

CALIFORNIA ENVIRONMENTAL QUALITY ACT INITIAL STUDY

The Department of Toxic Substances Control (DTSC) has completed the following document for this project in accordance with the California Environmental Quality Act (CEQA) [Pub. Resources Code, div. 13, § 21000 et seq] and accompanying Guidelines [Cal. Code Regs., tit. 14, § 15000 et seq].

PROJECT TITLE: Mantrex Inc. dba WIT Sales and Refining		CALSTARS CODING: CAD 980 888 598
PROJECT ADDRESS: 538 Phelan Avenue	CITY: San Jose	COUNTY: Santa Clara
PROJECT SPONSOR: WIT Sales and Refining	CONTACT: Fred Rex	PHONE: (408) 295-6414

APPROVAL ACTION UNDER CONSIDERATION BY DTSC:			
<input type="checkbox"/> Initial Permit Issuance	<input checked="" type="checkbox"/> Permit Renewal	<input type="checkbox"/> Permit Modification	<input type="checkbox"/> Closure Plan
<input 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:
<input checked="" type="checkbox"/> California H&SC, Chap. 6.5 <input type="checkbox"/> California H&SC, Chap. 6.8 <input type="checkbox"/> Other (specify):

DTSC PROGRAM/ ADDRESS: Used Oil and Tank Team 700 Heinz Avenue Berkeley, CA 94710	CONTACT: Cherry Padilla	PHONE: (510) 540-3967
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PROJECT DESCRIPTION:
<p>The project is the renewal of the Standardized Hazardous Waste Facility Permit, Small Quantity C (Standardized Permit) for W.I.T. Sales and Refining (WIT or the Facility). Under the Standardized Permit, WIT is authorized to operate the same treatment and storage units. On February 12, 2007, WIT submitted a new application for permit renewal which includes processing additional waste streams, the spent gold iodine etch solution, spent platinum solution, spent palladium solution and solid wastes (filters, wipes and metal sweeps) with trace amount of gold cyanide, and adding one treatment unit, the precious metal electrolytic recovery unit.</p> <p><u>Facility History</u></p> <p>WIT is an existing facility that has been in operation at 538 Phelan Avenue in San Jose, California since 1981, reclaiming precious metals from non-hazardous scrap printed circuit (PC) boards, scrap electronic chips, scrap metals and spent cyanide plating solution from offsite generators. Under the 1993 Grant of Standardized Permit Interim Status, WIT was authorized to operate a storage and treatment facility that consisted of hazardous waste storage units, precious metals stripping units, precious metal precipitation units, and precious metal purification units. DTSC issued a Standardized Permit to WIT with an effective date of September 12, 1997 and expiration date of September 12, 2007. On February 12, 2007, WIT submitted a new application for permit renewal which includes processing additional waste streams, the spent gold iodine etch solution, spent platinum solution, spent palladium solution and solid wastes (filters, wipes and metal sweeps) with trace amount of gold cyanide, and adding one treatment unit, the precious metal electrolytic recovery unit. Refer to Figure 1 located at the end of this document for the Facility location.</p> <p><u>Description of Facility Operations</u></p> <p>WIT operates a hazardous waste storage and treatment facility to reclaim precious metals from off-site wastes generated by printed circuit board manufacturers. These activities are conducted in one building. WIT, a registered hazardous waste transporter, collects the wastes in Department of Transportation (DOT)-approved containers and transports them to its facility in San Jose. WIT also collects non-hazardous scrap printed circuit</p>

(PC) boards, scrap electronic chips and scrap metals, and transports them to the Facility in San Jose for treatment. Precious metals, primarily gold, platinum, and palladium are recovered through various processes such as precious metal stripping, precipitation, and purification processes. Precious metals will also be recovered through an electrolytic recovery treatment unit which will be purchased in the future. Precious metal compound recovered is placed in a DOT-approved container and sent to a DTSC-permitted refiner. The wastes generated from various activities at the facility are sent to DTSC-permitted hazardous waste disposal facility.

Upon permit approval, WIT shall operate the following units:

- Unit 1 Container Storage Area 1
- Unit 2 Container Storage Area 2
- Unit 3 Precious Metals Stripping Unit
- Unit 4 Precious Metals Precipitation Unit
- Unit 5 Precious Metals Purification Unit
- Unit 6 Precious Metals Electrolytic Recovery Unit

ENVIRONMENTAL IMPACT ANALYSIS:

1. Aesthetics

Project Activities Likely to Create an Impact:

None

Description of Baseline Environmental Conditions:

The Facility is located approximately one mile south of interstate Highway 280 and one mile east of State Highway 87 (see Figure 1, Location Map). Interstate Highway 280 at this location is not designated as state scenic highway. The Site is located in an area zoned by the City of San Jose for heavy manufacturing (M-4). The area is characterized by paved roadways, office buildings, warehouses and other industrial features. The Facility features are consistent with the existing surrounding aesthetic characteristics. With this renewal of the permit, WIT proposes to process additional waste streams, the spent gold iodine etch solution, spent platinum solution, spent palladium solution and solid wastes (filters, wipes and metal sweeps) with trace amount of gold cyanide, and add one treatment unit, the precious metal electrolytic recovery unit. The activities at the facility are conducted indoors inside an existing building. These activities are not visible from the outside.

Analysis as to whether or not project activities would:

- a. Have a substantial adverse effect on a scenic vista.

None

Impact Analysis:

There is no impact on any scenic vista or view. All activities at WIT, with the exception of the intermittent arrival and departure of WIT's truck (approximately 16 trips per month), are conducted inside the existing building. There is no outdoor lighting at WIT. WIT is not undergoing any construction on or offsite. This analysis is based on the data presented in the Standardized Permit Application, Facility visit by DTSC staff and historical operating data from the facility.

Conclusion:

- Potentially Significant Impact
- Potentially Significant Unless Mitigated
- Less Than Significant Impact
- No Impact

- b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings and historic buildings within a state scenic highway.

None

Impact Analysis:

Project activities at WIT Sales and Refining will not damage scenic resources or historic buildings within a state scenic highway. WIT is located in an area zoned for heavy manufacturing and has no scenic vistas or scenic highways. Highway 280, which runs through downtown San Jose is about 2 miles north and northeast, has no scenic resources or rock outcroppings. San Jose Historical Park located a few blocks away is made of restored buildings in a park setting.

