

STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

STAFF SUMMARY REPORT (Mark Johnson)
MEETING DATE: April 8, 2009

ITEM: 5.E

SUBJECT: **Great Western Chemical Company, Stinnes-Western Chemical Corporation, and GWC Properties, LLC, for the property located at 945 Ames Avenue, Milpitas, Santa Clara County – Adoption of Negative Declaration**

CHRONOLOGY: May 1986 – Site Cleanup Requirements adopted
September 1990 – Revised Site Cleanup Requirements adopted

DISCUSSION: Adoption of Final Site Cleanup Requirements (SCRs) for this site is a “project” under the California Environmental Quality Act (CEQA), and the Board is the CEQA lead agency for this project. The CEQA lead agency must go through certain steps to assess the potential environmental affects of a project, unless the project is CEQA exempt. This item will complete the Board’s compliance with its CEQA lead agency obligations for this “project”.

In most cases, Board adoption of SCRs is categorically exempt from CEQA, since SCRs are an enforcement action taken for the purpose of protecting the environment. However, State law precludes the Board’s use of a categorical exemption at certain cleanup sites (specifically, sites on the “Cortese list”, so named for the bill’s author). This site is included on the “Cortese list” because it is already subject to SCRs that concern the cleanup of “wastes” that are legally classified as “hazardous materials”.

Board staff has considered the potential environmental impacts of the “project”, which includes not only the Board’s SCRs adoption but also the cleanup actions to be taken by the discharger to implement the SCRs. Based on that assessment, we prepared an Initial Study and draft Negative Declaration (Appendix B), which concludes that the “project” will not have a significant effect on the environment. The Tentative Resolution adopting the Negative Declaration is included here as Appendix A.

We posted a copy of the draft Negative Declaration and supporting materials on our website. We also distributed a notice of its availability for public comment to interested parties. We also submitted copies of the draft Negative Declaration to the State Clearinghouse, which distributed it for review to other State

agencies. We received no comments on the draft Negative Declaration by the end of the 30-day public review period.

This Item goes along with Item 5.F, adoption of final SCRs for this site. For additional information regarding the final SCRs, please see Item 5.F.

**RECOMMEN-
DATION:**

Adoption of Tentative Resolution

File No.:

43S0043 (MEJ)

Appendices:

A. Tentative Resolution

B. Draft Negative Declaration (including Initial Study)

APPENDIX A
(Tentative Resolution)

**CALIFORNIA REGION WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION**

TENTATIVE RESOLUTION

**ADOPTION OF NEGATIVE DECLARATION FOR FINAL SITE CLEANUP
REQUIREMENTS, FORMER GREAT WESTERN CHEMICAL COMPANY SITE, 945
AMES AVENUE, MILPITAS, SANTA CLARA COUNTY**

Whereas the California Regional Water Quality Control Board, San Francisco Bay Region (Board) finds that:

- 1) In late 2008, the Board circulated a Tentative Order (Final Site Cleanup Requirements for the former Great Western Chemical Company site in Milpitas, Santa Clara County) for public comment. Adoption of the Tentative Order constitutes a "Project" under the California Environmental Quality Act (CEQA).
- 2) The Board is the lead agency for approving the Project under the California Environmental Quality Act (CEQA at Public Resources Code § 21000 et seq.).
- 3) The Board prepared an Initial Study and draft Negative Declaration for this Project in accordance with Title 14, California Code of Regulations, § 15063 et seq.
- 4) On February 11, 2009, the Board circulated the Initial Study and draft Negative Declaration for public review through the State Clearinghouse, e-mail, and direct mail to all known interested parties.
- 5) No comments were received on the draft Negative Declaration and supporting documents during the 30-day public review period.
- 6) On the basis of the whole record there is no substantial evidence that the project will have a significant effect, either individually or cumulatively, on the environment. Considering the record as a whole, the project will result in no effect, either individually or cumulatively, on wildlife resources. The Negative Declaration, all supporting documentation, and the record of proceedings are available at the Board's offices.
- 7) The Negative Declaration reflects the independent judgment and analysis of the Board.
- 8) The Board has considered all testimony and evidence at a public hearing on April 8, 2009, and finds good cause to adopt the Negative Declaration.

Therefore Be It Resolved That:

- 1) The Negative Declaration is hereby adopted.
- 2) Board staff shall file a Notice of Determination with the Office of Planning and Research in accordance with Section 15075 of the CEQA guidelines.
- 3) Since the project will result in no effect, either individually or cumulatively, on wildlife, the Executive Officer is directed to sign a CEQA Filing Fee No Effect Determination Form and to submit the form in lieu of payment of the Department of Fish and Game CEQA filing fee.

I, Bruce H. Wolfe, Executive Officer, do hereby certify that the foregoing is a full, true, correct copy of a Resolution adopted by the California Regional Water Quality Control Board, San Francisco Bay Region, on April 8, 2009.

Bruce H. Wolfe
Executive Officer

APPENDIX B
(Draft Negative Declaration and Initial Study)



California Regional Water Quality Control Board

San Francisco Bay Region



Linda S. Adams
Secretary for
Environmental Protection

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Arnold Schwarzenegger
Governor

DRAFT NEGATIVE DECLARATION

State Clearinghouse No.: 2009022048

SUBJECT: Adoption of Final Site Cleanup Requirements and Rescission of Order No. 90-130, former Great Western Chemical Company facility (FGWF) located at 945 Ames Avenue, Milpitas, Santa Clara County

PROJECT DESCRIPTION

The California Regional Water Quality Control Board, San Francisco Bay Region (Board) is proposing to adopt final Site Cleanup Requirements (SCRs) for the former Great Western Chemical Company facility (FGWF) located at 945 Ames Avenue, Milpitas, California (Figure 1). As shown on Figure 1, due to the extent of contamination from past activities at the FGWF, the investigation and remediation activities have been conducted in two areas: the on-site area and the off-site area (jointly referred to as the Site). The adoption of SCRs would establish the remedy to be implemented and cleanup standards to be achieved at the Site by the project sponsor. The recommended remedy for contaminated groundwater at the Site is developed around a framework of three milestone objectives to achieve cleanup standards. The first Short-Term objective is to reduce groundwater concentrations to a level where vapor intrusion would not be a concern. The Board's residential Environmental Screening Levels (ESLs) for potential vapor intrusion concerns is used for this objective. The second Intermediate-Term objective, while not a specific concentration, is a point where natural attenuation processes alone would control migration and reduce pollutant concentrations, thereby achieving cleanup standards within a reasonable period of time. The Final objective is to achieve the groundwater cleanup standards of Maximum Contaminant Levels (MCLs).

Applying the three milestones outlined above, the recommended remedy is as follows:

- 1) Continue in-situ Enhanced Reductive Dechlorination (ERD) through carbohydrate solution injections to actively remediate groundwater concentrations to the Short and Intermediate-Term objectives. Continue groundwater monitoring during this period to evaluate progress and effectiveness of the remedial effort;
- 2) Curtail active remedial measures when pollutant concentrations meet the objectives discussed in item 1 above;

- 3) Following active remediation, begin monitored natural attenuation (MNA) to determine if the in-situ ERD has been effective and to evaluate and validate the ability of natural processes to restore groundwater quality to cleanup standards (Final objective). If significant rebound of concentration or migration of pollutants occurs during the MNA process, additional actions will be proposed by the dischargers.
- 4) At the point where MNA data indicates the plume is stable and shrinking in size, and that natural processes on their own will achieve the Final objective of MCLs in a reasonable timeframe, monitoring will be curtailed.

Additionally, administrative controls will be applied to the Site in order to manage exposure to residual pollutants onsite. These will include an environmental deed restriction and associated soil management plan. For the offsite area, a risk management plan will be developed to monitor groundwater use and other activities that may result in exposure to residual Site pollutants.

The Project, as defined for the purposes of this CEQA evaluation, include the following activities: (1) adoption of the SCR, (2) implementation of the remedy as established in the SCR which is continuation of the on-going in-situ ERD (injection of carbohydrate solution into existing wells) to achieve cleanup standards, and (3) implementation of the Self-monitoring program as established in the SCR (collecting and analyzing groundwater samples from existing groundwater monitoring wells). The injection of carbohydrate solution is a two- to three-day event on a quarterly basis. The Self-monitoring program is a two-day event on a semiannual basis.

ENVIRONMENTAL SETTING

The Site is located in a commercial and industrial area of Milpitas, west of Highway 680 and north of Montague Expressway.

FINDINGS AND DETERMINATION

The Board conducted an Initial Study (attached), which determined that there is no substantial evidence, in light of the whole record, that the project may have a significant effect on the environment. The preparation of an environmental impact report will not be required. If there are substantial changes that alter the character or impacts of the proposed project, another environmental impact determination will be necessary.

1. Based on the whole record (including the Initial Study and any supporting documentation), the Board has determined that there is no substantial evidence that the project will have a significant effect on the environment.

2. The Negative Declaration, with its supporting documentation, reflects the independent judgment and analysis of the lead agency, which is the Board.

DOCUMENTATION

The attached Initial Study documents the reasons to support the above determination.

PUBLIC REVIEW DISTRIBUTION

Draft copies or notice of this Negative Declaration were distributed to:

- Santa Clara County Clerk
- State Clearinghouse
- All property owners overlying the groundwater plume as shown on Figure 1.
- Santa Clara Valley Water District
- City of Milpitas
- Ken Berry

PUBLIC REVIEW

- Draft document referred for comments on February 11, 2009.
- No comments were received during the public review period.
- Comments were received but did not address the draft Negative Declaration findings or the accuracy/completeness of the Initial Study. No response is necessary. The letters are attached.
- Comments addressing the findings of the draft Negative Declaration and/or accuracy or completeness of the Initial Study were received during the public review period. The letters and responses follow (see Response to Comments, attached).

Copies of the Negative Declaration, the Initial Study, and documentation materials may be obtained at the Board offices in Oakland (1515 Clay Street, Suite 1400) or can be downloaded electronically at:

