

# CALIFORNIA ENVIRONMENTAL QUALITY ACT STATEMENT OF FINDINGS

The Department of Toxic Substances Control (DTSC) has issued Findings for this project pursuant to the California Environmental Quality Act (CEQA; California Public Resources Code, Division 13, Section 21081) and implementing Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3, Sections 15091 et seq.)

Governor's Office of Planning & Research

## A. PROJECT SUBJECT TO DTSC APPROVAL

**JUNE 28 2019**

PROJECT TITLE: Removal Action Workplan, Mora Drive		CALSTARS CODING: 202139 <b>STATE CLEARINGHOUSE</b>
PROJECT ADDRESS: 2296 Mora Drive	CITY: Mountain View	COUNTY: Santa Clara
PROJECT SPONSOR: Department of Toxic Substances Control	CONTACT: Henry Wong	PHONE/ EMAIL: (510) 540-3770; <a href="mailto:henry.wong@dtsc.ca.gov">henry.wong@dtsc.ca.gov</a>

### APPROVAL ACTION UNDER CONSIDERATION BY DTSC:

- |   |   |  |                                       |
|---|---|--|---------------------------------------|
| <input type="checkbox"/> Initial Permit Issuance            | <input type="checkbox"/> Permit Renewal       | <input type="checkbox"/> Permit Modification | <input type="checkbox"/> Closure Plan |
| <input checked="" type="checkbox"/> Removal Action Workplan | <input type="checkbox"/> Remedial Action Plan | <input type="checkbox"/> Interim Removal     | <input type="checkbox"/> Regulations  |
| <input type="checkbox"/> Other (specify):                   |   |  |                                       |

### STATUTORY AUTHORITY:

- California H&SC, Chap. 6.5     
 California H&SC, Chap. 6.8     
 Other (specify):

### PROJECT DESCRIPTION (List Specific Activities Proposed To Be Undertaken):

The project consists of the implementation of engineering controls (vapor intrusion mitigation systems beneath building foundations) and institutional controls (land use covenant to restrict groundwater use and require vapor intrusion mitigation systems for new buildings) to remediate volatile organic compounds (VOCs), in soil gas and groundwater for the entire 5.2-acre Mora Drive (Site) prior to residential development. The Mora Drive Residential Project occupies approximately 5.2 acres. The City of Mountain View (City) approved the development of 75 three-story row houses, consisting of 61 attached and 14 detached units, each containing two to three bedrooms and garages.

On January 5, 2016, the City approved the Initial Study/Mitigated Negative Declaration (MND) for the Site with mitigation measures addressing air quality, hazards and hazardous materials, noise, and utilities. Since the Site is within the Mora Drive Residential Project, DTSC, as the California Environmental Quality Act (CEQA) Responsible Agency, is utilizing the MND for the Removal Action Workplan CEQA analysis.

Past environmental investigations have found elevated concentrations of volatile organic compounds (VOC), primarily tetrachloroethylene and trichloroethylene, in soil, soil gas, and groundwater at the Site. Higher contaminant concentrations had been detected at the Plessey Micro Science sub-area of approximately one acre, located at the northwestern portion within the 5.2-acre Site. In December 2016, DTSC approved the Remedial Action Plan Amendment for Plessey Micro Science and selected remedies to mitigate VOC contaminations in soil, soil gas, and groundwater. DTSC completed implementation of these remedies at Plessey Micro Science in May 2018. Subsequently, DTSC has prepared the draft Removal Action Workplan proposing the following engineering controls and institutional controls to remediate VOC contaminations in soil gas and groundwater for the entire 5.2-acre Site:

- Engineering controls: Installation of vapor intrusion mitigation systems beneath building foundations including the following elements:
  - A 2- to 6-inch-thick continuous layer of nominal ¾-inch gravel beneath the concrete floor slabs.
  - A network of sub-slab low-profile perforated vent piping within the gravel layer connected to non-perforated piping that leads to the rooftop ventilator, or sub-slab depressurization (SSD) fan.
  - A flexible membrane liner beneath the floor of the residential units and above the gravel layer ("sub-slab liner"). Outlet pipes (riser pipes) that extend above the roof line for the residential structure with rooftop ventilators.
  - Sub-slab monitoring stations for collecting soil gas samples and measuring sub-slab pressure.