Conclusion:

- Potentially Significant Impact
 Potentially Significant Unless Mitigated
 Less Than Significant Impact
 No Impact

- c. Substantially degrade the existing visual character or quality of the site and its surroundings.

None

Impact Analysis:

WIT Sales and Refining is located in an area zoned for heavy manufacturing (M-4). WIT has been at this location since 1981. The facility is not undergoing any construction on or offsite. Project activities are conducted inside the warehouse building and will not degrade the existing visual character or quality of the site and its surroundings.

Conclusion:

- Potentially Significant Impact
 Potentially Significant Unless Mitigated
 Less Than Significant Impact
 No Impact

- d. Create a new source of substantial light of glare that would adversely affect day or nighttime views in the area.

None

Impact Analysis:

All activities at WIT, with the exception of the intermittent arrival and departure of WIT's truck (approximately 16 trips per month), are conducted inside the existing building. There are existing nighttime security lights at WIT. Hence, project activities at WIT will not create a new source of substantial light or glare that would adversely affect day or nighttime views in the area.

Conclusion:

- Potentially Significant Impact
 Potentially Significant Unless Mitigated
 Less Than Significant Impact
 No Impact

References Used:

1. Standardized Permit Application. WIT Sales and Refining, 538 Phelan Avenue, San Jose, California 95112-2506. May 17, 2010
2. Officially Designated State Scenic Highways. www.dot.ca.gov/hq/LandArch/scenic_highways/index.htm August 2010.

2. Agricultural Resources

Project Activities Likely to Create an Impact:

None

Description of Baseline Environmental Conditions:

WIT Sales and Refining occupies an approximately one-acre parcel of land at latitude North 37o 17' 27" and longitude West 121o 51' 30". It is located in a warehouse in an area zoned for heavy manufacturing (M-4). The project activities would not convert any farmland or involve other changes in the existing environment which could result in conversion of farmland to non-agricultural uses. DTSC finds that the proposed project will not result in impacts upon this resource category and no further analysis is required.

Analysis as to whether or not project activities would:

- a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use.

Impact Analysis:

Conclusion:

- Potentially Significant Impact
 Potentially Significant Unless Mitigated
 Less Than Significant Impact
 No Impact

- b. Conflict with existing zoning or agriculture use, or Williamson Act contract.

Impact Analysis:

Conclusion:

- Potentially Significant Impact
 Potentially Significant Unless Mitigated
 Less Than Significant Impact
 No Impact

- c. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural uses.

Impact Analysis:

Conclusion:

- Potentially Significant Impact
 Potentially Significant Unless Mitigated
 Less Than Significant Impact
 No Impact

References Used:

- Standardized Permit Application. WIT Sales and Refining, 538 Phelan Avenue, San Jose, California 95112-2506. May 17, 2010
- City of San Jose Department of Planning, Zoning Code revised July 16, 2010. www.sanjose.gov/planning/zoning/zoning_code_rev071610

3. Air Quality

Project Activities Likely to Create an Impact:

1. Hazardous waste storage and treatment of off-site generated spent cyanide and gold etch iodine solutions, scrap metals, scrap printed circuit boards and electronic chips.
2. Air emissions from permitted stationary sources

Description of Baseline Environmental Conditions:

WIT Sales and Refining is located on the southeastern shore of the San Francisco Bay Area Basin. It is located in an area which has a mild, semi-arid climate with marked seasonal cycles of precipitation. The San Francisco Bay Area climate summaries collected at San Jose International Airport is the weather station used for the WIT facility (Reference, Western Regional Climate Center, wrcc@dri.edu). In general, the climate in this area is divided into winter (December, January and February), spring (March, April and May), summer (June, July and August), and fall (September, October and November). Approximately 95% of the annual precipitation falls in the seven months from October to April, with more than 50% during the three winter months of December through February. According to the data collected from July 1998 to December 2008, rainfall is infrequent during the summer months and ranges from 0.01 inches to 0.06 inches. During the winter months, rainfall ranges from 2.22 inches to 2.64 inches per month. Data collected indicated that this area has an average total annual precipitation of 12.05 inches. The highest amount of rain usually occurs in February.

A mild temperature and sunny days are common in this area as a result of moderate evaporation. Pan evaporation data indicate an average evaporation rate of 42 inches per year. Pan evaporation is the calculated evapotranspiration that would occur if the soil were saturated to ground surface. The majority of the evaporation occurs during the summer months. Average minimum temperature during the summer months ranges from 55.5 ° F to 58.2 ° F. The average minimum temperature during the winter months is between 41.3 ° F to 41.7 ° F. Snow is nonexistent in San Jose. The prevailing wind direction is from the northwest occurring 24% in a year. The average wind speed is 4.43 knots (taken from 1992 San Jose Airport Wind Rose).

Air pollution potential is greatest along the southeastern portion of the peninsula because this area is most protected from the high winds and fog of the marine layer, the emission density is relatively high, and pollution transport from upwind sites is possible.

The Bay Area Air Quality Management District (BAAQMD) enforces the clean air standards set by the state and federal governments. California's standards are stricter than those of the federal. Air quality is classified on the regional basis by national and State Standards. The Facility is located in the San Francisco Bay Air Basin. The San Francisco Air Basin has been designated by the California Air Resources Board (CARB) as non-attainment for ozone. Since the San Francisco Bay Air Basin is classified as a non-attainment area for the federal ozone standard, emissions of ozone precursors, nitrogen oxides (NOx) and volatile organic compounds (VOCs) are considered.

The federal government and the State of California have established Ambient Air Quality Standards for the following criteria: ozone (O₃), carbon monoxide (CO), nitrogen oxide (NO₂), sulfur dioxide (SO₂), and respirable particulate matter (PM₁₀). Regional monitoring stations that measure ambient concentrations of the criteria pollutants are operated by BAAQMD. Pollutant monitoring results near WIT indicate that the air quality in this area has generally been good. Table 1 shows the criteria pollutants data collected in the San Jose Central stations from 2005 to 2008. The national standards for criteria pollutants were never exceeded in 2007, and 2008. The California standard for ozone for one hour averaging time was exceeded in 2005, 2006, 2007 and 2008. The California standard for ozone for an 8-hour averaging time was exceeded only in 2005 and 2006. During the 2005, 2006, 2007 and 2008, the average 24-hour PM₁₀ California standards were exceeded. During the same years, the National standards for the average 24-hour PM₁₀ were never exceeded.