http://www.waterboards.ca.gov/sanfranciscobay/public_notices/public_notice.shtml

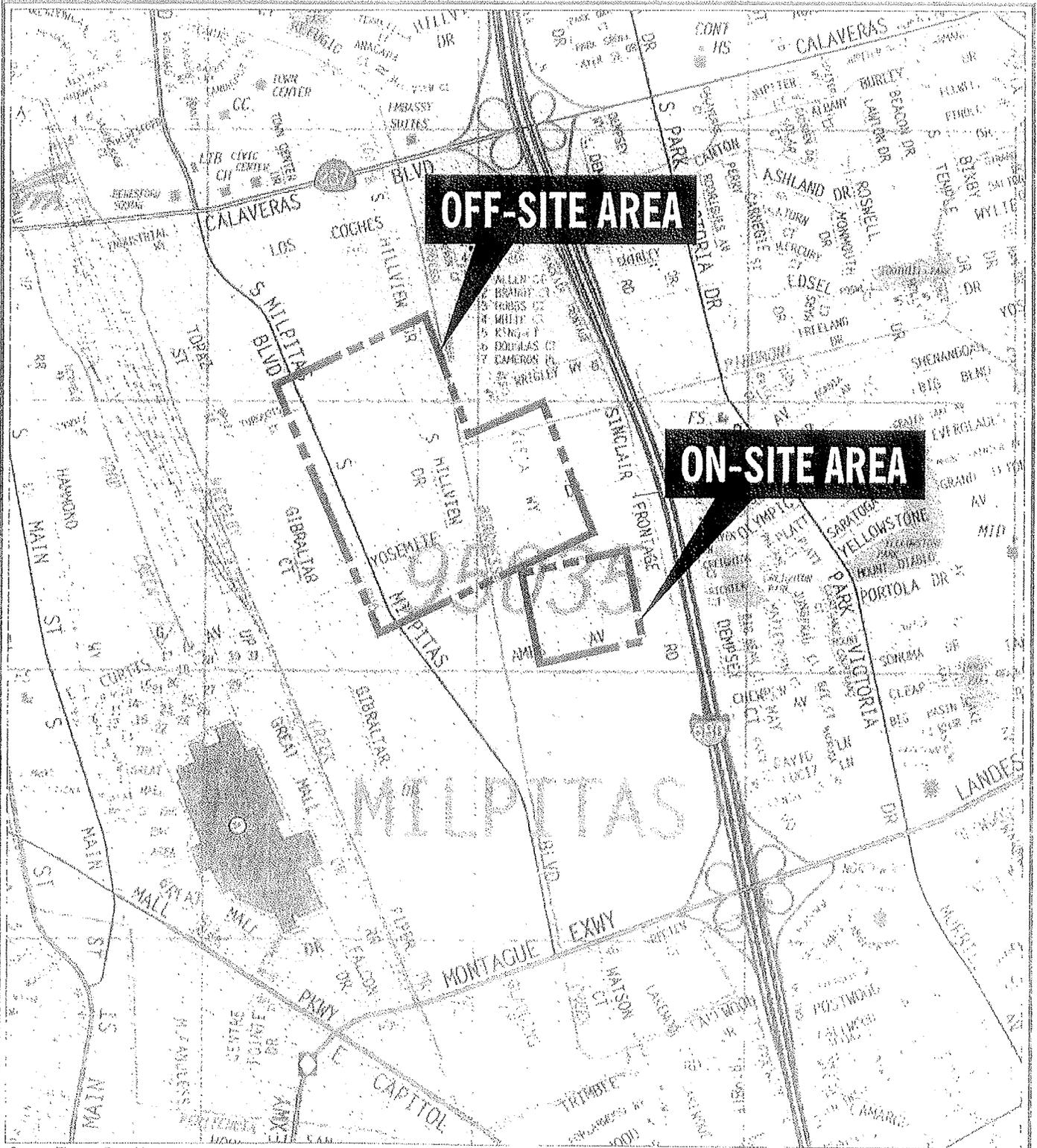
For questions or comments contact Mr. Mark Johnson at (510) 622-2493.

Date of Draft Report

Stephen A. Hill, Chief
Toxics Cleanup Division

Attachments:

- A. Location Map
- B. Initial Study



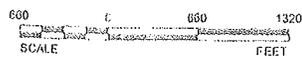
Source: Thomas Bros. Map

LEGEND:

--- Approximate Site Boundary

FIGURE 1

**SITE VICINITY MAP
FORMER GREAT WESTERN
CHEMICAL COMPANY
MILPITAS, CALIFORNIA**



20060606.14373143 D:\charlie\PEI\VGW\06\06\fig1.dwg File: Vicinity Map.dwg

**CALIFORNIA ENVIRONMENTAL QUALITY ACT
INITIAL STUDY**

The California Regional Water Quality Control Board San Francisco Bay Region (Board) has completed the following document for this project in accordance with the California Environmental Quality Act (CEQA) [Pub. Resources Code, div. 13, § 21000 et seq] and accompanying Guidelines [Cal. Code Regs., tit. 14, § 15000 et seq].

PROJECT TITLE: Adoption of Final Site Cleanup Requirements and Rescission of Order No. 90-130		
PROJECT ADDRESS: 945 Ames Avenue	CITY: Milpitas	COUNTY: Santa Clara
PROJECT SPONSOR: Board	CONTACT: Mark Johnson	PHONE: (510) 622-2493

BOARD (LEAD AGENCY) ADDRESS: 1515 Clay Street, Suite 1400 Oakland, CA 94612	CONTACT: Mark Johnson	PHONE: (510) 622-2493
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PROJECT DESCRIPTION: The Board is proposing to adopt final Site Cleanup Requirements (SCR) for the former Great Western Chemical Company facility (FGWF) located at 945 Ames Avenue, Milpitas, California (Figure 1). As shown on Figure 1, due to the extent of contamination from past activities at the FGWF, the investigation and remediation activities have been conducted in two areas: the on-site area and the off-site area (jointly referred to as the Site). The adoption of SCR would establish the remedy to be implemented and cleanup standards to be achieved at the Site. The recommended remedy for contaminated groundwater at the Site is developed around a framework of three milestone objectives to achieve cleanup standards. The first Short-Term objective is to reduce groundwater concentrations to a level where vapor intrusion would not be a concern. The Water Board's residential ESL for potential vapor intrusion concerns is used for this objective. The second Intermediate-Term objective, while not a specific concentration, is a point where natural attenuation processes alone would control migration and reduce pollutant concentrations, thereby achieving cleanup standards within a reasonable period of time. The Final objective is to achieve the groundwater cleanup standards (MCLs).

