

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

RESOLUTION NO. R2-2010-0098

**ADOPTION OF NEGATIVE DECLARATION FOR THE SFPP, L.P. SAN JOSE
TERMINAL, SAN JOSE, SANTA CLARA COUNTY**

WHEREAS:

1. On June 19, 2006, staff at the San Francisco Bay Regional Water Quality Control Board (Water Board) issued a Water Code section 13267 order requiring submittal of technical reports/information regarding characterization and cleanup of fuel hydrocarbons at the Kinder Morgan San Jose Terminal (site). The letter was issued based on the existing threats to water quality posed by fuel hydrocarbon releases at the site. In response to the requirement, a Monitored Natural Attenuation (MNA) Evaluation in Support of the Remedial Action Plan (December 15, 2006), Remedial Action Plan (July 27, 2007), and Remedial Action Plan Addendum (October 8, 2009) were prepared for the site;
2. On May 6, 2010, the Water Board provided to the public, responsible agencies, trustee agencies, and other interested persons, Tentative Site Cleanup Requirements to implement the MNA remedy at the site;
3. The Water Board has assumed the lead agency role for approving the Project under the California Environmental Quality Act (CEQA at Public Resources Code § 21000 et seq.) and has conducted an Initial Study in accordance with Title 14, California Code of Regulations, § 15063 and prepared a Negative Declaration in accordance with Title 14, California Code of Regulations, § 15070 et seq. The Initial Study did not identify any potentially significant impacts;
4. On May 6, 2010, the Water Board provided a Notice of Completion to adopt the Negative Declaration to the public, responsible agencies, trustee agencies, and other interested persons. The Water Board also published the Notice of Completion in the local newspaper in the area affected by the Project, noting availability of the Negative Declaration and supporting Initial Study and related project documents at the Water Board's offices and the Water Board's website;
5. On May 6, 2010, the Negative Declaration and supporting Initial Study were transmitted by the State Clearinghouse (SCH No. 2010052007) and copies were independently mailed to all agencies and persons known to be interested in this matter, thus initiating a 30 day public review and comment period;
6. The Water Board did not receive any comments on the Negative Declaration or supporting documents during the public comment period;

7. The Water Board finds that on the basis of the whole record that there is no substantial evidence that the Project will have a significant effect on the environment. The Negative Declaration, all supporting documentation, and the record of proceedings are available at the Water Board's offices;
8. The Negative Declaration reflects the independent judgment and analysis of the Water Board; and
9. The Water Board considered all testimony and evidence at a public hearing held July 14, 2010 in Oakland, California, and good cause was found to adopt the Negative Declaration.

THEREFORE BE IT RESOLVED, that the Board hereby adopts the Negative Declaration for the Project.

I, BRUCE H. WOLFE, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of the resolution adopted by the California Regional Water Quality Control Board, San Francisco Bay Region on July 14, 2010.

Bruce H. Wolfe
Executive Officer



California Regional Water Quality Control Board

San Francisco Bay Region



Linda S. Adams
Secretary for
Environmental
Protection

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Arnold Schwarzenegger
Governor

NEGATIVE DECLARATION

SUBJECT: Adoption of Final Site Cleanup Requirements and Rescission of Order No. 92-142, SFPP, L.P. San Jose Terminal, 2150 Kruse Drive, San Jose, Santa Clara County

PROJECT DESCRIPTION

The Board is proposing to adopt final Site Cleanup Requirements (SCR) for the SFPP, L.P. San Jose Terminal (SFPP) located at 2150 Kruse Drive in San Jose (Figure 1). The SFPP terminal has been in operation since the 1950's, and environmental investigations have been ongoing since the 1980's. Results from these investigations indicate that gasoline, diesel and aviation fuels, including fuel additives benzene, toluene, ethylbenzene, xylenes (BTEX) and methyl-tertiary butyl ether (MTBE) have been detected in soil and groundwater beneath various portions of the facility, and in groundwater at the eastern and western property boundaries.

Previous remedial activities at the facility included the installation of a recovery and groundwater extraction and treatment system for the collection of separate-phase liquid hydrocarbons (SPLH) where petroleum hydrocarbons were released in the late 1980's (the system has not been in operation since the mid-1990's), and soil excavation where unleaded gasoline was spilled on two occasions in 2002 and 2004.