- Institutional controls: A land use covenant to restrict groundwater use and require vapor intrusion mitigation systems for new buildings.

**B. LEAD AGENCY ENVIRONMENTAL DOCUMENT REVIEWED**

Lead Agency: City of Mountain View

Lead Agency Environmental Document: Mitigated Negative Declaration, Mora Drive Residential Project, City of Mountain View, January 5, 2016

Date Certified: February 3, 2016

State Clearinghouse Number: 2015062001

**C. STATEMENT OF FINDINGS AND FACTS FOR ADEQUACY OF LEAD AGENCY ENVIRONMENTAL DOCUMENT**

Using its independent judgment, DTSC makes the following findings:

The Lead Agency Final Environmental Document includes a description of the Project now before DTSC for decision

The Lead Agency Final Environmental Document adequately analyzed impacts associated with the Project before DTSC for decision.

DTSC concurs with the findings made by the Lead Agency Final Environmental Document relating to the Project before DTSC for decision.

Mitigation measures are included in the Lead Agency Final Environmental Document for the following resources that would potentially be affected by the DTSC project:

<input type="checkbox"/> Aesthetics	Mitigation Measure: None
<input checked="" type="checkbox"/> Air Quality	<p>Mitigation Measure:</p> <p><b>MM AQ-1.1:</b> The following mitigation measures shall be implemented during all phases of construction on the project site to prevent visible dust emissions from leaving the site:</p> <ul style="list-style-type: none"> <li>All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.</li> <li>All haul trucks transporting soil, sand, or other loose material off-site shall be covered.</li> <li>All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.</li> <li>All vehicle speeds on unpaved roads shall be limited to 15 mph.</li> <li>All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.</li> <li>Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.</li> <li>All construction equipment shall be maintained and properly tuned in accordance with manufacturer’s specifications. All equipment shall be checked by a certified visible emissions evaluator.</li> </ul>

	<ul style="list-style-type: none"> <li>• Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.</li> </ul> <p><b>MM AQ-1.2:</b> Construction, grading, trenching, and demolition equipment shall be selected to minimize emissions. The equipment selection shall include the following criteria:</p> <ul style="list-style-type: none"> <li>• All diesel-powered off-road equipment larger than 50 horsepower and operating on the project site for more than two days continuously shall meet US EPA particulate matter emissions standards Tier 4 engines or equivalent.</li> <li>• The number of hours that equipment will operate shall be minimized, including the use of idling restrictions.</li> </ul> <p>[Less Than Significant Impact with Mitigation Measures Incorporated in the Project]</p>
<input type="checkbox"/> Agricultural Resources	Mitigation Measure: None
<input type="checkbox"/> Biological Resources	Mitigation Measure: None
<input type="checkbox"/> Cultural Resources	Mitigation Measure: None
<input type="checkbox"/> Geology / Soils	Mitigation Measure: None
<input type="checkbox"/> Greenhouse Gas Emissions	Mitigation Measure: None
<input checked="" type="checkbox"/> Hazards / Hazardous Materials	<p>Mitigation Measure:</p> <p><b>MM HAZ-1.1:</b> A Pesticide Mitigation Plan shall be prepared for DTSC's review and written approval; the Pesticide Mitigation Plan will provide a summary of all available pesticide and metal data, determine if an appropriate number of samples were analyzed to adequately characterize the topsoil, and evaluate the potential risk to human health in a residential scenario using a 10<sup>-6</sup> cancer risk level, and shall use the US EPA residential screening levels to interpret the 10<sup>-6</sup> cancer risk level. The Pesticide Mitigation Plan shall provide for appropriate mitigation, if any, to reasonably protect residential users. DTSC's written approval of the Pesticide Mitigation Plan shall be provided to the City.</p> <p><b>MM HAZ-2.1:</b> The project developer and subsequent property owners shall cooperate with DTSC for the on-going remediation/monitoring activities at the project site. The site shall be developed in a manner that will allow access for continued remediation and monitoring activities by DTSC. The locations of future groundwater monitoring wells and other remediation infrastructure shall be incorporated into the development plans.</p> <p><b>MM HAZ-2.2:</b> The developer shall comply with requirements of DTSC and record a Covenant and Environmental Restriction on the property (deed restriction) in accordance with the requirements of California Civil Code Section 1471. The deed restriction will prohibit extraction of groundwater for purposes other than monitoring or remediation.</p> <p><b>MM HAZ-2.3:</b> The City of Mountain View shall comply with the requirements of DTSC to provide access to install, maintain, and eventually remove, groundwater monitoring wells and equipment on the 0.45-acre parcel that will be provided to the City for use as a public park.</p> <p><b>MM HAZ-2.4:</b> During demolition of floors, foundations, and utilities at the Mora Drive site, an Environmental Professional shall be present on a full-time basis to observe soil conditions, to monitor vapors with a hand-held meter, and to determine if additional soil sampling is needed, based on visual and monitoring results.</p> <p><b>MM HAZ-2.6:</b> Contaminant concentrations associated with the 0.45-acre parcel that would be dedicated to the City for use as a public park shall not exceed residential screening levels or any level that would preclude the use of the parcel as a public park. A SMP shall be prepared by the developer's Environmental Professional for the 0.45-acre public park parcel that presents specific post-remediation protocols for the park construction, operation, and on-going maintenance of the facility. Written approval of the SMP by the DTSC shall be issued to the City. The developer's Environmental Professional shall assist in the implementation of the SMP and shall perform part-time to full-time observation services during construction of the park.</p>