Applying the three milestones outlined above, the recommended remedy is as follows:

- 1) Continue in-situ Enhanced Reductive Dechlorination (ERD) through carbohydrate solution injections to actively remediate groundwater concentrations to the Short and Intermediate-Term objectives. Continue groundwater monitoring during this period to evaluate progress and effectiveness of the remedial effort;
- 2) Curtail active remedial measures when pollutant concentrations meet the objectives discussed in item 1 above;
- 3) Following active remediation, begin monitored natural attenuation (MNA) to determine if the in-situ ERD has been effective and to evaluate and validate the ability of natural processes to restore groundwater quality to cleanup standards (Final objective). If significant rebound of concentration or migration of pollutants occurs during the MNA process, additional actions will be proposed by the dischargers.
- 4) At the point where MNA data indicates the plume is stable and shrinking in size, and that natural processes on their own will achieve the Final objective of MCLs in a reasonable timeframe, monitoring will be curtailed.

Additionally, administrative controls will be applied to the Site in order to manage exposure to residual pollutants onsite. These will include an environmental deed restriction and associated soil management plan. For the offsite area, a risk management plan will be developed to monitor groundwater use and other activities that may result in exposure to residual Site pollutants.

The Project, as defined for the purposes of this CEQA evaluation, include the following activities: (1) adoption of the SCR, (2) implementation of the remedy as established in the SCR which is continuation of the on-going in-situ ERD (injection of carbohydrate solution into existing wells) to achieve cleanup standards, and (3) implementation of the Self-monitoring program as established in the SCR (collecting and analyzing groundwater samples from existing groundwater monitoring wells). The injection of carbohydrate solution is a two- to three-day event on a

quarterly basis. The Self-monitoring program is a two-day event on a semiannual basis.

SURROUNDING LAND USES: The Site is located in a commercial and industrial area of Milpitas, west of Highway 680 and north of Montague Expressway.

ENVIRONMENTAL IMPACT ANALYSIS:

1. Aesthetics

Analysis as to whether or not project activities would:

- a. Have a substantial adverse effect on a scenic vista.

Impact Analysis: The Site is located in an urban setting with no scenic vista.

Conclusion:

- Potentially Significant Impact
 Potentially Significant Unless Mitigated
 Less Than Significant Impact
 No Impact

- b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings and historic buildings within a state scenic highway.

Impact Analysis: The Site is located in an urban setting where scenic resources do not exist.

Conclusion:

- Potentially Significant Impact
 Potentially Significant Unless Mitigated
 Less Than Significant Impact
 No Impact

- c. Substantially degrade the existing visual character or quality of the site and its surroundings.

Impact Analysis: No construction is proposed as part of the Project. The remedy would utilize existing remedial components (groundwater monitoring wells for injection and sampling).

Conclusion:

- Potentially Significant Impact
 Potentially Significant Unless Mitigated
 Less Than Significant Impact
 No Impact

- d. Create a new source of substantial light of glare that would adversely affect day or nighttime views in the area.

Impact Analysis: The Project would not add any new source of lighting.

Conclusion:

- Potentially Significant Impact
 Potentially Significant Unless Mitigated
 Less Than Significant Impact
 No Impact

References Used: Revised Final Remedial Action Plan, Former Great Western Chemical Company Facility, Milpitas, California. August 13, 2008. Prepared by Pristine Earth, Inc.

2. Agricultural Resources

Analysis as to whether or not project activities would:

- a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use.

Impact Analysis: The Site is located in an urban setting where Farmland does not exist.

Conclusion:

- Potentially Significant Impact
 Potentially Significant Unless Mitigated
 Less Than Significant Impact
 No Impact

- b. Conflict with existing zoning or agriculture use, or Williamson Act contract.

Impact Analysis: The Site is located in an urban setting in a commercial and industrial area.

Conclusion:

- Potentially Significant Impact
 Potentially Significant Unless Mitigated
 Less Than Significant Impact
 No Impact

- c. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural uses.

Impact Analysis: See responses to 2.b and 2.c above.

Conclusion:

- Potentially Significant Impact
 Potentially Significant Unless Mitigated
 Less Than Significant Impact
 No Impact

References Used: Revised Final Remedial Action Plan, Former Great Western Chemical Company Facility, Milpitas, California. August 13, 2008. Prepared by Pristine Earth, Inc.

3. Air Quality

Analysis as to whether or not project activities would:

- a. Conflict with or obstruct implementation of the applicable air quality plan.

Impact Analysis: The adoption of the SCR would be pursuant to Section 13304 of the California Water Code, which addresses waters of the State. The Site lies within the jurisdiction of the Bay Area Air Quality Management District. There would be no conflict with the applicable air quality plan. The remedy established through the adoption of the SCR would not obstruct implementation of the applicable air quality plan since Project activities would not result in any construction and/or emission.

Conclusion:

- Potentially Significant Impact
 Potentially Significant Unless Mitigated
 Less Than Significant Impact
 No Impact

- b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation.

Impact Analysis: The Project would not result in air emissions. The remedy involves injection of carbohydrate solution into subsurface.

Conclusion:

- Potentially Significant Impact
 Potentially Significant Unless Mitigated
 Less Than Significant Impact

No Impact

- c. Result in cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors).

Impact Analysis: The Project would not result in air emissions. The remedy involves injection of carbohydrate solution into subsurface.

Conclusion:

- Potentially Significant Impact
 Potentially Significant Unless Mitigated
 Less Than Significant Impact
 No Impact

- d. Expose sensitive receptors to substantial pollutant concentrations.

Impact Analysis: See response to 3.c.

Conclusion:

- Potentially Significant Impact
 Potentially Significant Unless Mitigated
 Less Than Significant Impact
 No Impact

- e. Create objectionable odors affecting a substantial number of people.

Impact Analysis: Localized odor is noticed during carbohydrate solution injection events and during groundwater monitoring well sampling by field technicians. The odor is not strong enough to affect a substantial number of people. The injection points are located in parking areas or streets; therefore, any odor generated would disperse and not affect people around the area.

Conclusion:

- Potentially Significant Impact
 Potentially Significant Unless Mitigated
 Less Than Significant Impact
 No Impact

- f. Result in human exposure to Naturally Occurring Asbestos (see also Geology and Soils, f.).

Impact Analysis: The Project does not propose construction; naturally occurring asbestos, if in existence, would not be disturbed.

Conclusion:

- Potentially Significant Impact
 Potentially Significant Unless Mitigated
 Less Than Significant Impact
 No Impact

References Used: Revised Final Remedial Action Plan, Former Great Western Chemical Company Facility, Milpitas, California. August 13, 2008. Prepared by Pristine Earth, Inc.

4. Biological Resources

Analysis as to whether or not project activities would:

- a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service.

Impact Analysis: The Site is developed and is located in an urban setting. Also, since construction is not proposed, the Project would not result in habitat modifications.

Conclusion:

- Potentially Significant Impact
- Potentially Significant Unless Mitigated
- Less Than Significant Impact
- No Impact

- b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service.

Impact Analysis: See response to 4.a.

Conclusion:

- Potentially Significant Impact
- Potentially Significant Unless Mitigated
- Less Than Significant Impact
- No Impact

- c. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.

Impact Analysis: See response to 4.a.

Conclusion:

- Potentially Significant Impact
- Potentially Significant Unless Mitigated
- Less Than Significant Impact
- No Impact

- d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.

Impact Analysis: See response to 4.a.

Conclusion:

- Potentially Significant Impact
- Potentially Significant Unless Mitigated
- Less Than Significant Impact
- No Impact

- e. Conflict with local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

Impact Analysis: The Project does not propose any construction activities, therefore would not conflict with local policies protecting biological resources.

Conclusion:

- Potentially Significant Impact
- Potentially Significant Unless Mitigated
- Less Than Significant Impact
- No Impact

- f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

Impact Analysis: See response to 4.e.

Conclusion:

- Potentially Significant Impact
- Potentially Significant Unless Mitigated
- Less Than Significant Impact
- No Impact

References Used:

5. Cultural Resources

Analysis as to whether or not project activities would:

- a. Cause a substantial adverse change in the significance of a historical resource as defined in 15064.5.

Impact Analysis: The Project does not propose any construction activities, therefore, would not affect any historical resource.

Conclusion:

- Potentially Significant Impact
 Potentially Significant Unless Mitigated
 Less Than Significant Impact
 No Impact

- b. Cause a substantial adverse change in the significance of an archeological resource pursuant to 15064.5.

Impact Analysis: See response to 5.a.

Conclusion:

- Potentially Significant Impact
 Potentially Significant Unless Mitigated
 Less Than Significant Impact
 No Impact

- c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

Impact Analysis: See response to 5.a.

Conclusion:

- Potentially Significant Impact
 Potentially Significant Unless Mitigated
 Less Than Significant Impact
 No Impact

- d. Disturb any human remains, including those interred outside of formal cemeteries.

Impact Analysis: See response to 5.a.

Conclusion:

- Potentially Significant Impact
 Potentially Significant Unless Mitigated
 Less Than Significant Impact
 No Impact

References Used:

6. Geology and Soils

Analysis as to whether or not project activities would:

- a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:
- ❖ Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault. (Refer to Division of Mines and Geology Special Publication 42).
 - ❖ Strong seismic ground shaking.

- ❖ Seismic-related ground failure, including liquefaction.
- ❖ Landslides.

Impact Analysis: No known active faults traverse the Site. The Site is located in the City of Milpitas; the San Andreas Fault System runs on the west, and the Calaveras and the southern end of the Hayward Fault systems run on the east of the City of Milpitas. Based on the fault systems, the statewide probabilistic seismic hazard analysis indicates that peak ground accelerations with a 10% probability of exceedance in 50 years are expected. However, the probabilistic ground motion estimate at the Site is expected to be low based on the distance from the fault systems. The likelihood of surface rupture or liquefaction is low and impact is considered less than significant. The topography is relatively flat and landslide impacts are not anticipated. Project activities on the site would be temporary and would not occur inside buildings at the site.

Conclusion:

- Potentially Significant Impact
- Potentially Significant Unless Mitigated
- Less Than Significant Impact
- No Impact

- b. Result in substantial soil erosion or the loss of topsoil.

Impact Analysis: The Project does not propose any construction activities. The Site is located in developed area covered with asphalt, concrete, gravel or landscaping.

Conclusion:

- Potentially Significant Impact
- Potentially Significant Unless Mitigated
- Less Than Significant Impact
- No Impact

- c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on or off-site landslide, lateral spreading, subsidence, liquefaction or collapse.

Impact Analysis: See response to 6.b.

Conclusion:

- Potentially Significant Impact
- Potentially Significant Unless Mitigated
- Less Than Significant Impact
- No Impact

- d. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property.

Impact Analysis: The Web Soil Survey classifies the soil at the project site as Urban (NRCS, 2005). This soil type is not considered an expansive soil. Therefore, there would be no impact.

Conclusion:

- Potentially Significant Impact
- Potentially Significant Unless Mitigated
- Less Than Significant Impact
- No Impact

- e. Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of water.

Impact Analysis: The Site is located in an urban area serviced by public utilities; septic tanks are not used. The Project would not dispose wastewater at the Site. Small amounts of wastewater generated during groundwater sampling would be stored in 55-gallon drums and disposed off-site following applicable regulatory requirements.

Conclusion:

- Potentially Significant Impact
- Potentially Significant Unless Mitigated

- Less Than Significant Impact
- No Impact

f. Be located in an area containing naturally occurring asbestos (see also Air Quality, f.).

Impact Analysis: See response to 3.f.

