

Appendix 10-1

EKI Response to Hazardous Materials Comments (New)

This appendix is new and was not included as part of the joint Draft EIR/EIS.

24 July 2026

TECHNICAL MEMORANDUM

To: Jessica Viramontes (ICF)

From: Michelle K. King, Ph.D. (EKI)
Robert W. Plybon, P.E. (EKI)

Subject: Response to Public Comments Related to Hazardous Materials Conditions for
Berkeley Space Center at NASA Research Park
(EKI C40103.00)

This memorandum provides responses to public comments related to hazardous materials conditions at the location of the proposed Berkeley Space Center at the National Aeronautics and Space Administration (NASA) Research Park (NRP), which is the subject of a draft joint environmental impact report/environmental impact statement (draft joint EIR/EIS) published in April 2026. Public comments addressed herein include:

- Comments transmitted by Mr. Lenny Siegel of the Center for Public Environmental Oversight (CPEO) on 9 June 2026; and
- Comments transmitted by Ms. Laney Gordon of the U.S. EPA, Region 9, Office of the Regional Administrator on 11 June 2026.

The full comment letters submitted by Mr. Siegel and Mr. Gordon are included as letter O3 and letter A12, respectively, in Chapter 10 of the joint Final EIR/EIS. Each comment letter in Chapter 10 has been bracketed to identify individual comments within each letter. This memorandum includes verbatim excerpted comments from letters O3 and A12 related to hazardous materials conditions, followed by responses to each comment.

BACKGROUND

Moffett Partners, LLC (Project Proponent), a joint venture of The Regents of the University of California (UC Regents) and SKSP NRP, LLC, is proposing a master-planned mixed-use academic and research project, referred to as the Berkeley Space Center at NASA Research Park (proposed project/proposed action).¹ The Project Proponent will require the UC Regents' authorization under the California Environmental Quality Act (CEQA) to proceed with the proposed project, and NASA's approval to proceed following analysis consistent with the National Environmental Policy Act (NEPA). NASA is the NEPA Lead Agency for the proposed action and, as the Authority Having Jurisdiction, NASA would issue building permits and monitor and enforce applicable mitigation measures related to development and operation of the proposed

¹ Throughout this memorandum, *proposed project* refers to both the proposed project (under the California Environmental Quality Act) and the proposed action (under the National Environmental Policy Act).

project. The UC Regents is the CEQA Lead Agency for the proposed project and would provide authorization before the proposed action is submitted for NASA's approval.²

The April 2026 draft joint EIR/EIS included:

- *Environmental Issues Management Plan Berkeley Space Center Premises Parcels 1A, 3, 5A, 5B, and 6A, Former NAS Moffett Field, California*, Spring 2026, prepared by EKI (EIMP; Appendix 2-2 of the joint EIR/EIS); and
- *Berkeley Space Center at NASA Research Park—Hazardous Material Conditions*, January 2026, prepared by EKI (Haz Mat TM; Appendix 3.9-1 of the joint EIR/EIS).

The proposed project is located at NASA's Ames Research Center (NASA ARC) on an approximately 39-acre project site (Project Site or Premises³), along with approximately 6 acres of off-site areas (Off-Site Areas) where utility improvements and building demolition would take place. Together, the Project Site and Off-Site Areas comprise the approximate 45-acre limits of work (Limits of Work).

The Premises is located within the Middlefield-Ellis-Whisman (MEW) Study Area (MEW Study Area) and former Naval Air Station Moffett Field Superfund Site (NAS Superfund Site). Under a Record of Decision (ROD) from the Department of Justice, the MEW Study Area Companies (MEW Companies) have been conducting soil and groundwater cleanup at the MEW Superfund Site for approximately three decades. Responsibility for remediation of the contaminated groundwater is allocated among the MEW Regional Groundwater Remediation Program, the Navy, and NASA, referred to as the "Responsible Parties." Ongoing remediation activities in the vicinity of the Premises continue to be implemented under the jurisdictions of state and federal agencies (Remediation Activities). Remediation Activities are being performed by the Responsible Parties.

The Project Proponent is working with the United States Environmental Protection Agency (U.S. EPA), the California Regional Water Quality Control Board, San Francisco Bay Region (Water Board), and NASA on an *Environmental Issues Management Plan* (EIMP).⁴ The purpose of the EIMP is to provide a decision framework for the management of residual chemicals in soil, groundwater, and existing structures during construction and operation of the Project at the Premises and outside of the Premises within the Limits of Work. In addition, a Settlement Agreement and Covenant Not to Sue is being entered into between Moffett Partners, LLC, on the one hand, and the United States Department of Justice and United States Environmental Protection Agency Region 9, on the other hand (Covenant Not to Sue), with respect to the Premises.

² UC Regents is a legal entity that includes all of the University of California campuses.

³ Throughout this report, *Premises* refers to the same acreage as the Project Site. Premises is a term used in the *Environmental Issues Management Plan* (discussed below). Both terms are used interchangeably throughout this report.

⁴ The Spring 2026 EIMP is currently under review by the U.S. EPA and Water Board. The U.S. EPA and Water Board are the regulatory agencies that will approve of the EIMP. NASA has previously reviewed and provided comments on the EIMP.