Table 1. Summary of Air quality in San Jose Central Station

Pollutant	Averaging Time	Health-Based Ambient Air Quality Standards		2005	2006	2007	2008
		California Standard	National Standard				
Ozone (O ₃)	1 Hour	0.09 ppm	-	.001	.005	0	.001
	8 Hour	0.070 ppm	0.075 ppm	.080	.087	0	.002
Carbon Monoxide (CO)	1 Hour	20 ppm	35 ppm	4.3	4.1	3.5	3.3
	8 Hour	9.0 ppm	9 ppm	3.1	2.9	2.7	2.5
Nitrogen Dioxide (NO ₂)	24-Hour	0.25 ppm	-	.074	.074	.065	.080
	Annual	-	0.053 ppm	.019	.018	.017	.017
Sulfur Dioxide (SO ₂)	24-Hour	0.04 ppm	0.14 ppm	-	-	-	-
	Annual	-	0.030 ppm	-	-	-	-
Particulate Matter (PM ₁₀)	24-Hour	50 ug/m ³	150 ug/m ³	54	73	69	57
	Annual	20 ug/m ³	-	22.3	21.0	22	23.4

Legend

ppm – Parts per million

ug/m³ – micrograms per cubic meterSource: Annual Bay Area Air quality Summaries <http://www.baaqmd.gov/pio/aqsummaries>

WIT is an existing facility that has been in operation at this location since 1981, reclaiming precious metals from scrap PC boards, scrap electronic chips, scrap metals, and spent cyanide plating solution from offsite generators. DTSC issued a Standardized Permit to the Facility with an effective date of September 12, 1997 and expiration date of September 12, 2007. Under the Standardized Permit, WIT continues to operate the same treatment and storage units. With this renewal of the permit, WIT proposes to process additional waste streams, the spent gold iodine etch solution, spent platinum solution, spent palladium solution and solid wastes (filters, wipes and metal sweeps) with trace amount of gold cyanide and add one treatment unit, the precious metal electrolytic recovery unit. The activities at the facility are conducted indoor inside an existing building. Hence, there is no exposure to extreme temperature shifts, wind or precipitation. Any toxic emissions from the precious metal purification unit in the Acid Room are captured and absorbed by the wet fume scrubber located above the Acid Room. The wet fume scrubber is permitted by the Bay Area Quality Management District (BAAQMD). Management practices, safe operating procedures, and an inspection program in the facility operation plan are expected to ensure that there are no releases to the environment.

Analysis as to whether or not project activities would:

- a. Conflict with or obstruct implementation of the applicable air quality plan.

Impact Analysis:

Project activities at WIT will not conflict or obstruct the implementation of the applicable air quality plan. Treatment and storage operations at the facility are conducted indoors or within the enclosed area; therefore, there is no exposure to wind, extreme temperature shifts, or precipitation. Drums containing wastes are closed when stored. Other treatment units are also closed when not in use. In addition, WIT has a permit from the BAAQMD to operate the wet fume scrubber to capture any toxic emissions from the metal purification unit located in the Acid Room. The air permit is renewed annually from the BAAQMD. Management practices, safe operating procedures, and an inspection program in the facility operation plan are expected to ensure that there are no releases that affect California's air standards.

Conclusion:

- Potentially Significant Impact
 Potentially Significant Unless Mitigated
 Less Than Significant Impact
 No Impact

- b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation.

Impact Analysis:

Project activities at WIT will not violate any air quality standard or contribute substantially to an existing or projected air quality violation. Drums containing wastes are closed when stored. Other treatment units are also closed when not in use. In addition, WIT has a permit from the BAAQMD to operate the wet fume scrubber to capture any toxic emissions from the metal purification unit located in the Acid Room. The air permit is renewed annually from the BAAQMD. Management practices, safe operating procedures and an inspection program in the facility operation plan are expected to ensure that there are no releases that affect California's air standards.

Conclusion:

- Potentially Significant Impact
 Potentially Significant Unless Mitigated
 Less Than Significant Impact
 No Impact

- c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors).

Impact Analysis:

Project activities at WIT will not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors). Drums containing wastes are closed when stored. Other treatment units are also closed when not in use. In addition, WIT has a permit from the BAAQMD to operate the wet fume scrubber to capture any toxic emissions from the metal purification unit located in the Acid, and an inspection program in the facility operation plan are expected to ensure that there are no releases that affect California's air standards.

Conclusion:

- Potentially Significant Impact
 Potentially Significant Unless Mitigated
 Less Than Significant Impact
 No Impact

- d. Expose sensitive receptors to substantial pollutant concentrations.

Impact Analysis:

Project activities at WIT will not expose sensitive receptors to substantial pollutant concentrations. Within a quarter of a mile radius of the facility, there are no schools and hospitals. The nearest residential area is located approximately one-quarter mile away. The nearest school is located approximately 1 mile away, and the nearest historical landmark/archeological site is located ¼ mile away in Kelly Park (San Jose Historical Museum). Drums containing wastes are closed when stored. Other treatment units are also closed when not in use. In addition, WIT has a permit from the BAAQMD to operate the wet fume scrubber to capture any toxic emissions from the metal purification unit located in the Acid Room. The air permit is renewed annually from the BAAQMD. By following the safe operating procedure for the recovery of gold, by wearing the appropriate required protective equipment, and by housing the gold recovery operation in a restricted area, the activities at the Facility are not expected to have significant effects on the environment and pose minimal human risk for exposure. The project activities at the Facility are conducted indoors in an existing building with bermed secondary containment with epoxy coating. Management practices, safe operating procedures and an inspection program in the facility operation plan are expected to ensure that there are no releases to the environment or exposures of sensitive receptors to substantial pollutants concentrations.

Conclusion:

- Potentially Significant Impact
 Potentially Significant Unless Mitigated
 Less Than Significant Impact
 No Impact

- e. Create objectionable odors affecting a substantial number of people.

Impact Analysis:

Project activities at WIT will not create objectionable odors affecting a substantial number of people. Drums containing wastes are closed when stored. Other treatment units are also closed when not in use. In addition, WIT has a permit from the BAAQMD to operate the wet fume scrubber to capture any toxic emissions from the metal purification unit located in the Acid Room. The air permit is renewed annually from the BAAQMD. By following a safe operating procedure for the recovery of gold and other precious metals, by wearing the appropriate required personal protective equipment, and by housing the gold recovery operation in a restricted area, the activities at the Facility are not expected to emit objectionable odors.

In addition, refer to response “d” above.