Conclusion:

- Potentially Significant Impact
- Potentially Significant Unless Mitigated
- Less Than Significant Impact
- No Impact

References Used: Petersen, M.D., Bryant, W.A., Cramer, C.H., Cao, T., Reichle, M.S., Frankel, A.D., Lienkaemper, J.J., McCrory, P.A., and Schwartz, D.P., 1996, Probabilistic seismic hazard assessment of the State of California: California Department of Conservation, Division of Mines and Geology Open-File Report 96-08.

7. Hazards and Hazardous Materials

Analysis as to whether or not project activities would:

a. Create a significant hazard to the public or the environment throughout the routine transport, use or disposal of hazardous materials.

Impact Analysis: The Project would not involve transport, use or disposal of hazardous materials. Wastewater would be drummed and transported for off-site disposal as characterized non-hazardous waste.

Conclusion:

- Potentially Significant Impact
- Potentially Significant Unless Mitigated
- Less Than Significant Impact
- No Impact

b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.

Impact Analysis: The Project would not use or generate hazardous materials; therefore, release of such materials into the environment would not occur.

Conclusion:

- Potentially Significant Impact
- Potentially Significant Unless Mitigated
- Less Than Significant Impact
- No Impact

c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances or waste within one-quarter mile of an existing or proposed school.

Impact Analysis: See response to 7.b.

Conclusion:

- Potentially Significant Impact
- Potentially Significant Unless Mitigated
- Less Than Significant Impact
- No Impact

d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to public or the environment.

Impact Analysis: The Site is on Cortese list. However, the Project would result in implementing a remedy for groundwater cleanup. The remedy would involve injection of carbohydrate solution into subsurface. These activities at the Site would not create hazard to public or the environment.

Conclusion:

- Potentially Significant Impact
- Potentially Significant Unless Mitigated
- Less Than Significant Impact
- No Impact

- e. Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan.

Impact Analysis: The Project does not involve reconfiguration and/or temporary blocking of any above-ground structures at the Site. Therefore, there would not be any interference with adopted emergency response plan or emergency evacuation plan.

Conclusion:

- Potentially Significant Impact
- Potentially Significant Unless Mitigated
- Less Than Significant Impact
- No Impact

References Used: California Department of Toxic Substances Control (DTSC). 2005. Hazardous Waste and Substances Site List. www.dtsc.ca.gov/database/Calsites/Cortese_List.cfm.

8. Hydrology and Water Quality

Analysis as to whether or not project activities would:

- a. Violate any water quality standards or waste discharge requirements.

Impact Analysis: The adoption of SCRs to establish remedy and cleanup standards would not violate any water quality standards or waste discharge requirements. The remedy (injection of carbohydrate solution into subsurface) would not violate water quality standards or waste discharge requirements. The purpose of the Project is to attain water quality standards in groundwater.

Conclusion:

- Potentially Significant Impact
- Potentially Significant Unless Mitigated
- Less Than Significant Impact
- No Impact

- b. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficient in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted).

Impact Analysis: The Project activities would not deplete groundwater supplies or interfere with groundwater recharge. The carbohydrate solution for injection would be prepared using potable water under a temporary water usage permit from the City of Milpitas.

Conclusion:

- Potentially Significant Impact
- Potentially Significant Unless Mitigated
- Less Than Significant Impact
- No Impact

- c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on or off-site.

Impact Analysis: The Project activities would not alter the existing drainage pattern of the Site. There are no construction activities proposed under this Project.

Conclusion:

- Potentially Significant Impact
- Potentially Significant Unless Mitigated
- Less Than Significant Impact
- No Impact

- d. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or off-site.

Impact Analysis: The Project activities do not include construction. The remedy would involve preparing carbohydrate solution in a mixing tank placed on a trailer. A conveyance pipe would connect from the mixing tank to the water source (water meter of an on-site City fire hydrant). The water would be mixed with the carbohydrate in the mixing tank, and the solution would then be pumped into the injection well through another conveyance pipe fitted on to the injection well head. The Project activities would not result in surface runoff.

Conclusion:

- Potentially Significant Impact
- Potentially Significant Unless Mitigated
- Less Than Significant Impact
- No Impact

- e. Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff.

Impact Analysis: See response to 8.d.

Conclusion:

- Potentially Significant Impact
- Potentially Significant Unless Mitigated
- Less Than Significant Impact
- No Impact

- f. Otherwise substantially degrade water quality.

Impact Analysis: The Project activities are proposed to improve the quality of the waters of the State. The remedy (injection of carbohydrate solution into subsurface) would not degrade water quality.

Conclusion:

- Potentially Significant Impact
- Potentially Significant Unless Mitigated
- Less Than Significant Impact
- No Impact

- g. Place within a 100-flood hazard area structures which would impede or redirect flood flows.

Impact Analysis: The Project activities do not involve any construction, and therefore, would not impede or redirect flood flows.

Conclusion:

- Potentially Significant Impact
- Potentially Significant Unless Mitigated
- Less Than Significant Impact
- No Impact

- h. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam.

Impact Analysis: The Project activities would not result in flooding. The Site is not located near a levee or dam.

Conclusion:

- Potentially Significant Impact

- Potentially Significant Unless Mitigated
- Less Than Significant Impact
- No Impact

i. Inundation by sieche, tsunami or mudflow.

Impact Analysis: The Project activities would not result in inundation by sieche, tsunami or mudflow.

Conclusion:

- Potentially Significant Impact
- Potentially Significant Unless Mitigated
- Less Than Significant Impact
- No Impact

References Used:

9. Land Use and Planning

Analysis as to whether or not project activities would:

a. Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect.

