Department of Toxic Substances Control

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Secretary for
Environmental Protection

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SENT VIA ELECTRONIC MAIL

December 11, 2025

Ryan O'Connell
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RE: MITIGATED NEGATIVE DECLARATION FOR THE ATPL-5106(010) 40TH STREET TRANSIT AND MULTI-MODAL ENHANCEMENTS PROJECT DATED NOVEMBER 20, 2025, STATE CLEARINGHOUSE NUMBER 2025110887

Dear Ryan O'Connell,

The Department of Toxic Substances Control (DTSC) reviewed the Mitigated Negative Declaration (MND) for the ATPL-5106(010) 40th Street Transit and Multi-Modal Enhancements Project (Project). The Project would enhance existing infrastructure on 40th Street and Shellmound Street. The Project would include the construction of 1.4 miles of two-way separated Class IV bikeway, transit-only lanes, transit islands, pedestrian enhancements, a transit hub with complete street intersection improvements, and closing the unsignalized intersections of Hubbard Street and Haven Street on the north side of 40th Street. Partial southbound closures will occur at the unsignalized intersections of Holden Street and Watts Street on the north side of 40th Street per the Emeryville City Council Resolution dated July 18, 2023. Project features would consist of realigning the existing lanes, removing and replacing medians, rehabilitating the pavement surface, restriping, installing green stormwater infrastructure improvements,

upgrading street lighting, and reconstructing pedestrian infrastructure to accommodate a two-way parted Class IV bikeway, new sidewalk, and concrete bus pads.

40th Street (Adeline Street to IKEA Entrance) improvements would include a lane realignment to accommodate two-way separated Class IV bikeway on the north edge of the roadway, a thin grind and asphalt concrete overlay, asphalt concrete conforms adjacent to new concrete work, full depth pavement reconstruction in areas of new islands for bikeway separation, removal of existing roadway improvements as needed, construction of sidewalk on Hubbard Street, a multi-use pathway connection between Hubbard Street and Halleck Street up to 4.5 feet in height, and concrete bus pads at bus stops.

Shellmound Street (IKEA Entrance to Christie Avenue) improvements would include lane realignment to accommodate a parted two-way Class IV bikeway on the west edge of the roadway, a thin grind and asphalt concrete overlay, and asphalt concrete conforms adjacent to new concrete work. Additional roadway improvements would include excavation to a maximum depth of one foot below existing grade and an addition of one concrete bus pad at one bus stop. DTSC recommends and requests consideration of the following comments:

1. The proposed Project encompasses multiple active and nonactive mitigation and clean-up sites where DTSC has conducted oversight that may be impacted including, the Bay Street Extension. The City of Emeryville is aware of the cap in the ROW for the Bay Street Extension and is actively planning on putting signals footers and spreading centers down to 12 feet and want to target the fill material as tribal and cultural concerns are rising with this project. DTSC will be providing the City of Emeryville as much documentation as we have for depths of the cap to allow and assist in the decision-making process. In the event there is insufficient documentation, the City of Emeryville plans to advance borings to understand the limits of the cap and will have the proper soil management in place.
2. If buildings, asphalt, or other structures are to be demolished on any Project sites included in the proposed Project, surveys should be conducted for the

presence of lead-based paints or products, mercury, asbestos containing materials, and polychlorinated biphenyl caulk. Removal, demolition, and disposal of any of the above-mentioned chemicals should be conducted in compliance with California environmental regulations and policies. In addition, sampling near current and/or former buildings should be conducted in accordance with DTSC's Preliminary Endangerment Assessment (PEA) Guidance Manual.

3. DTSC recommends all imported soil/fill material be tested to ensure all COCs meet screening levels as outlined in DTSC's PEA Guidance Manual. Furthermore, DTSC advises referencing the DTSC Information Advisory Clean Imported Fill Material Fact Sheet if importing fill is necessary. To minimize the possibility of introducing contaminated soil/fill material there should be documentation of the origins of the soil/fill material and, if applicable, sampling be conducted to ensure that the imported soil/fill material are suitable for the intended land use. The soil sampling should include analysis based on the source of the soil/fill and knowledge of prior land use.

DTSC would like to thank you for the opportunity to comment on the MND for the ATPL-5106(010) 40th Street Transit and Multi-Modal Enhancements Project. Thank you for your assistance in protecting California's people and environment from the harmful effects of toxic substances. If you have any questions or would like clarification on DTSC's comments, please respond to this letter or via our CEQA Review email for additional guidance.

Sincerely,

Dave Kereazis

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cc: (via email)

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