Conclusion:

- Potentially Significant Impact
 Potentially Significant Unless Mitigated
 Less Than Significant Impact
 No Impact

- f. Result in human exposure to Naturally Occurring Asbestos (see also Geology and Soils, f.).

Impact Analysis:

Project activities at WIT will not result in human exposure to naturally occurring asbestos. The project activities are conducted inside the building in an area zoned for heavy manufacturing (M-4). The whole area and its surrounding are paved with concrete. The project involves no excavation at the Facility.

See also “Geology and Soils”

Conclusion:

- Potentially Significant Impact
 Potentially Significant Unless Mitigated
 Less Than Significant Impact
 No Impact

References Used:

1. Standardized Permit Application, WIT Sales and Refining, 538 Phelan Avenue, San Jose, California 95112-20506, May 17, 2010.
2. Monthly Climate Summary for San Jose, California, Western Regional Climate Center, Desert Research Institute. wrc@drri.edu. July 2010.
3. Annual Bay Area Air Quality Summaries. <http://www.baaqmd.gov/pio/aqsummaries>
4. Bay Area Quality Management District Permit Application.

4. Biological Resources

Project Activities Likely to Create an Impact:

None

Description of Baseline Environmental Conditions:

WIT is an existing facility that has been in operation at this location since 1981, reclaiming precious metals from scrap printed circuit (PC) boards, scrap electronic chips, scrap metals and spent cyanide plating solution from offsite generators. The Facility is located in an area zoned by the City of San Jose for heavy manufacturing (M-4). The area is characterized by paved roadways, office buildings, warehouses and other industrial features. The Facility and the surrounding area are industrialized and highly disturbed. The entire Facility area is paved. There are no wetlands or riparian woods adjacent to or in the immediate vicinity of the facility.

There are no habitats of concern at the Facility. Habitats of potential concern are identified at nearby locations in the San Jose East and West Quad RareFind Report (Reference: RareFind Report, Natural Diversity Data Base, San Jose East and West Quad, June 2, 2010).

No rare, threatened, or endangered species of plants and animals exist at the Facility as shown in Table 2. A RareFind Report which lists protected plants and animals in the general geographic area was reviewed and no occurrences were within the Facility vicinity. (Reference: RareFind Report, Natural Diversity Data Base, San Jose East and West Quad, June 2, 2010).

No impacts to habitats or effects on marine or terrestrial animal species onsite or offsite due to the project activities. The Facility is paved and does not provide habitat value for species. Consequently, riparian land or wetlands will not be affected by this project. .

Operation of the facility will not affect the diversity of species or number of any species, will not introduce new species of animals to an area of existing species, will not result in a barrier to the migration or movement of animals, and will not have adverse effects to listed, threatened and endangered marine or terrestrial animal species. Furthermore, the project will not conflict with local policies or ordinances protecting biological resources.

DTSC does not expect this project to have any impacts to any biological resources; consequently, no further analysis is required other than the specific questions required under Section 711.4 of the Fish and Game Code (see below).

Table 2. Federal and California Species with Protected or Sensitive Status Reported at or in the Vicinity of WIT Sales and Refining, San Jose, California

Common Name & Scientific Name	Federal Status	State Status	Found Onsite	Location and Habitat of Vicinity
Amphibians and Reptiles				
California Tiger Salamander (<i>Ambystoma californiense</i>)	Threatened	Unknown Code	No	San Jose West, Calaveras Reservoir, San Jose East Historic record, Museum collection, Jennings considers this site extirpated. South side of Southern Pacific Railroad
Insects				
Bay Checkered Butterfly (<i>Euphydryas editha bayensis</i>)	Threatened	None	No	Restricted to native grasslands on outcrops of serpentine soil in the vicinity of San Francisco Bay. "Silver Creek Hills" site between Silver Creek and HWY 101 SE edge of San Jose
Plants				
Robust Spineflower (<i>Chorizanthe robusta</i> var. <i>robusta</i>)	Endangered	None	No	Cismontane woodland, Coastal dunes, Coastal scrub, Sandy terraces and bluff or in loose sand. Exact location not known Possibly extirpated
Santa Clara Valley Dudleya (<i>Dudleya Setchelli</i>)	Endangered	None	No	Valley and foothill grassland, cismontane woodland. Communication Hills, southeast of end of Canoas Garden Avenue and north of Hillsdale Avenue, southeast end of San Jose near water storage tanks. Numerous colonies mapped along NW end of Ridge. Proposed Cera Plata Development Site Bay Checkerspot Butterfly are also found here. North of Dana Rock Park 0.7 mile southeast of the junction of Monterey Highway and Capital Expressway, San Jose. Hills southeast of Santa Clara County fairgrounds between Canoas Garden Avenue and Hillsdale Avenue, San Jose. Just west of New North Almaden Mine south of Silver Creek east of Highway 101, San Jose. 0.7 mile NW of New North Almaden Mine, west of Silver Creek Road. 0.4 mile SE of New North Almaden Mine above Coyote Canal Extension.
Contra Costa Goldfields (<i>Laesthenia copjugens</i>)	Endangered	None	No	West of Capitol Avenue at junction with Corneall Street east of Highway 101 San Jose
Metcalf Canyon Jewel-Flower (<i>Streptanthus albidus</i> ssp. <i>albidus</i>)	Endangered	None	No	North and South of Silver Creek. Between Bayshore HWY and silver Creek Road from just east of Gravel Pit and extending east for 0.6 miles and southeast for 0.81 mile Ridge north of Dana Rock Park 0.7 miles southeast of junction of Monterey Highway and Capitol Expressway, San Jose. 1.2 miles NE of Christopher School between Bayshore Highway and Silver Creek Road north of Evergreen Canal. East facing slope of Communication Hill 0.2 mile SW of junction of SP RR and Hillsdale Avenue.

Analysis as to whether or not project activities would:

- a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service.

Impact Analysis:

The project is the renewal of the permit to continue reclaiming precious metals from scrap PC boards, scrap electronic chips, scrap metals and spent cyanide plating solution from offsite generators. WIT is an existing facility that has been in operation at this location since 1981. It is located at 538 Phelan Avenue, San Jose, California, an area zoned for heavy manufacturing (M-4). DTSC issued a Standardized Permit to the Facility with an effective date of September 12, 1997 and expiration date of September 12, 2007. Under the Standardized Permit, WIT continues to operate the same treatment and storage units. With this renewal of the permit, WIT proposes to process additional waste streams, the spent gold iodine etch solution, spent platinum solution, spent palladium solution and solid wastes (filters, wipes and metal sweeps) with trace amount of gold cyanide, and adding one treatment unit, the precious metal electrolytic recovery unit. The activities at the facility are conducted indoors inside an existing building.

