

CALIFORNIA ENVIRONMENTAL QUALITY ACT NOTICE OF DETERMINATION

To: Office of Planning and Research
State Clearinghouse
P.O. Box 3044, 1400 Tenth Street, Room 212
Sacramento, CA 95812-3044

From: Department of Toxic Substances Control
Permitting Division
700 Heinz Avenue, Suite 320
Berkeley, CA 94710

Subject: Filing of Notice of Determination in Compliance with Section 21108 of the Public Resources Code

Project Title: ECS Refining Closure Plan Amendment

State Clearinghouse Number: 2008112030

Project Location: 705 Reed Street

County: Santa Clara

Project Applicant: Michael Friedman, Senior Geologist, Roux Associates on behalf of Forsyth-Bolin Property Management, LLC

Project Description: The California Department of Toxic Substances Control (DTSC), pursuant to authority granted under Cal. Code Regs., tit. 22, division 4.5, Chapter 14, proposes to approve a Closure Plan Amendment for the former ECS Refining Facility. ECS Refining had been permitted to store and treat hazardous waste to reclaim precious and base metals under a Standardized Hazardous Waste Facility Permit that expired on January 8, 2019. ECS Refining filed bankruptcy and ceased operations in 2018. The landowner, Forsyth-Bolin Property Management, LLC, will effect the final facility closure. On January 9, 2020, Roux Associates on behalf of Forsyth-Bolin Property Management, LLC, submitted a request to amend the ECS Refining Closure Plan to address deficiencies previously identified by DTSC.

The Closure Plan amendments specifically include:

- Scrap metal recycling of processing equipment (e.g., furnaces) and decontamination and wipe sampling of processing equipment (e.g., shredders) to be sold for industrial re-use,
- Designated locations for additional wipe sampling of building wall and ceiling surfaces, and designated locations for concrete chip and soil samples throughout the regulated areas,
- Updated wipe, concrete chip, and soil sampling and quality assurance/quality control sample descriptions,
- Updated schedule for closure activities, and
- Updated closure performance standards to use residential health risk-based screening levels, consistent with current closure methodologies.

Administratively, the Closure Plan amendments include updated information to reflect:

- The landowner, Forsyth-Bolin Property Management, LLC, is implementing the final facility closure following the operator's bankruptcy,
- Current contact information in the event of an emergency response,
- Specific content and schedule for the Closure Report, and
- Closure cost funding and progress payments.

As Lead Agency under the California Environmental Quality Act (CEQA), DTSC approved the above-described project on January 17, 2020 and has made the following determinations:

1. The project will not have a significant effect on the environment.
2. A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures were not made a condition of project approval.
4. A Statement of Overriding Considerations was not adopted for this project.
5. Findings were not made pursuant to the provisions of CEQA.

The administrative record for this project is available to the public by appointment at the following location:

Department of Toxic Substances Control
700 Heinz Avenue
Berkeley, CA 94710

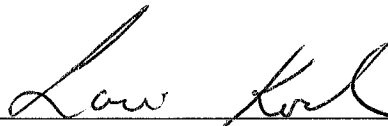
Contact Person
Elena Espada

Contact Title
Hazardous Substances Engineer

Phone Number
510-540-3779

Approver's Signature:

Date:



1/17/20

Approver's Name
Lori Koch

Approver's Title
Permitting Branch Chief

Approver's Phone Number
510-540-3951

TO BE COMPLETED BY OPR ONLY

Date Received for Filing and Posting at OPR:

Governor's Office of Planning & Research

JAN 22 2020

STATE CLEARINGHOUSE