**MM HAZ-3.1:** The developer shall complete a Vapor Intrusion Investigation Work Plan. This work plan shall include soil vapor sampling in the areas of concern. The developer shall then prepare a Vapor Intrusion Mitigation Plan (VIMP) that reflects the results of the investigation and implement the VIMP, including any long-term operation and maintenance. The VIMP shall use a  $10^{-6}$  cancer risk level and shall use the US EPA residential screening levels to interpret the  $10^{-6}$  cancer risk level. The developer shall provide DTSC's written approval on the Investigation Work Plan and the VIMP to the City.

**MM HAZ-3.2:** The developer shall install vapor intrusion mitigation systems beneath all buildings to effectively eliminate vapor intrusion. The mitigation system shall either be an active or passive sub-slab depressurization system. The developer shall also provide measures in the VIMP to confirm the vapor intrusion mitigation system works as designed. The developer shall provide financial assurances of adequate funds for long-term operation and maintenance, if required by the VIMP.

**MM HAZ-4.1:** During demolition of floors, foundations, and utilities at the Symtron properties, an Environmental Professional shall be present on the project site to observe soil conditions, to monitor vapors with a hand-held meter, and to determine if additional soil sampling should be performed, based on visual and monitoring results.

**MM HAZ-6.1:** A Health and Safety Plan (HSP) shall be developed to establish appropriate protocols for working in contaminated materials. Workers conducting site investigation and earthwork activities in areas of contamination shall complete a 40-hour HAZWOPER training course (29 CFR 1910.120 (e)), including respirator and personal protective equipment training. Each contractor will be responsible for the health and safety of their employees as well as for compliance with all applicable federal, state, and local laws and guidelines. This document shall be provided to the City and DTSC.

**MM HAZ-6.2:** An SMP shall be developed to establish management practices for handling contaminated soil, soil vapor, groundwater or other materials during construction and for operation and maintenance of the entire project site. These documents shall be provided to the DTSC for review and written approval; its measures shall be incorporated into the project design documents. Written approval of the SMP by the DTSC shall be issued to the City. The developer's Environmental Professional shall assist in the implementation of the SMP and shall perform full-time observation services during demolition, excavation, grading, and trenching activities.