No wetland indicators were observed at the project area. Since no wetland conditions were encountered within the project area, the aquatic plant life (native or non-native, rare and unique, listed, threatened and endangered) will not be impacted. Therefore, the project will not have a substantial adverse effect, either directly or through habitat modifications, on any species identified as candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service.

Conclusion:

- Potentially Significant Impact
 Potentially Significant Unless Mitigated
 Less Than Significant Impact
 No Impact

- b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service.

Impact Analysis:

The project will not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service.

See response "a" above.

Conclusion:

- Potentially Significant Impact
 Potentially Significant Unless Mitigated
 Less Than Significant Impact
 No Impact

- c. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.

Impact Analysis:

The project will not have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.

See response "a" above.

Conclusion:

- Potentially Significant Impact
 Potentially Significant Unless Mitigated
 Less Than Significant Impact
 No Impact

- d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.

Impact Analysis:

The project will not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.

See response “a” above.

Conclusion:

- Potentially Significant Impact
 Potentially Significant Unless Mitigated
 Less Than Significant Impact
 No Impact

- e. Conflict with local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

Impact Analysis:

The project will not conflict with local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

See response “a” above.

Conclusion:

- Potentially Significant Impact
 Potentially Significant Unless Mitigated
 Less Than Significant Impact
 No Impact

- f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

Impact Analysis:

The project will not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

See response “a” above.

Conclusion:

- Potentially Significant Impact
 Potentially Significant Unless Mitigated
 Less Than Significant Impact
 No Impact

References Used:

1. Standardized Permit Application, WIT Sales and Refining, 538 Phelan Avenue, San Jose, California 95112-20506, May 17, 2010.
2. RareFind Report, San Jose East and West Quad Information Dated June 2, 2010. California Department of Fish and Game, Natural Diversity Data Base.

5. Cultural Resources

Project Activities Likely to Create an Impact:

None

Description of Baseline Environmental Conditions:

Cultural resources are prehistoric or historic archeological sites, buildings, structures, districts, objects, or places considered important to a culture or community. It could also include those that have been recommended for inclusion in the National Register of Historic Places (NHRP) or are religious or sacred sites. Prior to construction of buildings in the area, the land was used for agriculture, and the Facility site was never used as a cemetery. Therefore, it is unlikely that human remains, including those interred outside of formal cemeteries, exist beneath Facility structures. Because the project does not include construction or earth disturbance of any kind, project activities at the Facility will not directly or indirectly destroy a unique paleontological resource or site or unique geologic feature. There are no known prehistoric or historic archeological sites on or near the Facility. The Facility is not listed in the City of San Jose Designated Historic Sites and Districts/Areas (Reference: City of San Jose, Planning Division, April 2010). Therefore, project activities at the Site will not cause an adverse change in the significance of a historical resource as defined in 15064.5. Kelly Park is the only known historical park located quarter of a mile from the Facility. Project activities do not involve excavation; therefore, the project will not cause a substantial adverse change in the significance of an archeological resource pursuant to 15064.5. DTSC finds that the proposed project will not result in impacts upon this resource category and no further analysis is required.

Analysis as to whether or not project activities would:

- a. Cause a substantial adverse change in the significance of a historical resource as defined in 15064.5.

Impact Analysis:

Conclusion:

- Potentially Significant Impact
 Potentially Significant Unless Mitigated
 Less Than Significant Impact
 No Impact

- b. Cause a substantial adverse change in the significance of an archeological resource pursuant to 15064.5.

Impact Analysis:

Conclusion:

- Potentially Significant Impact
 Potentially Significant Unless Mitigated
 Less Than Significant Impact
 No Impact

- c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

Impact Analysis:

Conclusion:

- Potentially Significant Impact
 Potentially Significant Unless Mitigated
 Less Than Significant Impact
 No Impact

- d. Disturb any human remains, including those interred outside of formal cemeteries.

Impact Analysis:

Conclusion:

- Potentially Significant Impact
 Potentially Significant Unless Mitigated
 Less Than Significant Impact
 No Impact

References Used:

1. Standardized Permit Application, WIT Sales and Refining, 538 Phelan Avenue, San Jose, California 95112-20506, May 17, 2010.
2. City of San Jose. www.sanjoseca.gov

6. Geology and Soils

Project Activities Likely to Create an Impact:

None

Description of Baseline Environmental Conditions:

WIT Sales and Refining is located in the South Bay of the San Francisco Bay Area in the City of San Jose, County of Santa Clara, California. San Jose is located in the central axis of the Santa Clara Valley. Santa Clara Valley is bounded by the Diablo Ring on the east and the Santa Cruz Mountain Range in the west. Alluvial fans from these mountain ranges coalesce to form a wide central fluvial flood plain, called the Santa Clara Plain. Santa Clara Plain is drained primarily by the Guadalupe River System and ancillary creeks such as Coyote Creek. Coyote Creek is approximately 1 mile northeast of the facility. Guadalupe Creek is approximately 2 miles southwest from the facility. The Facility is not located in an area containing naturally occurring asbestos (see also Mineral Resources).

The project Facility is in a seismically active San Francisco Bay Region. However, it is not located within 200 feet of any fault which had displacement in Holocene time. San Jose lies near the San Andreas Fault, a major source of earthquake in California. The other faults near San Jose are the Monte Vista Fault, South Hayward Fault, Northern Calaveras Fault, and Central Calaveras Fault. The San Andreas Fault is approximately 17 miles west of the facility whereas the South Hayward Fault is about 10 miles east of the facility. No known active faults underlie the Facility.

The Facility is located on the Mount Diablo Baseline and Meridian. The Mount Diablo Baseline is a line that runs in an east-west direction through Mount Diablo and extends from the Pacific Ocean to the California-Nevada border; the Mount Diablo Meridian is the north-south line through Mount Diablo that extends to the California-Oregon border and south to Monterey Bay. These lines are used as points of reference to assign township and range designations. On the Flood Insurance Rate Map, it is in Floodplain Zone D, which is not a Special Flood Zone Hazard Area above the 500-year flood plain...

For the permit renewal, there will be no changes, modifications, or alterations to the building structure. There will be no changes of any type that would affect soil, topography, geologic features or physical features. This project will not cause erosion of any type or loss of top soil.