The adoption of the SCR would approve and require implementation of the remedial action plan (RAP) and RAP addendum prepared for the site in 2007 and 2009, respectively. The RAP and RAP addendum propose continued remedial activities by removal of SPLH via pumping and use of absorbent socks, as needed, and monitored natural attenuation (MNA) by periodic evaluation of hydrocarbon and oxygenate concentrations and trends as a cleanup remedy. Cleanup goals were proposed in the RAP by the Discharger based on the Board's Environmental Screening Levels (ESLs) for soil and surface water, and California Maximum Contaminant Levels (MCLs) as well as ESLs for groundwater, to levels that are protective of human health and the environment.

The project, as defined for the purposes of this California Environmental Quality Act (CEQA) evaluation, include the following activities: 1) adoption of the SCR, 2) implementation of the RAP and addendum, 3) preparation of a contingency plan to address and remove SPLH, 4) evaluation of storm water best management practices, 5) monitoring well network evaluation, 6) evaluation of site contaminant concentrations in property boundary wells that would indicate an off-site release, and 7) implementation of the updated self-monitoring program for groundwater sampling as established in the SCR.

ENVIRONMENTAL SETTING

The site is located in a commercial/industrial area of San Jose, west of Highway 880 and Coyote Creek, and south of Montague Expressway.

FINDINGS AND DETERMINATION

The Board conducted an Initial Study (attached), which determined that there is no substantial evidence 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:

- State Clearinghouse
- Santa Clara Valley Water District
- City of San Jose
- Santa Clara County Clerk
- All property owners within a 500-foot radius from the site

PUBLIC REVIEW

- Draft document referred for comments on May 6, 2010.
- 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's 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 Ms. Alyx Karpowicz at 510-622-2427.



Terry Seward, Acting Chief
Groundwater Protection Division

Attachments:

- A. Figure 1. Site Location Map
- B. Initial Study

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MAP SOURCE: Google Earth Pro™ 2009, 37°23'23.59"N, 121°54'41.78"W



0 300 600 1,200 feet



Site Location Map

2150 Kruse Drive, San Jose, California - 028-07838-12

Figure 1

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. 92-142 for the SFPP, L.P. San Jose Terminal		
PROJECT ADDRESS: 2150 Kruse Drive	CITY: San Jose	COUNTY: Santa Clara
PROJECT SPONSOR: Board	CONTACT: Alyx Karpowicz	PHONE: 510-622-2427

BOARD (Lead Agency) ADDRESS:
1515 Clay Street, Suite 1400
Oakland, CA 94612

PROJECT DESCRIPTION: The Board is proposing to adopt final Site Cleanup Requirements (SCR) for the SFPP, L.P. San Jose Terminal (SFPP) located at 2150 Kruse Drive in San Jose, California (Figure 1). The facility has been in operation since the 1950's and environmental investigations have been ongoing since the 1980's. Results from these investigations indicate that gasoline, diesel and aviation fuels- including fuel additives benzene, toluene, ethylbenzene, xylenes (BTEX) and methyl-tertiary butyl ether (MTBE)- have been detected in soil and groundwater beneath various portions of the facility, and in groundwater at the eastern and western property boundaries.

Previous remedial activities at the site included the installation of a recovery and groundwater extraction and treatment system for the collection of separate phase liquid hydrocarbons (SPLH) where petroleum hydrocarbons were released in the late 1980's (the system has not been in operation since the mid-1990's), and soil excavation where unleaded gasoline was spilled on two occasions in 2002 and 2004.

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The project, as defined for the purposes of this California Environmental Quality Act (CEQA) evaluation, include the following activities: 1) adoption of the SCR, 2) implementation of the RAP and addendum, 3) preparation of a contingency plan to address and remove SPLH, 4) evaluation of storm water best management practices, 5) monitoring well network evaluation, 6) evaluation of site contaminant concentrations in property boundary wells that would indicate an off-site release, and 7) implementation of the updated self-monitoring program for groundwater sampling as established in the SCR.

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 industrial/commercial area with no scenic vistas.

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 industrial/commercial area 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).

