements were superseded by a site-specific Community Health and Safety Plan (CHSP) prepared by a Certified Industrial Hygienist (CIH) with Alliance Consulting International dated April 21, 2015. The Jordan Downs Remediation Manager proactively contracted with this third-party CIH in order to provide yet another level of oversight of health and safety measures. The CHSP was reviewed and approved by the DTSC and is available for viewing on the Envirostor website. The CHSP addresses this issue as follows:

- *"Cease work conditions – wind speed, odor, and/or particulate monitoring thresholds. In order to maintain effective dust control, remedial activities that generate dust will stop when measured wind velocity exceeds a sustained gust speed of 25 mph or a sustained speed of 15 mph for more than 15 minutes continuously."*

We have an onsite weather station that measures and logs wind speeds and directions and on the day of Mr. Harnden's site inspection, July 1, 2015, the sustained wind speed never exceeded 8 miles per hour (mph) and the maximum gust was 15 mph at 4 pm (after work on the site had ceased for the day). Since the work began on 4/27/15, our highest sustained wind reading has

Mr. Douglas Guthrie
July 23, 2015
Page Three

been 13 mph and the highest gust has been 24 mph. Therefore, there has been no need to cease operation due to wind speed.

The photographs presented with Mr. Harnden's letter as Exhibit 3 show the generation of dust at a location that is approximately 300 feet downwind of the nearest residential unit of Jordan Downs. The photograph presented as Exhibit 4 clearly shows the application of water as dust control. How this was deemed to be "inadequate" is not explained. Dust control is a continuous process. The photographs do not provide any evidence that dust was migrating off-site. Further, under the CHSP, the controlling factors in ceasing work go beyond whether or not dust is visible at any one point on the site. The initial response to the generation of dust is an increase in dust control. If the dust cannot be controlled due to the wind conditions, then work will cease. This condition has not yet been encountered on the site.

b. Prevention of dust generation – water trucks and other controls

The IRAP requires active dust suppression activities to take place during the remediation, including the use of water trucks to prevent dust emissions. *Final IRAP § 7.7.1, at 32*. The IRAP states that "[o]ne water truck will be in the excavation area; one water truck will be in the materials segregation area; and two water trucks will be on the transportation route." *Final IRAP Health and Safety Plan §8.0, at 15*. However, I only observed one water truck on-site during my visit, which was not adequately controlling the dust emissions coming from the excavation being performed by the bulldozer-type vehicle. Despite its presence, the use of this single water truck was obviously not effective at controlling the large clouds of dust which were being generated as each load of dirt was dumped onto an adjacent location. *See Exhibit 4*.

JDRM Response:

The determining factor of whether the dust control measures are effective are the perimeter dust monitoring activities and direct and indirect (i.e., laboratory analysis of sampling media for dust, lead, arsenic and other constituents of concern as necessary). We have not exceeded the rolling average action levels detailed in the CHSP. In addition, we increased the number of monitoring devices from the required three to five and have added redundant dust meters (direct sampling with immediate results and high volume pumps with media samplers that are analyzed for dust, lead, and arsenic on a weekly or daily basis as deemed necessary. No samples have exceeded or even approached the action levels for lead or arsenic. Therefore, if fugitive dust emissions have left the site, the dust does not pose a significant health risk due to lead or arsenic.

Excavation and work activity levels at the site will vary over time and the number of water trucks necessary will change accordingly. The general contractor has equipment on site that exceeds that called for in the IRAP. At the time of your visit, and currently still in place, are two water trucks, two water buffaloes (trailed water tanks with hoses), and two pressure washer units used to control dust.

Mr. Douglas Guthrie
July 23, 2015
Page Four

Soil Sement is a polymer added to water and then sprayed onto stockpiles or the ground, wherever dust control is required. Soil Sement is an environmentally safe, advanced, powerful polymer emulsion that produces highly effective dust control, erosion control and soil stabilization. It has been proven to be effective for controlling PM10 and PM2.5 dust emissions.