Due to the design and capacity requirements of the secondary containment areas, there is no possibility of migration of waste from the building. There is no exposure of people or property to geologic hazards such as landslides, mudslides, ground failure or similar hazards. The Facility is paved and is not located on a 100-year flood plan and is not subject to flooding. No riparian land or wetlands will be affected by this project. The land is essentially flat. No seismic faults exist in this area. The Facility was not affected by the October 1989 Loma Prieta quake of 7.0 magnitude.

The project is not located on expansive soil or soil that is unstable, creating substantial risk to life or property. Project activities at the Facility will not expose people or structures to potential substantial adverse effects, including the risk of

loss, injury, or death involving rupture of a known earthquake fault, strong seismic ground shaking, seismic related ground failure, including liquefaction, and landslides. DTSC finds that the proposed project will not result in impacts upon this resource category and no further analysis is required.

Analysis as to whether or not project activities would:

a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:

- ❖ Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault. (Refer to Division of Mines and Geology Special Publication 42).
- ❖ Strong seismic ground shaking.
- ❖ Seismic-related ground failure, including liquefaction.
- ❖ Landslides.

Impact Analysis:

Conclusion:

- Potentially Significant Impact
- Potentially Significant Unless Mitigated
- Less Than Significant Impact
- No Impact

b. Result in substantial soil erosion or the loss of topsoil.

Impact Analysis:

Conclusion:

- Potentially Significant Impact
- Potentially Significant Unless Mitigated
- Less Than Significant Impact
- No Impact

c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on or off-site landslide, lateral spreading, subsidence, liquefaction or collapse.

Impact Analysis:

Conclusion:

- Potentially Significant Impact
- Potentially Significant Unless Mitigated
- Less Than Significant Impact
- No Impact

d. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property.

Impact Analysis:

Conclusion:

- Potentially Significant Impact
 Potentially Significant Unless Mitigated
 Less Than Significant Impact
 No Impact

- e. Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of water.

Impact Analysis:

Conclusion:

- Potentially Significant Impact
 Potentially Significant Unless Mitigated
 Less Than Significant Impact
 No Impact

- f. Be located in an area containing naturally occurring asbestos (see also Air Quality, f.).

Impact Analysis:

Conclusion:

- Potentially Significant Impact
 Potentially Significant Unless Mitigated
 Less Than Significant Impact
 No Impact

References Used:

1. Standardized Permit Application, WIT Sales and Refining, 538 Phelan Avenue, San Jose, California 95112-20506, May 17, 2010.
2. California Department of Conservation, Division of Mines and Geology Data Map #2.

7. Greenhouse Gas Emissions

Project Activities Likely to Create an Impact:

None

Description of Baseline Environmental Conditions:

Gases that trap heat in the atmosphere are often called greenhouse gases. The principal greenhouse gases that enter the atmosphere because of human activities are: Carbon Dioxide (CO₂), Methane (CH₄), Nitrous Oxide (N₂O) and Fluorinated Gases like hydrofluorocarbons, perfluorocarbons and sulfur hexafluoride. Some greenhouse gases such as carbon dioxide occur naturally and are emitted to the atmosphere through natural processes and human activities. Carbon dioxide enters the atmosphere through the burning of fossil (oil, natural gas, and coal), solid waste, trees and wood products. Carbon dioxide is also removed from the atmosphere when it is absorbed by plants as part of the biological carbon cycle. Other greenhouse gases such as fluorinated gases are created and emitted from a variety of industrial processes such as halons and chlorofluorocarbons. These gases are typically emitted in smaller quantities, but because they are potent greenhouse gases, they are sometimes referred to as High Global Warming Potential gases. Nitrous oxide is emitted during agricultural and industrial activities, as well as during combustion of fossil fuels and solid waste. Methane is emitted during the production and transport of coal, natural gas, and oil. Methane emissions also result from livestock and other agricultural practices and by the decay of organic waste in municipal solid waste landfills.

The Fourth U.S. Climate Action Report in 2007 reported that carbon emissions increased by 20 percent from 1990-2004, while methane and nitrous oxide emissions decreased by 10 percent and 2 percent, respectively. The decline in methane emissions are due to a variety of technological, policy, and agricultural changes, such as increased capture of methane

from landfills for energy, reduced emissions from natural gas systems, and declining cattle populations. Some of the decline in nitrous oxide emissions is due to improved emissions control technologies in cars, trucks and other mobile sources.

Human sources of greenhouse gas emissions are expected to rise in the future if we do not increase our effort to increase the use of newer cleaner technologies and other measures. Additionally, our everyday choices about such things as commuting, housing, electricity use and recycling can influence the amount of greenhouse gases being emitted. Over the next several years, the total amount of municipal solid waste generated is expected to increase as the U.S. population continues to grow. However, the percentage of waste landfilled may decline due to increased recycling and composting practices. In addition, the quantity of methane that is recovered and either flared or used for energy purposes is expected to continue to increase as a result of the 1996 federal regulations that require large municipal waste landfills to collect landfill gas.

WIT is an existing facility that has been in operation at this location since 1981, reclaiming precious metals from scrap PC boards, scrap electronic chips, scrap metals and spent cyanide plating solution from offsite generators. It is located at 538 Phelan Avenue, San Jose, California, an area zoned for heavy manufacturing (M-4). DTSC issued a Standardized Permit to the Facility with an effective date of September 12, 1997 and expiration date of September 12, 2007. Under the Standardized Permit, WIT continues to operate the same treatment and storage units. With this renewal of the permit, WIT proposes to process additional waste streams, the spent gold iodine etch solution, spent platinum solution, spent palladium solution and solid wastes (filters, wipes and metal sweeps) with trace amount of gold cyanide, and adding one treatment unit, the precious metal electrolytic recovery unit.

The activities at the Facility are conducted indoors inside an existing building. Drums containing wastes are closed when stored. Other treatment units are also closed when not in use. Any toxic emissions from the precious metal purification unit in the Acid Room are captured and absorbed by the wet fume scrubber located above the Acid Room. The wet fume scrubber is permitted by the Bay Area Quality Management District (BAAQMD). WIT has a permit from the BAAQMD to operate the wet fume scrubber to capture any toxic emissions from the metal purification unit located in the Acid Room. The air permit is renewed annually from the BAAQMD.