- Site control procedures shall be described to control the flow of personnel, vehicles and materials in and out of the project site.
- Prior to the start of any construction activity that involves below-ground work (e.g., mass grading, foundation construction, excavating or utility trenching), information regarding site risk management procedures (e.g., a copy of the SMP) will be provided to the contractors for their review, and each contractor shall provide such information to its subcontractors.
- Measures shall be described to minimize dust generation, stormwater runoff, and tracking of soil off-site.
- Demolition activities shall be performed in a manner to minimize airborne dust.
- If excavation dewatering is required, protocols shall be prepared to evaluate water quality and discharge/disposal alternatives. The pumped water shall not be used for on-site dust control or any other on-site use. If long-term dewatering is required, the means and methods to extract, treat and dispose groundwater also shall be presented.
- Protocols for conducting earthwork activities in areas where impacted soil, soil vapor and/or groundwater are present or suspected shall be provided. Worker training requirements, health and safety measures and soil handling procedures shall be described.
- Decontamination procedures shall be established and implemented by the contractor to reduce the potential for construction equipment and vehicles to release contaminated soil onto public roadways or other off-site transfer.
- Perimeter air monitoring shall be conducted at the site during any activity the significantly disturbs site soil (e.g., mass grading, foundation construction, excavating or utility trenching) to document the effectiveness of dust control measures and the presence of VOCs.
- Protocols to be implemented if buried structures, wells, debris, or unidentified areas of impacted soil are encountered during site development activities.
- Protocols shall be prepared to characterize/profile soil suspected of being contaminated so that appropriate mitigation, disposal or reuse alternatives, if necessary, can be implemented. Soil in contact with groundwater shall be assumed contaminated. All soil excavated and transported from this Site shall be appropriately disposed at a permitted facility.
- Stockpiling protocols shall be developed for "clean" and "impacted" soil.

	<ul style="list-style-type: none"> <li>• Procedures shall be developed to evaluate and document the quality of any soil imported to the site. Soil containing chemicals exceeding residential (unrestricted use) screening levels or typical background concentrations of metals shall not be accepted.</li> <li>• Methods to monitor excavations and trenches for the potential presence of VOC impacted vapors shall be identified.</li> <li>• Methods to mitigate for vapor intrusion of VOC vapors into the planned buildings shall be discussed in a Vapor Intrusion Mitigation Plan to be submitted by the developer.</li> <li>• Protocols shall be presented to evaluate if the residual contaminants will adversely impact the integrity of below-ground utility lines and/or structures (e.g., the potential for corrosion due to subsurface contamination), which shall also be incorporated into the project design documents.</li> <li>• Appropriate measures shall be implemented to reduce soil vapor and groundwater migration through trench backfill and utility conduits. Such measures shall include placement of low-permeability backfill "plugs" at specified intervals on the project site and at all locations where the utility trenches extend off-site. Utility conduits that are placed below groundwater shall be installed with water-tight fittings to reduce the potential for groundwater to migrate into the conduits. These measures shall be incorporated into the project design.</li> <li>• Because the site is known to have pollutants with the potential for mobilization, the Civil Engineer shall design the bottom and sides of the vegetated swales and water features (if incorporated into the building design) to be lined with a minimum 10-mil heavy duty plastic to help prevent site infiltration.</li> </ul> <p>Upon completion of construction activities, the Environmental Professional shall prepare a report documenting compliance with the SMP. The report shall contain a summary of: 1) vapor monitoring; 2) perimeter air monitoring; 3) soil and groundwater sampling and associated analytical testing; 4) the sources, quantity and quality of imported soils; 5) the installation of the vapor intrusion mitigation system; and 6) variances to the SMP. This report shall be submitted to the DTSC. Management and monitoring activities described in the SMP may be modified by the DTSC at any time in response to monitoring results. Written approval of the completion of the report by the DTSC shall be provided to the City prior to obtaining building occupancy permits.</p> <p><b>MM HAZ-6.3:</b> A SMP shall be prepared by the developer's Environmental Professional for the 0.45-acre public park parcel that presents specific post-remediation protocols for the park construction, operation, and on-going maintenance of the facility. Written approval of the SMP by the DTSC shall be issued to the City. The developer's Environmental Professional shall assist in the implementation of the SMP and shall perform part-time to full-time observation services during construction of the park.</p> <p>[Less Than Significant Impact with Mitigation Measures Incorporated in the Project]</p>
<input type="checkbox"/> Hydrology / Water Quality	Mitigation Measure: None
<input type="checkbox"/> Land Use / Planning	Mitigation Measure: None
<input type="checkbox"/> Mineral Resources	Mitigation Measure: None
<input checked="" type="checkbox"/> Noise	<p>Mitigation Measure:</p> <p><b>MM NOI-1.1:</b> Building sound insulation requirements will include the provision of forced-air mechanical ventilation for all residential units adjacent to Ortega Drive, so that windows could be kept closed, at the occupant's discretion, to control noise.</p> <p><b>MM NOI-2.1:</b> Mechanical equipment shall be designed to minimize noise on multi-family residential uses north and south of the project buildings and on single-family residences east of the project. Noise-generating equipment shall be located on the western or interior portions of the buildings, or acoustical shielding of the equipment from adjacent residential uses shall be provided. If rooftop-mounted equipment is used, measures to reduce noise shall be included such as rooftop screens or perimeter parapet walls, noise control baffles, sound attenuators, or enclosures. An acoustical specialist shall review the mechanical equipment plans prior to construction to confirm the Mora/Ortega Precise Plan operational noise limits would be met at adjacent residential uses.</p> <p>[Less Than Significant Impact with Mitigation Measures Incorporated in the Project]</p>
<input type="checkbox"/> Population / Housing	Mitigation Measure: None

