



MEMORANDUM

Date: 24 August 2020 **Job No.:** 19307-00.02730

To: Benjamin Fu, Director of Community Development, City of Cupertino

From: Cem Atabek and Bruce Abelli-Amen, PG, CHg

Subject: **Peer Review of Investigation and Management of PCB Contaminated Soil, Former Vallco Mall, Sunnyvale (sic) California**

Baseline Environmental Consulting (Baseline) has performed a peer review of the Investigation and Management of PCB Contaminated Soil (Report) prepared by WSP USA, Inc. for the Former Vallco Mall located at 10123 North Wolfe Road in Cupertino, California (Site), dated August 14, 2020. Comments from Baseline's peer review are presented below. Recommendations for actions are provided in **bold text**. Baseline's review and comments are focused on the investigation findings and proposed cleanup activities for the Wolf Road Area identified in the Report.

COMMENTS

- The subject line on Page 1 of the Report indicates that the Site is located in Sunnyvale rather than Cupertino. **This error should be corrected.**
- In the first paragraph of Page 2 of the Report, two samples were erroneously identified as ESP-N-3 and ESP-W-3, rather than E5P-N-3 and E5P-W-3. **This error should be corrected.**
- The Report indicates that soxhlet extraction was performed on 18 of 29 step out samples. **The Report should be revised to indicate which samples underwent soxhlet extraction (using notes and/or color coding in the summary data tables) and to describe how the soxhlet extraction method may have affected the results of the PCBs analysis compared to other samples that were not subject to soxhlet extraction.**
- PCBs were not detected above the laboratory reporting limits (RLs) in sample E5P-N-3; however, the RLs for sample E5P-N-3 are very high (20,000 times higher than other samples from boring E5P-N); therefore, it is not known whether significantly elevated concentrations of PCBs could be present in the soil zone from which sample E5P-N-3 was collected. Boring E5P-N is located near the area of highest PCBs concentrations detected in soil, and is near the apparent center of the area impacted by PCBs, indicating that sample E5P-N-3 could potentially be near or within the point of release

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that resulted in the impacts from PCBs. The nearest sample locations to boring E5P-N towards the south, southwest, and southeast are 10 to 15 feet away. This creates a data gap in understanding the magnitude and extent of potentially elevated PCBs concentration in soil. **The PCBs results for sample E5P-N-3 should be reported to the method detection limits (MDLs) to determine whether PCBs could be present in the sample at an estimated concentration between the MDLs and RLs. If PCBs are not reported at an estimated concentration above the MDLs (i.e., “J” flagged concentration), and the MDLs are greater than or equal to 50 milligrams per kilogram (mg/kg), sample E5P-N-3 should be re-analyzed at a lower dilution factor such that the MDLs are below 50 mg/kg. If this is not feasible due to laboratory limitations, additional samples should be collected in the immediate vicinity of sample E5P-N-3 and analyzed for PCBs to determine whether elevated levels of PCBs may be present in soil in this area.** The steps above are necessary to determine whether PCBs could be present in soil at concentration exceeding 50 mg/kg, which could trigger additional requirements related to cleanup and regulatory oversight.

- **The Report should be revised to document either 1) the re-analyzed results of sample E5P-N-3; or 2) the additional sampling and analytical results described in the comment above.**
- **Copies of all laboratory reports (and chains-of-custody documentation) should be attached to the Report.**
- Some of the proposed confirmation sample locations are spaced greater than 1.5 meters (approximately 5 feet) apart. **Additional proposed confirmation sample locations should be added to ensure that confirmation samples would be no more than 1.5 meters apart, as required by 40 CFR 761.283.** Excavation sidewall confirmation samples should be collected from the depth where the highest concentrations of PCBs have been detected in nearby samples.
- The Report indicates on Page 4 that step-out samples will serve as confirmation samples for the excavation of PCBs impacted soil above 0.230 mg/kg. Based on the confirmation sample locations shown on Figure 2, it appears that this approach was not consistently applied as there are proposed confirmation sample locations are shown adjacent to many step-out sample locations. **The Report should be revised to address this discrepancy and clarify whether use of step-out samples as excavation confirmation samples is acceptable under 40 CFR 761.61(a).**
- The Report does not indicate whether excavation confirmation samples would be composited prior to analysis or analyzed as discrete samples. **The Report should be**

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revised to describe the confirmation sample collection and analytical methods, including whether samples would be composited prior to analysis or analyzed as discrete samples. If confirmation samples would be composited, the compositing approach should be described and should be in accordance with 40 CFR 761.289.

- The Report should indicate that soil management, dust control, and decontamination procedures would be implemented in accordance with the Environmental Site Management Plan during the proposed cleanup activities.
- The Report should be revised to indicate that the Applicant will provide written documentation to the City to demonstrate compliance with self-implementing cleanup requirements under 40 CFR § 761.61(a). Prior to the City issuing a grading permit for the proposed cleanup activities, the Applicant will provide the City with copies of the EPA notification and certification documentation and written approval from EPA to perform the proposed self-implementing cleanup, as required by 40 CFR § 761.61(a), and written approval from the Santa Clara County Fire Department (SCCFD) or other regulatory agency (e.g., the Santa Clara County Environmental Health Department, Department of Toxic Substances Control, or Regional Water Board) to implement the proposed cleanup activities for the former Sears Automotive Center. . Following the completion of proposed cleanup activities, the Applicant shall provide the City with a Completion Report documenting the cleanup activities, contaminated soil disposal, and confirmation sampling analytical results. Prior to the City issuing a grading permit for grading beyond the proposed cleanup activities, the City, as advised by a qualified third-party consultant, and the SCCFD or other regulatory agency overseeing cleanup activities for the former Sears Automotive Center, shall review and provide written approval of the Completion Report. The Completion Report will be prepared in accordance with the record keeping requirements of 40 CFR § 761.61(a).