EKI QUALIFICATIONS

EKI has extensive engineering and technical expertise in the assessment of hazardous material conditions at environmentally impacted development sites, development of conceptual site models for contaminant fate and transport, and design and implementation of remedies for the protection of human health and the environment. EKI regularly provides technical support for CEQA and NEPA permitting processes in the San Francisco Bay Area and routinely works under the oversight of and in collaboration with the U.S. EPA and the Water Board, among other regulatory agencies. The EKI professionals engaged in support of the proposed project include Dr. Michelle King, who serves as the President of EKI and has over thirty-nine years of experience supporting a wide variety of complex environmental projects, with a focus on the redevelopment of environmentally impacted sites, and Mr. Robert Plybon, a California licensed Professional Engineer with over 10 years of experience conducting site investigations, designing environmental remedies, and supporting environmental permitting processes.

RESPONSE TO PUBLIC COMMENTS

CPEO Comment No. 03-19 & 03-20: ...the EIMP (Appendix 2-2) is comprehensive and it lays out the environmental issues at the proposed site. It states that the Project Developer or the Responsible Parties, working under the guidance of EPA, will prepare and conduct a soil gas and shallow groundwater investigation. **This will be used to determine if the property requires additional cleanup before construction begins.** This is what EPA required at 277 Fairchild Drive, south of U.S. 101. The recent level of TCE contamination in groundwater was reported as high [*sic*] 570 micrograms per liter (ug/L), but there is no reported value for soil gas. The EIMP and the main EIR/EIS should provide soil gas data for the entire project site or at least explain how and when such data will be obtained. EPA has established that additional groundwater cleanup will be required before a new building is constructed if TCE levels in groundwater exceed 1,500 ug/L. The EIMP as well as the main EIR/EIS should provide a comparable goal for soil gas and explain how and when such data will be obtained.

EKI Response: *Available historical soil gas data collected in the vicinity of the Premises is presented in Section 2.4 of the EIMP. A general plan for implementation of additional soil gas investigation is presented in Section 5.2 of the EIMP. Specific plans for investigation and response action levels (i.e., soil gas concentrations that could potentially trigger additional remediation) are the topic of ongoing discussions between the Proponent, Responsible Parties, EPA, and the Water Board and cannot be incorporated into the EIMP or the EIR/EIS at this time, although EKI anticipates that the EIMP will be revised in the future depending on comments received from EPA and the Water Board. Future investigation of soil gas and potential subsequent remediation will be performed by the Responsible Parties or Project Proponent if necessary for the construction schedule, under the oversight of EPA and Water Board, and related documents will be published publicly, including on the State GeoTracker website.*

CPEO Comment No. 03-21: Additionally, the EIMP notes that PFAS compounds were found in groundwater at the site exceeding California and federal drinking water standards. The EIMP states (page 2-22), “NASA staff have indicated that PFAS will be assessed further through the CERCLA process.” Please confirm that soil at the project site will be sampled for total PFAS as well as individual compounds and that any level above those found in Target Concentration Levels will be treated and handled according to EPA and California requirements. **The EIMP and EIR/EIS should state this explicitly.**

EKI Response: *Per- and polyfluoroalkyl substance (PFAS) assessment and investigation was performed at NASA ARC from 2019 through 2021 by Tetra Tech on behalf of NASA with oversight of EPA and Water Board, as described in Section 2.4.9 of the EIMP and in:*

- Per- and Polyfluoroalkyl Substances, *Preliminary Assessment Report for NASA Ames Research Center*, Tetra Tech, Inc., January 2021; and
- Per- and Polyfluoroalkyl Substances, *Site Inspection Report for NASA Ames Research Center*, Tetra Tech, Inc., April 2023.

Tetra Tech conducted an assessment of NASA ARC to evaluate PFAS in soil, groundwater, and surface water. A total of 26 Areas of Potential Concern (AOPCs) for PFAS were identified by Tetra Tech. The potential presence of PFAS in soil was identified as a concern for some AOPCs; however, PFAS in soil was not identified to be a potential concern for the AOPCs overlapping the Project Site, and therefore additional assessment of PFAS in soil was not recommended. PFAS in groundwater was identified to be a concern in the vicinity of the Project Site and was subsequently investigated by Tetra Tech, which confirmed the presence of multiple PFAS compounds in groundwater above the Target Cleanup Levels presented in the EIMP. As such, groundwater encountered during project activities will be assessed and managed as required by the EIMP, such as when managing dewatering water as further described in the EIMP. NASA staff members have indicated that PFAS will be assessed further through the CERCLA process with the oversight of EPA and Water Board.

U.S. EPA Comment No. A12-2: Throughout the Draft EIS (i.e., page 4-138 of the NEPA Build Alternative 1 description) the location of the Project Site is referred to as being within footprints of both the “MEW Superfund Site” and the former Naval Air Station Moffett Field Superfund Site. The EPA would like to highlight that “MEW Superfund Site” is incorrect terminology. MEW is comprised of three separate National Priorities List Superfund Sites—the Raytheon Company Superfund Site, the Fairchild Semiconductor Corp. – Mountain View Superfund Site, and the Intel Corp. – Mountain View Superfund Site. To ensure transparency and clarification of the leased premises’ relation to active Superfund Sites, we recommend the Final EIS change “MEW Superfund Site” to its correct term which is the “Middlefield-Ellis-Whisman (MEW) Study Area”.

EKI Response: *EKI is in agreement with the suggested use of “MEW Study Area” rather than “MEW Superfund Site,” while noting that “MEW Superfund Site” is commonly used vernacular.*