<input type="checkbox"/> Public Services	Mitigation Measure: None
<input type="checkbox"/> Recreation	Mitigation Measure: None
<input type="checkbox"/> Transportation / Traffic	Mitigation Measure: None
<input checked="" type="checkbox"/> Utilities / Service Systems	<p>Mitigation Measure:</p> <p><b>MM UTL-1.1:</b> The project would include construction of new sanitary sewer laterals to an existing eight-inch public sanitary sewer main located in Ortega Avenue or pay a fair share contribution to the City of upsizing pipelines in the system to achieve appropriate hydraulic capacity.</p> <p>[Less Than Significant Impact with Mitigation Measures Incorporated in the Project]</p>

Mitigation measures identified in the Lead Agency Final Environmental Document have been adopted by DTSC for this Project and will be implemented to avoid, reduce, or substantially lessen the project impacts. No additional mitigation measures are necessary, and no additional mitigation monitoring plan is required pursuant to CEQA.

For each significant environmental effect identified for the Project:

- Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effects as identified in the Lead Agency Final Environmental Document.
- Such changes or alterations are within the responsibility and jurisdiction of the City of Mountain View and not DTSC.
- Such changes have been adopted by this public agency or can and should be adopted by this public agency.
- Mitigation measures included in the Lead Agency Final Environmental Document are infeasible, and therefore, will not be incorporated into the DTSC Project for the following reasons: N/A

**Based on the above findings, DTSC concludes:**

The proposed Project will not result in significant and unavoidable effects to the environment.

The proposed Project will result in significant and unavoidable effects to the following environmental resources:\*

- Air Quality
- Agricultural Resources
- Biological Resources
- Cultural Resources
- Geology/ Soils
- Greenhouse Gas Emissions
- Hazards/Hazardous Materials
- Hydrology/ Water Quality
- Land Use/Planning
- Mineral Resources
- Noise
- Population/Housing
- Public Services
- Recreation
- Transportation/Traffic
- Utilities/ Service Systems

\*Impacts to these resources would remain significant even after applying mitigation measures described in the Lead DTSC 1326 A



Agency Final Environmental Document, or there is no feasible mitigation available.

\*In accordance with Cal. Code of Regs., title 14, section 15093, a Statement of Overriding Considerations was adopted by the Lead Agency for these resources. DTSC adopts a Statement of Overriding Considerations for these resources having determined that the DTSC Project benefits outweigh the significant environmental effects for the following reasons: The DTSC removal actions reduce the exposure of contaminated soil gas and groundwater in order to render it safe for Site occupants. The DTSC remedial project also serves to protect human health and the environment, which are DTSC's responsibilities under the California Health and Safety Code.

None of the conditions requiring a subsequent EIR or Negative Declaration pursuant to Cal. Code Regs., tit. 14 Section 15162 exist.

In accordance with Cal. Code of Regs., title 14, section 15093, a Notice of Determination indicating the results of said Findings will be filed with the Governor's Office of Planning and Research / State Clearinghouse.

**D. CERTIFICATION**



\_\_\_\_\_

Project Manager Signature

6/28/2019

\_\_\_\_\_

Date

Henry Wong, P.E.

\_\_\_\_\_

Project Manager Name

Hazardous Substances Engineer

\_\_\_\_\_

Project Manager Title

(510) 540-3770

\_\_\_\_\_

Phone #



\_\_\_\_\_

Branch Chief Signature

6/28/19

\_\_\_\_\_

Date

Julie Pettijohn, MPH, CIH

\_\_\_\_\_

Branch Chief Name

Environmental Program Manager I

\_\_\_\_\_

Branch Chief Title

(510) 540-38179

\_\_\_\_\_

Phone #