Impact Analysis: The Project activities would not interfere with any applicable land use plan, policy or regulation. Remedial components are in-place; no new structures are proposed.

Conclusion:

- Potentially Significant Impact
- Potentially Significant Unless Mitigated
- Less Than Significant Impact
- No Impact

b. Conflict with any applicable habitat conservation plan or natural community conservation plan.

Impact Analysis: The Site does not lie within the boundaries of an approved Habitat Conservation Plan or a Natural Community Conservation Plan. Therefore, no impacts would occur.

Conclusion:

- Potentially Significant Impact
- Potentially Significant Unless Mitigated
- Less Than Significant Impact
- No Impact

References Used:

10. Mineral Resources

Analysis as to whether or not project activities would:

a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state.

Impact Analysis: The Project activities would not alter access to any potential mineral resources in the area.

Conclusion:

- Potentially Significant Impact
- Potentially Significant Unless Mitigated
- Less Than Significant Impact
- No Impact

b. Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan.

Impact Analysis: The Site has not been designated by the City's Zoning Map as being located in a Mineral Reserve district.

Conclusion:

- Potentially Significant Impact
- Potentially Significant Unless Mitigated
- Less Than Significant Impact
- No Impact

References Used:

11. Noise

Analysis as to whether or not project activities would:

- a. Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.

Impact Analysis: The Project activities would not result in increased noise levels. A trailer-mount injection unit would include operation of a pump during injection into wells located in parking areas and streets, but the noise levels would not exceed the City standards.

Conclusion:

- Potentially Significant Impact
- Potentially Significant Unless Mitigated
- Less Than Significant Impact
- No Impact

- b. Exposure of persons to or generation of excessive groundbourne vibration or groundbourne noise levels.

Impact Analysis: The Project activities would not generate groundbourne vibration or groundbourne noise levels, therefore, no such exposure to persons in the area is anticipated.

Conclusion:

- Potentially Significant Impact
- Potentially Significant Unless Mitigated
- Less Than Significant Impact
- No Impact

- c. A substantial permanent increase in ambient noise levels in the vicinity above levels existing without the project.

Impact Analysis: The Project would not result in permanent increase in ambient noise levels. As stated earlier, the Project would result in the injection of carbohydrate solution over a period of two to three days on a quarterly basis and the groundwater monitoring over a period of two days on a semiannual basis.

Conclusion:

- Potentially Significant Impact
- Potentially Significant Unless Mitigated
- Less Than Significant Impact
- No Impact

- d. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project.

Impact Analysis: The Project would not result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project. Also see response to 11.a.

Conclusion:

- Potentially Significant Impact
- Potentially Significant Unless Mitigated
- Less Than Significant Impact
- No Impact

References Used:

12. Population and Housing

Analysis as to whether or not project activities would:

- a. Induce substantial population growth in area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure).

Impact Analysis: The Project would not induce any population growth in the area since there would not be any construction of residential or commercial building.

Conclusion:

- Potentially Significant Impact
- Potentially Significant Unless Mitigated
- Less Than Significant Impact
- No Impact

- b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere.

Impact Analysis: The Site is located in a commercial and industrial area.

Conclusion:

- Potentially Significant Impact
- Potentially Significant Unless Mitigated
- Less Than Significant Impact
- No Impact

- c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere.

Impact Analysis: The Project does not propose construction of any new remedial components, and therefore, would not displace any people.

Conclusion:

- Potentially Significant Impact
- Potentially Significant Unless Mitigated
- Less Than Significant Impact
- No Impact

References Used:

13. Public Services

Analysis as to whether or not project activities would:

- a. Result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the following public services:

- ❖ Fire protection
- ❖ Police protection
- ❖ Schools
- ❖ Parks
- ❖ Other public facilities

Impact Analysis: The Project would not result in increased demand on public services, and therefore, would not have any adverse physical impacts on existing government facilities or require new facilities.

Conclusion:

- Potentially Significant Impact
- Potentially Significant Unless Mitigated
- Less Than Significant Impact
- No Impact

References Used:

14. Recreation

Analysis as to whether or not project activities would:

- a. Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated.

Impact Analysis: The Project would not result in increased use of recreational facilities in the area.

Conclusion:

- Potentially Significant Impact
- Potentially Significant Unless Mitigated
- Less Than Significant Impact
- No Impact

- b. Include recreational facilities or require construction or expansion of recreational facilities which might have an adverse physical effect on the environment.

Impact Analysis: The Project does not include recreational facilities or require construction or expansion of recreational facilities.

Conclusion:

- Potentially Significant Impact
- Potentially Significant Unless Mitigated
- Less Than Significant Impact
- No Impact

References Used:

15. Transportation and Traffic

Analysis as to whether or not project activities would:

- a. Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections).

Impact Analysis: The Project would result in addition of one truck with trailer-mounted injection unit to the Streets of Milpitas (Ames Avenue, South Milpitas Boulevard and Yosemite Drive) for two days during each quarterly injection events and one truck with groundwater sampling equipment for two days during each semi-annual groundwater sampling event. The Project would, therefore, not result in substantial increase in traffic in relation to the existing traffic. In addition, the Project activities would be performed under an Encroachment Permit from the City of Milpitas; a City-approved traffic control plan would be implemented as required by the Encroachment Permit.

Conclusion:

- Potentially Significant Impact
- Potentially Significant Unless Mitigated
- Less Than Significant Impact
- No Impact

- b. Exceed, either individually or cumulatively, a level of service standard established by the country congestion management agency for designated roads or highway.

Impact Analysis: The Project would not result in an increase in the level of service standard established by the country congestion management agency for designated roads or highway. See response to 15.a.

Conclusion:

- Potentially Significant Impact
- Potentially Significant Unless Mitigated
- Less Than Significant Impact
- No Impact

- c. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).