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: Remedial Action Plan, SFPP, L.P. San Jose Terminal, 2150 Kruse Drive, San Jose, California. July 27, 2007. Prepared by LFR, 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 within a large commercial/industrial area and no farmland is present.

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: See response to 2.a.

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 response to 2.a.

Conclusion:

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

References Used: Remedial Action Plan, SFPP, L.P. San Jose Terminal, 2150 Kruse Drive, San Jose, California. July 27, 2007. Prepared by LFR, 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 site 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 site remedy involves MNA and will not result in any air emissions.

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: See response to 3.b.

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.b.

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: No odors will be generated by the MNA remedy.

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, therefore if naturally occurring asbestos exists beneath the site, it will not be disturbed.

Conclusion:

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

References Used: Remedial Action Plan, SFPP, L.P. San Jose Terminal, 2150 Kruse Drive, San Jose, California. July 27, 2007. Prepared by LFR, 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: No construction is proposed at the site, therefore no habitat modifications would result.

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: No construction is proposed at the site, 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

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: No construction is proposed at the site, 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: No construction is proposed at the site, therefore would not affect any archeological resource.

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: No construction is proposed at the site, therefore would not affect unique paleontological or geologic features.

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: No construction is proposed at the site, therefore would not disturb any human remains.

Conclusion:

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

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: The closest Alquist-Priolo zoned fault is the Calaveras, just over 5 miles to the east of the site. The statewide probabilistic seismic hazard analysis indicates that peak ground accelerations with a 10% probability of exceedance in the next 50 years are expected. According to the California Geological Survey, the site is not within a liquefaction or landslide hazard zone: site soils consist of silt, sand and clay intervals in the top 20 feet and silty clays to 50 feet, and the topography is generally flat with a slight downslope to the north.

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: No construction is proposed at the site. The site is located in a developed area covered with asphalt and/or concrete with the exception of the tank farm area, which is covered with hard-packed dirt and gravel; however, this area is bermed all the way around so that any runoff would not remove topsoil from the area.

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.a. and 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 Swelling Clays Map of the Conterminous United States classifies the site as within an area underlain by soils with little clay having swelling potential.

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 in an urban area serviced by public utilities; septic tanks are not used. The small amounts of water generated from monitoring well sampling are stored in 55-gallon drums and disposed off-site at an appropriately licensed facility.

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: According to the Department of Conservation, Division of Mines and Geology (Open-File Report 2000-19), the site is not located within an area likely to have naturally occurring asbestos. Also see response to 3.f.

Conclusion:

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

References Used: California Geological Survey websites:

http://www.consrv.ca.gov/CGS/geologic_hazards/regulatory_hazard_zones/Pages/index.aspx

<http://redirect.conservation.ca.gov/cgs/rghm/pshamap/pshamap.asp?Longitude=-121.895&Latitude=37.336>, and

Fault Rupture Hazard Zones in California, Special Publication 42: Department of Conservation, California Geological Survey. Interim Revision 2007.

Swelling Clays Map of the Conterminous United States" by W. Olive, A. Chleborad, C. Frahme, J. Shlocker, R. Schneider and R. Schuster. Published in 1989 as Map I-1940 in the USGS Miscellaneous Investigations Series.

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 wastewater currently drummed and disposed of off-site is considered non-hazardous. Any project on the site would not involve transport, use or disposal of hazardous materials.

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: There is no construction proposed at the site, therefore release of hazardous materials 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: There are no schools currently within one-mile of the site. Also 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 the CORTESE list as a leaking underground storage tank site. However, the proposed remedy as presented in the RAP involves MNA which would not create a hazard to the public or 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 proposed remedy at the site will not physically interfere with any emergency response plans.

Conclusion:

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

References Used: State Water Resources Control Board (SWRCB) Geotracker website (2008):
<https://geotracker.waterboards.ca.gov/map/?CMD=runreport&myaddress=2150+kruse+drive%2C+san+jose%2C+ca>

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 groundwater remedy and cleanup standards would not violate any water quality standards or waste discharge requirements.

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 proposed remedy for the site would not deplete groundwater supplies or interfere with groundwater recharge. The only groundwater removed will be from the ongoing groundwater monitoring program.

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: No construction is proposed at the site, therefore the existing drainage pattern will not be altered.