There is no discharge of waste water from project activities at Facility. The water used in the treatment process is recycled back and reused, thus, the use of water is at minimum. The quantity of water used at the facility is about 2,000 gallons per month, which is equivalent to the amount of water used by a small residential household. Storm water during the rainy season is discharged to the storm drain system under Permit # WID 243112622 from the Regional Water Board. Electricity usage for hazardous waste management activities at the facility is approximately 2,530 KWH/month. The natural gas usage is approximately 116.5 therms/month. The project activities will only use small amount of energy for lighting the premises and providing air conditioner/heating in the small office area. There is minimum outdoor lighting at WIT.

WIT's project activities involve reclaiming precious metals from scrap PC boards, scrap electronic chips, scrap metals, spent cyanide plating solution, the spent gold iodine etch solution, spent platinum solution, spent palladium solution and solid wastes (filters, wipes and metal sweeps) with trace amount of gold cyanide from offsite generators. The process itself is recycling precious metals, which is beneficial to the environment. Management practices, safe operating procedures, and an inspection program included the facility operation plan are expected to ensure that there are no releases to the environment. Based on these conditions, the project activities would not generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment. Project activities would not conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases. DTSC finds that the proposed project will not result in impacts upon this resource category and no further analysis is required.

Analysis as to whether or not project activities would:

- a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.

Impact Analysis:

Conclusion:

- Potentially Significant Impact
 Potentially Significant Unless Mitigated
 Less Than Significant Impact
 No Impact

- b. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases.

Impact Analysis:

Conclusion:

- Potentially Significant Impact
 Potentially Significant Unless Mitigated
 Less Than Significant Impact
 No Impact

References Used:

1. Standardized Permit Application, WIT Sales and Refining, 538 Phelan Avenue, San Jose, California 95112-20506, May 17, 2010.
2. Greenhouse Gas Emissions. www.wpa.gov/climatechange/emissions/index.html

8. Hazards and Hazardous Materials

Project Activities Likely to Create an Impact:

Hazardous waste storage and treatment

Description of Baseline Environmental Conditions:

Hazardous wastes handled at the existing Facility are characteristically corrosive and toxic. WIT is also a hazardous waste transporter who collects spent cyanide solutions containing precious metals, the spent gold iodine etch solution, spent platinum solution, spent palladium solution and solid wastes (filters, wipes and metal sweeps) with trace amount of gold cyanide, scrap printed circuit (PC) boards and scrap metals from offsite generators and transports these wastes to its facility in San Jose. Only wastes from known generators are accepted by the WIT transporter using a truck with an enclosed truck bed. The spent cyanide solutions, the spent gold iodine etch solution, spent platinum solution, spent palladium solution and solid wastes (filters, wipes and metal sweeps) with trace amount of gold cyanide, which are hazardous wastes, are transported in Department of Transportation (DOT)-approved containers under Hazardous Waste manifests. PC boards, electronic chips and scrap metals, which are non-hazardous wastes, are transported in cardboard boxes and identified on bills of lading. The containerized spent cyanide waste, the spent gold iodine etch solution, spent platinum solution, spent palladium solution and solid wastes (filters, wipes and metal sweeps) with trace amount of gold cyanide are unloaded and stored in Storage Area 1 until they are processed at the facility (see Figure 2). Storage Area 1 has secondary containment. It is covered with tin roof and is enclosed by a chain-link fence and locked gate. All treatment and storage areas in the facility have secondary containment, formed by approximately 7.63 inch high concrete berms, whose internal surface areas are coated with an epoxy coating which is impervious and compatible with the waste streams. The Acid Room, where precious metals are purified, has a wet fume scrubber located above the room to abate any emission from the purification process. The wet fume scrubber has a permit from the BAAQMD which is renewed annually. The BAAQMD inspects the Facility annually.

Safety features at this facility include the use of secondary containment coated with epoxy coating in the treatment and storage areas, access control measures, fire suppression system and safety equipment. Other safety control includes the safety eye wash station, spill cleanup kits, the use of safety glasses, telephone and first aid kit. Security measures include signage and fencing. The facility also has administrative safety controls that include training, inspections, emergency and contingency plans, and documented operational procedures. The operating personnel is trained in the refresher and initial Health and Safety Hazwoper training course followed by the on-the-job training. Facility inspections are conducted and documented to assure that the facility is ready for operation.

The list of agencies that regulate WIT to minimize or eliminate hazards associated with the facility operations are as follows:

- BAAQMD – Permit to operate the wet fume scrubber above the Acid Room to abate emissions from the precious metal purification treatment process.

- Santa Clara County Department of Environmental Health, Hazardous Materials Compliance Division, Hazardous Materials Program – Regulates storage of hazardous materials.
- San Jose Fire Department – Regulates storage of hazardous materials
- DTSC – Standardized Permit to store and treat hazardous waste facility. DTSC also regulates hazardous waste haulers that are engaged in the transportation of hazardous waste into and out of the facility. DTSC regularly inspects the facility for compliance with Title 22 of the California Code of Regulations.
- City of San Jose Planning Department – Land Use Permit.
- State Water Resources Control Board – General Permit to discharge storm water associated with industrial activities.

There are no schools, day care centers, nursing homes, senior citizens' communities, residential developments or hospitals located within 1,500 feet of the facility property line. The nearest area zoned for residential use is ½ mile (2,640 feet) north of the facility. The nearest school is San Jose State University which is within one mile radius (5,280 feet) of the facility. The nearest hospital is Kaiser Permanente Hospital which is 5.5 miles from WIT facility.

Analysis as to whether or not project activities would:

- Create a significant hazard to the public or the environment throughout the routine transport, use or disposal of hazardous materials.

Impact Analysis:

The project is to allow WIT Sales and Refining to renew its permit as hazardous waste storage and treatment facility reclaiming precious metals from scrap PC boards, scrap electronic chips scrap metals and spent cyanide plating solution from offsite generators. In this renewal of the permit, WIT proposes to add an electrolytic recovery treatment unit and treat other precious metal-containing wastes, i.e. the spent gold iodine etch solution, spent platinum solution, spent palladium solution and solid wastes (filters, wipes and metal sweeps) with trace amount of gold cyanide. The addition of the spent gold iodine etch solution, spent platinum solution, spent palladium solution and solid wastes (filters, wipes and metal sweeps) with trace amount of gold cyanide to reclaim precious metals from will not change the facility operations. Precious metals from these waste streams will be precipitated in batches in the same way as the spent cyanide solution.