You can learn more about here: <http://www.midwestind.com/product/soil-sement/>. The Soil Sement is being used in areas where work is not being conducted to reduce fugitive dust emissions from those areas.

c. Windscreens on fences

The IRAP requires that “[p]erimeter fences... be covered with windscreens to assist in controlling dust generated by wind onsite.” *Final IRAP § 7.7.1, at 32; see also Final IRAP §§ 7.1.1, 7.1.3, at 25*. Further, HACL A has represented to residents that it will cover all fences with windscreens to protect them from dust. *See Exhibit 1*. However, my visit to the Site and those portions of Jordan Downs surrounding the Site revealed the use of fence screens to be extremely inadequate. The chain-link fence bordering the work site along Alameda Street was open and exposed, with no dust control or other screens covering it. *See Exhibit 5*. Several pedestrians walked or biked by in the short time I was standing on this side of the Site, which is completely unprotected. The only dust screens I observed were surrounding Jordan High School, but these were only a few feet high and some had large gaps.

JDRM Response:

The only chain link fence at the site is along South Alameda Street, the balance of the site is bounded by an approximately 6’ high solid block wall. During an early preconstruction meeting it was conveyed to the team that the local police requested that we did not screen the fence along South Alameda Street because it would prevent them from being able to observe the site after work hours for criminal activity or other situations that may require an emergency response. This was especially important when we were using the northern gate along South Alameda. Now that we are using the gate at the Tweedy intersection, this may be something that can be reconsidered but input and concurrence from the police department would be required. We will work with the police department to weigh your concerns with those of the public safety.

The remainder of the site is surrounded by a solid wall and there is no reason nor would there be any function to place a windscreen on a solid wall. As for “*dust screens I observed were surrounding Jordan High School, but these were only a few feet high and some had large gaps,*” we do not know of any such screens along the southern perimeter of the site. Again, it is a solid continuous wall.

Mr. Douglas Guthrie
July 23, 2015
Page Five

d. Cover stockpiles outside of work hours

The IRAP requires that stockpiles of excavated materials be separated from the ground by plastic sheeting, and covered during non-working hours to prevent the possibility of dust migration, due to Page 4 of 27 their potential classification as hazardous waste. *Final IRAP § 7.1.4, at 25; see also Final IRAP §7.3.2, at 28.* HACLA has represented to residents that stockpiles will be completely covered, and the possibility of dust leaving the Site is minimal. *See Exhibit 2.*

JDRM Response:

See the response to (b). The polymer in the Soil Sement forms a “crust” on the soil that prevents fugitive dust emissions. Any stockpiles disturbed during the course of a day are sprayed at the end of day. The use of Soil Sement in lieu of plastic sheeting was approved by DTSC. The former use of plastic sheeting to cover stockpiles is environmentally unsustainable, as is the use of most plastics, and the sheeting takes up valuable space in our landfills (it takes up many times its original volume when balled up for disposal in the landfill). In addition, when dealing with large stockpiles, it becomes a health and safety issue to have workers climbing on wet and slick plastic trying to secure the plastic from wind gusts. The application of Soil Sement is far more effective, more protective of human health, and better for the environment.

Soil Sement has a California Environmental Technology Certification that states the following:

“When topically applied as a dust suppressant in accordance with the manufacturer's instructions, including a target concentration of 0.28 gallons of concentrate per square yard of treated surface applied in multiple passes on a single day, Soil Sement® reduced PM10 emissions by approximately 84 percent after 339 days, and 6,780 vehicle (predominantly light-duty) passes on an unpaved road consisting of a silty, sandy loam;”

A copy of the original certificate issued in 2002 can be found here:

http://www.midwestind.com/wp-content/uploads/2014/11/MW_CA-Certification.pdf

The certificate was most recently renewed on April 27, 2015 and the renewal can be found here:

<http://www.arb.ca.gov/eqpr/eo-g-14-068.pdf>

Regarding the height of the stockpiles relative to the surrounding walls, while there are no limitations in the IRAP to the height of stockpiles, we agree that exceptionally tall stockpiles are not desirable. Therefore, during the weeks of July 20 and July 27, 2015 we have halted all remedial excavation activities and are focused on removing the majority of the stockpiled soil. Please note that to the extent practicable, we are keeping stockpiles at least 100 feet from the adjacent residential properties; again, all stockpiles are treated with Soil Sement to prevent fugitive dust emissions.

