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Department of Toxic Substances Control

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Sent Via Electronic Mail

Governor's Office of Planning & Research

Apr 22 2022

STATE CLEARINGHOUSE

April 22, 2022

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CITY OF SAN JOSE DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE
BLOSSOM HILL STATION MIXED-USE PROJECT – DATED MARCH 2022
(STATE CLEARINGHOUSE NUMBER: 2020100005)

Dear Ms. Mahamood:

The Department of Toxic Substances Control (DTSC) received a Notice of Availability of a Draft Environmental Impact Report (EIR) and Public Comment Period for the Blossom Hill Station Mixed-Use Project (Project) in San Jose, California. The Lead Agency is receiving this notice from DTSC because the Project includes one or more of the following: groundbreaking activities, work in close proximity to a roadway, the former presence of site buildings, importation of backfill soil, and/or work on or in close proximity to an agricultural or former agricultural site.

DTSC has review comments on the Hazards and Hazardous Materials section of the document, *Draft Environmental Impact Report, Blossom Hill Station Mixed-Use Project, File No.: SP20-012* (DEIR), dated March 2022 and prepared by the City of San Jose in consultation with David J. Powers & Associates, Inc. DTSC notes that the description of Mitigation Measure *MM HAZ-1.1* presented in Section 3.9.2.1 – *Project Impacts* and addressing “item b” therein, involves the use of Regional Water Quality Control Board (RWQCB) environmental screening levels (ESLs) for soils. Because environmental screening levels may differ among various regulatory agencies, DTSC recommends that Mitigation Measure *MM HAZ-1.1* be clarified to identify the mechanism(s) to initiate any

required investigation and/or remediation and determine the government agency who will be responsible for providing appropriate regulatory oversight.

DEIR Section 3.9.2.1 – *Project Impacts* also states that the project site was formerly used for agricultural purposes, indicating the potential for residual pesticides in on-site soils. DTSC recommends that former agricultural lands be evaluated in accordance with DTSC's 2008 [Interim Guidance for Sampling Agricultural Properties \(Third Revision\)](#).

Appendix F of the DEIR contains a Phase-I environmental site assessment which indicates the existence of structures on the Project site during the 1939-1982 time period based on aerial photos. DTSC recommends that sampling for the presence of lead-based paints or products, mercury, asbestos containing materials, and polychlorinated biphenyl caulk near former buildings should be conducted in accordance with DTSC's 2006 [Interim Guidance Evaluation of School Sites with Potential Contamination from Lead Based Paint, Termiticides, and Electrical Transformers](#). Removal and disposal of any of the above-mentioned chemicals should be conducted in compliance with California environmental regulations and policies.

In addition, DTSC recommends that the following issues be evaluated in the Hazards and Hazardous Materials section of the DEIR:

1. Refiners in the United States started adding lead compounds to gasoline in the 1920s in order to boost octane levels and improve engine performance. This practice did not officially end until 1992 when lead was banned as a fuel additive in California. Tailpipe emissions from automobiles using leaded gasoline contained lead and resulted in aerially deposited lead (ADL) being deposited in and along roadways throughout the state. ADL-contaminated soils still exist along roadsides and medians and can also be found underneath some existing road surfaces due to past construction activities. Due to the potential for ADL-contaminated soil DTSC, recommends collecting soil samples for lead analysis prior to performing any intrusive activities for the project described in the DEIR.
2. If any projects initiated as part of the proposed project require the importation of soil to backfill any excavated areas, proper sampling should be conducted to ensure that the imported soil is free of contamination. DTSC recommends the imported materials be characterized according to [DTSC's 2001 Information Advisory Clean Imported Fill Material](#).

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DTSC appreciates the opportunity to comment on the DEIR. Should you need any assistance with an environmental investigation, please visit DTSC's [Site Mitigation and Restoration Program](#) page to apply for lead agency oversight. Additional information regarding voluntary agreements with DTSC can be found at [DTSC's Brownfield website](#).

If you have any questions, please contact me at (916) 255-3582 or via email at Brian.McAloon@dtsc.ca.gov.

Sincerely,



Brian McAloon
Project Manager
Site Evaluation and Remediation Unit
Site Mitigation and Restoration Program
Department of Toxic Substances Control

cc: (via email)

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