Impact Analysis: Since construction is not proposed, the Project would not result in hazards due to design features. The equipment used (truck with equipment trailer) would not be incompatible.

Conclusion:

- Potentially Significant Impact
- Potentially Significant Unless Mitigated
- Less Than Significant Impact
- No Impact

- d. Result in inadequate emergency access.

Impact Analysis: The Project activities would not result in any permanent or temporary features to block or affect emergency access.

Conclusion:

- Potentially Significant Impact
- Potentially Significant Unless Mitigated
- Less Than Significant Impact
- No Impact

- e. Result in inadequate parking capacity.

Impact Analysis: The Project activities would not result in increased number of vehicles requiring parking space. The trucks for injection and groundwater sampling would use space available near injection points and monitoring wells.

Conclusion:

- Potentially Significant Impact
- Potentially Significant Unless Mitigated
- Less Than Significant Impact
- No Impact

- f. Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks).

Impact Analysis: The Project activities would be performed under an Encroachment Permit from the City of Milpitas; a City-approved traffic control plan would be implemented as required by the Encroachment Permit. The Project would not conflict with the City's adopted plans and policies.

Conclusion:

- Potentially Significant Impact
- Potentially Significant Unless Mitigated
- Less Than Significant Impact
- No Impact

References Used:

16. Utilities and Service Systems

Analysis as to whether or not project activities would:

- a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board.

Impact Analysis: The Project would generate very small quantities of wastewater (less than 25 gallons) as part of the semi-annual groundwater sampling events. The wastewater would be disposed off-site following relevant regulatory requirements. The Project would not generate wastewater that would be treated under the requirements of the RWQCB.

Conclusion:

- Potentially Significant Impact
 Potentially Significant Unless Mitigated
 Less Than Significant Impact
 No Impact

- b. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.

Impact Analysis: The Project would generate very small quantities of wastewater (less than 25 gallons) as part of the semi-annual groundwater sampling events. The wastewater would be disposed off-site following relevant regulatory requirements. The Project would not require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities.

Conclusion:

- Potentially Significant Impact
 Potentially Significant Unless Mitigated
 Less Than Significant Impact
 No Impact

- c. Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.

Impact Analysis: The Project activities would not require or result in the construction of new storm water drainage facilities or expansion of existing facilities. Storm water discharge would not be required as part of this project.

Conclusion:

- Potentially Significant Impact
 Potentially Significant Unless Mitigated
 Less Than Significant Impact
 No Impact

- d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed.

Impact Analysis: The Project would use potable water under a temporary water meter permit from the City of Milpitas. The injection program would require usage of up to approximately 7,000 gallons per quarter. This need would be served from existing City resources.

Conclusion:

- Potentially Significant Impact
 Potentially Significant Unless Mitigated
 Less Than Significant Impact
 No Impact

- e. Result in determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the projects projected demand in addition to the providers existing commitments.

Impact Analysis: The Project would generate very small quantities of wastewater (less than 25 gallons) as part of the semi-annual groundwater sampling events. With such small quantities, the Project would not require capacity evaluation by a wastewater treatment provider to serve this demand.

Conclusion:

- Potentially Significant Impact
- Potentially Significant Unless Mitigated
- Less Than Significant Impact
- No Impact

- f. Be served by a landfill with sufficient permitted capacity to accommodate the projects solid waste disposal needs.

Impact Analysis: The Project would not generate any solid waste.

Conclusion:

- Potentially Significant Impact
- Potentially Significant Unless Mitigated
- Less Than Significant Impact
- No Impact

- g. Comply with federal, state, and local statutes and regulations related to solid waste.

Impact Analysis: The Project would not generate any solid waste.

Conclusion:

- Potentially Significant Impact
- Potentially Significant Unless Mitigated
- Less Than Significant Impact
- No Impact

References Used:

Mandatory Findings of Significance

Based on evidence provided in this Initial Study, the Board makes the following findings:

- a. The project has does not have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory.
- b. The project has does not have impacts that are individually limited but cumulatively considerable. "Cumulatively considerable" means that the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.
- c. The project has does not have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly.

Determination of Appropriate Environmental Document:

Based on evidence provided in this Initial Study, the Board makes the following determination:

- The proposed project COULD NOT HAVE a significant effect on the environment. A **Negative Declaration** will be prepared.
- The proposed project COULD HAVE a significant effect on the environment. However, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A **Mitigated Negative Declaration** will be prepared.
- The proposed project MAY HAVE a significant effect on the environment. An **Environmental Impact Report** is required.
- The proposed project MAY HAVE a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable

legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An **Environmental Impact Report** is required, but it must analyze only the effects that remain to be addressed.

The proposed project COULD HAVE a significant effect on the environment. However, all potentially significant effects (a) have been analyzed adequately in an earlier Environmental Impact Report or Negative Declaration pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier Environmental Impact Report or Negative Declaration, including revisions or mitigation measures that are imposed upon the proposed project. Therefore, nothing further is required.

Certification:

I hereby certify that the statements furnished above and in the attached exhibits, present the data and information required for this initial study evaluation to the best of my ability and that the facts, statements and information presented are true and correct to the best of my knowledge and belief.

 _____ Preparer's Signature		<u>2-11-09</u> _____ Date
<u>Mark Johnson</u> Preparer's Name	<u>Engineering Geologist</u> Preparer's Title	<u>510-622-2493</u> Phone #
 _____ Branch or Unit Chief Signature		<u>2/11/09</u> _____ Date
<u>Stephen A. Hill</u> Branch or Unit Chief Name	<u>Chief, Toxics Cleanup Division</u> Branch or Unit Chief Title	<u>510-622-2361</u> Phone #