e. Proper controls for truck-borne excavated material

The IRAP requires that measures be put in place to prevent the possibility of excavated material embedded in truck wheels to migrate off-site, including “wheel shakers” and wheel washing. *Final IRAP Health and Safety Plan §8.0, at 15; Final IRAP Traffic and Transportation Plan §4.1, at 4.* While I did observe a “wheel shaker” in place at the Site entrance on Alameda Street, it was clearly insufficient to satisfy the requirements of the IRAP, as there were visible tracks of dirt leading onto the public roadway away from the Site. I did not observe any type of wheel washing system in use. *See Exhibit 7.*

JDRM Response:

The wheel washing unit requirement was eliminated in the CHSP in order to implement best practices and limit off site waste exposure. Wheel washing systems cause mud to be tracked out into the streets which make it virtually impossible to keep the egress route completely clean. Dry methods of cleaning soil track-out with brooms and shovels and the use of street sweepers as needed are being implemented to comply with the Storm Water Pollution Prevention Plan (SWPPP) requirements. The Exhibit 7 you provided depicts a temporary condition that is remedied once the daily trucking operations are complete. We are fully aware of our obligations under the SWPPP and we implement the Best Management Practices (BMPs) accordingly.

2. Worker Safety

The IRAP’s Health and Safety Plan governs the requirements for worker safety during the remediation, including the requirements for the use of Personal Protective Equipment (PPE). Among the PPE required to be used during the remediation of the Site are coveralls and disposable gloves to prevent workers from coming into contact with contaminated soils. *Final IRAP Health and Safety Plan, § 5.0, at 10.* Soil excavation/removal work was active at the time I arrived at the Site, but workers did not appear (from the entrance to the project site) to be wearing any personal protective equipment except orange safety vests and hard hats. I did not observe any workers wearing coveralls Page 5 of 27 or gloves, and saw multiple workers in short-sleeved shirts climbing or walking on large piles of dirt which had been excavated. Dust masks were not being utilized. *See Exhibit 8.*

JDRM Response:

This site is considered a multi-employer site and each employer (e.g., the environmental consultant and the remediation contractor) are required to have their own site-specific health and safety plan pursuant to the regulations found in 29 Code of Federal Regulations (CFR) Part 1910.120 and California Code of Regulations (CCR), Title 8, Section 5192. All of the workers on the site have their 40-hour Hazwoper training and all other necessary certificates according to the work that they perform. All Hazwoper trained personnel are obligated to conduct their work in accordance with the applicable OSHA requirements and all necessary personnel protective equipment (PPE) are made available to them. Each site-specific health and safety plan has action levels for increasing the level of personnel protective equipment and if and when those levels are

Mr. Douglas Guthrie
July 23, 2015
Page Seven

encountered, then the appropriate level of PPE including half-face air-purifying respirators with the appropriate cartridges (not dust masks as that would be an inappropriate piece of PPE for these conditions) will be donned by those working in the established exclusion zone. The appropriate level of PPE is decided by the designated health and safety officer for each employer at the site and is not a decision to be made by others.

3. Security

The IRAP contains requirements for security guards to be posted to prevent unauthorized access to the Site. *Final IRAP § 7.1.3, at 25; Final IRAP Health and Safety Plan, at 23.* Despite this, I observed no security guards whatsoever during my visit, and while I remained at the gate, I was freely able to access the construction entrance and was only approached by a worker after standing there for over five minutes.

JDRM Response:

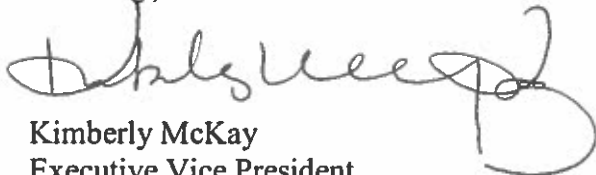
Mr. Harnden's observation is noted and will be addressed.

Conclusion

All parties involved in this project share Mr. Harnden's concern for the public health and safety. Our means and methods to achieve the goals of the IRAP and the CHSP have evolved since the IRAP was prepared and been done with the full and complete knowledge and approval of DTSC. We anticipate the foregoing clarifications alleviate the concerns raised by Mr. Harnden.

Should you have any questions or remaining concerns, please contact Anna Slaby, Senior Project Manager with BRIDGE Housing at (949) 229-7076.

Sincerely,



Kimberly McKay
Executive Vice President