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: No construction is proposed at the site, or the adjacent Coyote Creek, therefore drainage patterns will not be altered and additional runoff will not be generated.

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 remedy was proposed to improve the quality of groundwater beneath the site, therefore would not degrade water quality.

Conclusion:

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

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

Impact Analysis: No construction is proposed at the site, therefore flood flows would not be impeded or redirected, should they occur.

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 proposed site activities would not result in flooding, and 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 seiche, tsunami or mudflow.

Impact Analysis: The closest water body to the site is Coyote Creek, which is not susceptible to tsunamis or seiches, and the site is in a topographically low area with no nearby hills or mountains as a source of mudflows.

Conclusion:

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

References Used: FEMA National Flood Hazard Maps for Santa Clara County.

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: There are no new structures proposed at the site, therefore would not interfere with any applicable land use plans.

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 lies within a habitat conservation plan study area; however, no construction and/or activities are planned that would disrupt the natural habitat in or around Coyote Creek.

Conclusion:

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

References Used: Santa Clara Valley Habitat Plan, Santa Clara Valley HCP/NCCP Study Area Boundary Map (2006).

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: No site activities would result in the loss of availability of known mineral resources.

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: According to the CGS Mineral Land Classification, the site does not appear to be in a mineral resource recovery area.

Conclusion:

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

References Used: California Geological Survey- SMARA Mineral Land Classification, 2006.

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: Site activities would not result in the generation of noise levels in excess of local or applicable 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: Site activities would not result in the generation of any groundbourne vibration or noise levels.

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: Site activities would not result in an increase in ambient noise levels.

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: Site activities would not result in substantial increase of ambient noise levels.

Conclusion:

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

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: There is no building or home construction proposed at the site.

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: Site use is currently for storage of petroleum products and is located in a commercial/industrial area; there is no housing in the immediate site vicinity.

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: See response to 12.b.

Conclusion:

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

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: Site activities would not alter government facilities, therefore new or altered government facilities would not be required.

Conclusion:

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

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: Site activities 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 site does not include recreational facilities and will not require construction or expansion of recreational facilities.

Conclusion:

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

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: Site activities would not result in a substantial increase in vehicular traffic in the area.

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: 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: No construction is proposed on or around the site, therefore would not result in hazards due to design features. Any equipment used on site (standard trucks and passenger cars) 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: Site activities would not result in any temporary or permanent 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: Site activities would not result in any additional parking capacity requirements.

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: Site activities would not conflict with adopted policies, plans or programs supporting alternative transportation.

Conclusion:

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

16. Utilities and Service Systems

Analysis as to whether or not project activities would:

- a. Exceed wastewater treatment requirements of the San Francisco Bay Regional Water Quality Control Board.

Impact Analysis: Site activities would generate very little wastewater (approximately 35 gallons) as part of the semi-annual groundwater monitoring events. The wastewater would be disposed of off-site at an appropriately licensed facility. Site activities 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: Site activities would not require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, which have not been operational since the mid-1990's, and are not proposed to be reactivated.

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: Site activities would not require or result in construction of new storm water drainage facilities or expansion of existing facilities.

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: Site activities would not require the use of water resources beyond what already exists at the facility.

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: Site activities would generate very little wastewater (approximately 35 gallons) as part of the semi-annual groundwater monitoring 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: Site activities 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: Site activities would not generate any solid waste.

Conclusion:

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

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, DTSC 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.

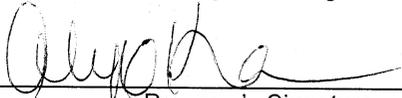
The proposed project MAY HAVE a significant effect on the environment. An **Environmental Impact Report** is required.

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.

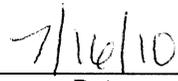
The proposed project COULD HAVE a significant effect on the environment. However, all potentially significant effects (a) have been analyzed adequately in an earlier Environmental Impact Report or Negative Declaration pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to 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



Date

Alyx Karpowicz, P.G.

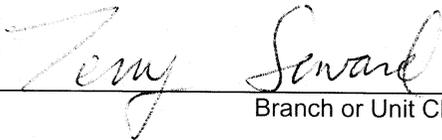
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Branch or Unit Chief Signature



Date

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