

## CALIFORNIA ENVIRONMENTAL QUALITY ACT NOTICE OF EXEMPTION

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, CA 94710

**Project Title:** Former Delia's Cleaners and One Price Cleaners Explanation of Significant Differences

**Project Location:** 7335 Bollinger Road, Suite E, Cupertino, California 95014

**County:** Santa Clara

**Project Applicant:** Bollinger Plaza Cupertino, LLC

**Approval Action Under Consideration by DTSC:** Explanation of Significant Differences

**Statutory Authority:** California Health and Safety Code, Chapter 6.8

**Project Description:** The Department of Toxic Substances Control (DTSC) approved an Explanation of Significant Differences (ESD) for the former Delia's Cleaners and One Price Cleaners in Cupertino, California. The ESD modified the remedy, described in the Final Removal Action Workplan (RAW) that DTSC approved on March 17, 2010, to include a Land Use Covenant (LUC) restricting the activities and land uses in a limited area where tetrachloroethene (PCE)-impacted media is located at levels above the removal action objectives.

**Background:** The project site is approximately 1.52 acres and is located on the north side of Bollinger Road at 7335 Bollinger Road in the City of Cupertino. DTSC approved the Final RAW on March 17, 2010, prepared for By-Pass Trust and Marital Deduction Trust of the Seet Family Living Trust (now Bollinger Plaza Cupertino, LLC), which is the project proponent and site owner. The approved RAW identified excavation and offsite disposal at permitted landfills of an estimated 120 cubic yards (cy) of soil impacted by PCE, operation of a soil vapor extraction system using shallow and deep vertical wells, horizontal piping, and sub-slab vent piping. Excavation of contaminated soils and installation of the soil vapor extraction system occurred between October 2010 and February 2011. During implementation of cleanup activities, approximately 35 cy of contaminated soils located beneath the rear building foundation footing and interior walls were unable to be excavated and were left in place. In addition, soil vapor samples collected between 2020 to 2022 identified PCE at concentrations above the removal action objective even though the soil vapor extraction system operated between February 2011 and October 2019.

**Project Activities:** DTSC and Bollinger Plaza Cupertino, LLC, the project site owner, will enter into a LUC which will prohibit the use of the limited area of the site for any of the following purposes without prior written approval by DTSC:

- (a) a residence, including any mobile home or factory-built housing, constructed or installed for use as residential human habitation;
- (b) a hospital for humans;
- (c) a public or private school for persons under 18 years of age; and
- (d) a day care center for children.

The execution and recording of the LUC will not result in any changes to the physical environment.

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

**Name of Person or Agency Carrying Out Project:** Bollinger Plaza Cupertino, LLC

**Exempt Status:** Categorical Exemption: [CCR Title 14, Sec. 15330]

**Exemption Title:** Minor Actions Taken to Prevent, Minimize, Stabilize, Mitigate, or Eliminate the Release or Threat of Release of Hazardous Waste or Hazardous Substance.

**Reasons Why Project is Exempt:**

1. The project is a minor action designed to prevent, minimize, stabilize, mitigate, or eliminate the release or threat of release of hazardous waste or hazardous substances.
2. The project will not exceed \$1 million in cost.
3. The project will be consistent with applicable State and local environmental permitting requirements.
4. The project does not involve the onsite use of a hazardous waste incinerator or thermal treatment unit.
5. The project does not involve the relocation of residences or businesses.
6. The project does not involve the potential release into the air of volatile organic compounds as defined in Health and Safety Code Section 25123.

7. The exceptions pursuant to California Code Regulations, Title 14 § 15300.2 have been addressed as follows:
- Cumulative Impact. The project will not result in cumulative impacts because it is designed to be a short-term final remedy that would not lead to a succession of projects of the same type in the same place over time.
  - Significant Effect. The project does not involve any unusual circumstances so that there is no possibility that the project will have a significant effect on the environment.
  - Scenic Highways. The project will not damage scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, because it is not located within a highway officially designated as a state scenic highway.
  - Hazardous Waste Sites. The project is not located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code. (<http://calepa.ca.gov/sitecleanup/corteselist/default.htm>)
  - Historical Resources. The project will not cause the substantial adverse change in the significance of an historical resource at the Site because there are none at the Site.

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, CA 94710

DTSC EnviroStor website: [https://www.envirostor.dtsc.ca.gov/public/profile\\_report.asp?global\\_id=60000349](https://www.envirostor.dtsc.ca.gov/public/profile_report.asp?global_id=60000349)

Contact Person Nicole Yuen	Contact Title Hazardous Substances Engineer	Phone Number 510-540-3881
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Approver's Signature:

*Juliet C. Pettijohn*

Date:

October 20, 2022

Approver's Name Julie Pettijohn, MPH, CIH	Approver's Title Branch Chief	Approver's Phone Number 510.540.3843
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TO BE COMPLETED BY OPR ONLY

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Date Received for Filing and Posting at OPR: