

CALIFORNIA ENVIRONMENTAL QUALITY ACT
NOTICE OF EXEMPTION

2019038098

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
Site Mitigation and Restoration Program
700 Heinz Avenue
Berkeley, California 94710

Project Title: Moyer Chemical Removal Action Workplan

Project Location: 1336 Old Bayshore Highway, San Jose, 95112

County: Santa Clara

Project Description: The project involves the installation of approximately 47,485 square feet of concrete/asphalt mix and utilizing the existing concrete and asphalt pavement (Cap) at the Moyer Chemical site (Site; property) to prevent exposure to constituents of concern (COCs) in soil and ground water and to minimize storm water infiltration. A sentinel groundwater monitoring well network consisting of three new wells are also proposed to be installed to confirm the stability of the existing groundwater plume and to monitor potential horizontal and vertical migration of COCs present in the ground water. Additionally, an absorbent sock will be placed and secured at the top of the water column within a groundwater monitoring well to recover and remove petroleum free product present in one area of the Site.

Background: The Site is approximately 2.03 acres and located in a heavy industrial area of San Jose in a mixed-use zone. The surrounding land use consists of industrial, commercial, and residential development. The nearest residential areas include a small mobile home park located immediately to the west across Old Bayshore Highway and a separate mobile home park approximately 0.3-miles east of the Site.

The Site was used for agricultural purposes through the late 1940's. In late 1947, the property title was transferred to Moyer Chemical (Moyer). Moyer received raw chemicals and blended them into a variety of dry and liquid agricultural insecticides, fungicides, and weed killers for commercial distribution. Diamond Alkali Chemical Manufacturing occupied the Site from 1959 to 1965. After 1965, the Site was occupied by Howard Electric until 1981. From 1981 to January 31, 2019, San Jose Concrete Transfer Company, Inc. occupied and managed the Site. On January 31, 2019, the property title was transferred to Old Bayshore South, LLC. The Site is currently being developed as a remote parking lot for commuter vans or similar vehicles.

Shallow soil and ground water on the Site are impacted by potential COCs which include elevated levels of organochlorine pesticides, petroleum-related volatile organic compounds (VOCs), total petroleum hydrocarbons (TPH), and metals. Most petroleum-related VOCs with concentrations exceeding screening levels occur within the eastern portion of the Site along the railroad track, mainly in the upper groundwater zone and in shallow soil. TPH is detected sitewide and offsite in ground water. Organochlorine pesticides are found across the Site in shallow soil and in ground water. TPH and arsenic screening level exceedances are found offsite to the north of the Site. These exceedances are likely the result of contributions from the railroad track on the eastern property boundary as well as a regional issue of TPH in ground water.

Project Activities: The project activities consist of institutional controls, engineering controls (encapsulation), groundwater monitoring, and TPH free product removal. Institutional controls would include restrictions on land use and activities at the Site, property zoning restrictions, groundwater usage regulations and a site-specific Soil Management Plan. Encapsulation will consist of using the existing Cap and installation of an approximately 1.09-acre (47,485 square feet) new concrete/asphalt cover over areas where the existing Cap needs repair and the uncovered areas of the Site to minimize human exposure to COCs in shallow soil and ground water and to minimize storm water infiltration through impacted soil to ground water. Groundwater monitoring will be performed at least quarterly for two years to assess the stability of the groundwater plume and to monitor potential horizontal and vertical migration of COCs present in upper groundwater zone. TPH free product will be removed by placing an absorbent sock in a monitoring well. The anticipated project start date is the winter of 2019, and installation activities are expected to take approximately three months to complete.

To implement the encapsulation will require the disposal of approximately 130 cubic yards of surface sediments and the delivery of 861 tons of asphalt mix to the Site, consisting of approximately 68 hauling roundtrips. To assess any potential impact to air quality, DTSC utilized the California Emissions Estimator Model (CALEEMOD) to quantify potential criteria pollutant and greenhouse gas emissions that would be emitted from the operation of 136 haul trucks needed during the site preparation and asphalt paving activities. Based on the CALEEMOD gas emission analysis, none of the unmitigated gas emissions from operation of 136 trucks exceed air emission thresholds established by the Bay Area Air Quality Management District (BAAQMD).

An analysis of the impact of project activities upon existing environmental conditions indicates that environmental safeguards and monitoring procedures, which are enforceable and a condition of project approval, will ensure that impacts to the environment will be less than significant. As a result, DTSC finds that the project is exempt from further environmental review under CEQA. The Removal Action Workplan is being implemented by Old Bayshore South, LLC. with DTSC oversight under a Standard Voluntary Agreement, Docket Number HAS-FY 18/19-005, dated February 8, 2019.

In the event biological, cultural or historical resources are discovered during project activities, work will be suspended while a qualified biologist or cultural or historical resource specialist assesses the area and arrangements are made to protect or preserve any resources that are discovered. If human remains are discovered, no further disturbance will occur in the location where the remains are found, and the County Coroner will be notified pursuant to the Health and Safety Code, Chapter 2, Section 7050.5.

Name of Public Agency Approving Project: Department of Toxic Substances Control

Name of Person or Agency Carrying Out Project: Old Bayshore South, LLC

Exempt Status: (check one)

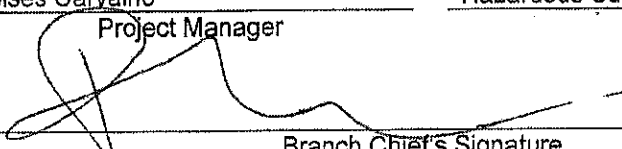
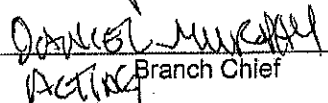
- Ministerial [PRC, Sec. 21080(b)(1); CCR, Sec. 15268]
- Declared Emergency [PRC, Sec. 21080(b)(3); CCR, Sec. 15269(a)]
- Emergency Project [PRC, Sec. 21080(b)(4); CCR, Sec. 15269(b)(c)]
- Categorical Exemption: [CCR, Sec. 15330]
- Statutory Exemptions: [State code section number]
- Common Sense Exemption [CCR, Sec. 15061(b)(3)]

Exemption Title: With Certainty, No Possibility of a Significant Environmental Effect.

Reasons Why Project is Exempt: The project will not result in significant changes to any of the physical conditions (other than placing concrete/asphalt cover over areas where the existing Cap needs repair and uncovered areas) within the area affected by the project, including land, air, water, minerals, flora, fauna, ambient noise and object of historic or aesthetic significance. Therefore, DTSC finds with certainty that there is no possibility that the activities in question will result in a significant environmental effect.

Evidence to support the above reasons is documented in the project file record, available for inspection at:

Department of Toxic Substances Control
Site Mitigation and Restoration Program
700 Heinz Avenue
Berkeley, California 94710

Moises Caryalho Project Manager	Hazardous Substances Engineer Title	510-540-3757 Phone No.
 Branch Chief's Signature		3/1/19 Date
 Branch Chief	SEP HSE Title	510 540 3770 Phone No.

TO BE COMPLETED BY OPR ONLY

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STATE CLEARINGHOUSE