Vehicular traffic associated with the operations at WIT includes an intermittent arrival and departure of WIT's truck (approximately 16 trips per month), delivering spent cyanide and gold iodine etch solutions containing precious metals, scrap PC boards, scrap electronic chips and scrap metals from off-site generators. WIT is a registered hazardous waste transporter. Only wastes from known generators are accepted by the WIT transporter. Spent cyanide, spent gold iodine etch solution, spent platinum solution, spent palladium solution and solid wastes (filters, wipes and metal sweeps) with trace amount of gold cyani, which are hazardous wastes, are transported in the Department of Transportation (DOT)-complaint containers with manifest. Scrap PC boards, scrap electronic chips scrap metals and spent cyanide plating solution are transported in bins or cardboard boxes and are identified on the bill of lading.

Treatment and storage operations at the facility are conducted indoor or within the enclosed area, therefore there is no exposure to winds, temperature or precipitation. Drums containing wastes are closed when stored. Other treatment units are also closed when not in use. Management practices, safe operating procedures, and an inspection program in the Facility operation plan will help ensure that the project will not create a significant hazard to the public or the environment throughout the routine transport, use or disposal of hazardous materials.

Conclusion:

- Potentially Significant Impact
 Potentially Significant Unless Mitigated
 Less Than Significant Impact
 No Impact

- b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.

Impact Analysis:

The proposed project will not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. The Facility is designed to meet all regulatory requirements for this type of activity. Project activities at WIT are conducted indoors in an existing building with epoxy coated bermed secondary containment. . With these measures in place, the releases to soil will be less than significant. There is no runoff from the secondary containment. The building was constructed to meet the building code requirements, and in 1989, withstood a 7.0 earthquake without incurring damage. The type of accidents that could release chemicals or wastes during operation is a mixture of incompatible wastes (cyanides and acids) which could release hydrogen cyanide gas release to the air. Exposure to cyanide can also cause major health injuries.

The facility uses the following measures to minimize the potential for such accidental releases and exposure:

1. The waste analysis plan is designed to assure only compatible materials are accepted and stored at the facility; the facility also has separate storage areas for acids;
2. Employees are required to wear proper personal protective equipment such as feet coverings, gloves, coveralls/aprons, goggles and face shields;
3. The emergency eye wash and shower is located adjacent to the work site;
4. Contaminated protective equipment will be decontaminated and not taken/worn out of the recovery process work area;
5. Only authorized personnel are allowed in the gold recovery process area;
6. Spills, if any, are cleaned up immediately with the appropriate absorbent material and the area is decontaminated;
7. To avoid overflows, the miscellaneous treatment units are manually filled via hand pumps and all transfers of liquid are performed using portable pump and hose;
8. There is contingency plan on file with the City of San Jose Fire Department and Environmental Services;
9. All wastes are properly labeled;
10. Containment systems are protected from rainfall and run-on by being completely enclosed or covered;
11. WIT has a permit (Plant 1970) from the Bay Area Air Quality Bay Area Management District (BAAQMD) to operate a wet fume scrubber to abate air emissions during the purification process;
12. WIT is also a registered hazardous waste transporter (Registration # 3495) and is in compliance with the safety precautions required for transportation of hazardous waste. During waste handling and transport, hazardous wastes are shipped in the Department of Transportation (DOT)-approved containers.

Management practices, safe operating procedures and an inspection program in the facility operation plan are expected to ensure that the project will not create a significant hazard to the public or the environment throughout the routine transport reasonably foreseeable upset and accident conditions involving the release of hazardous materials to air land, or water. It is not expected that this project will require more diverse emergency response equipment, or additional planning and training of personnel, than is already in-place at the existing Facility.

Conclusion:

- Potentially Significant Impact
 Potentially Significant Unless Mitigated
 Less Than Significant Impact
 No Impact

- c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances or waste within one-quarter mile of an existing or proposed school.

Impact Analysis:

There is no existing or proposed school within one-quarter mile of the project Facility. The nearest school is San Jose State University which is within one mile radius of the facility. Any emissions created by the project activities at WIT are abated prior to discharge to the atmosphere. The Acid Room, located inside the building, is equipped with a wet fume scrubber which captures and absorbs any toxic air emissions generated during the purification process. The wet fume scrubber is permitted by the BAAQMD. With the wet fume scrubber in place, the releases to air will be less than significant. Therefore, project activities at WIT will not be expected to emit hazardous emissions within one-quarter mile of an existing or proposed school.

Conclusion:

- Potentially Significant Impact
 Potentially Significant Unless Mitigated
 Less Than Significant Impact
 No Impact

- d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to public or the environment.

Impact Analysis:

Research of the California Environmental Protection Agency (Cal EPA) hazardous waste and substance site lists showed that WIT Sales and Refining is not included among the lists compiled pursuant to Government Code Section 65962.5 also known as the "Cortese List". As a result, the project activities at WIT are not expected to create a significant hazard to public or the environment.

Conclusion:

- Potentially Significant Impact
 Potentially Significant Unless Mitigated
 Less Than Significant Impact
 No Impact

- e. Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan.

Impact Analysis:

WIT Sales and Refining is an existing Facility located in an industrial area of the City of San Jose. It is located in a highly urbanized area with a substantial population base of 1,023,083 people (January 2010 Census). The public service infrastructure, including fire, police emergency services, and utilities, are in place for use as necessary within the project area. The San Jose Fire Department provides paramedic-level emergency medical dispatch, fire prevention and suppression, rescue and emergency medical dispatch for the City of San Jose. The closest fire station to WIT Sales and Refining is Fire Station # 3 (1.8 miles), located at 98 Martha Street. Fire Station # 5 is approximately 6.6 miles from WIT. Under the proposed project, WIT will be operating with a Hazardous Materials Storage Permit from the City of San Jose Fire Department for compliance with the requirements of the California Fire Code. The Facility is also subject to annual inspection by the Fire Department. Additionally, the project Facility is fenced, lighted and has gated and locked entrances. Project activities at WIT are not expected to impair the implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan.

Conclusion:

- Potentially Significant Impact
 Potentially Significant Unless Mitigated
 Less Than Significant Impact
 No Impact

References Used:

1. Standardized Permit Application, WIT Sales and Refining, 538 Phelan Avenue, San Jose, California 951112-20506, May 17, 2010.
2. <http://www.calepa.ca.gov/SiteCleanup/CorteseList/CurrentList.pdf>

9. Hydrology and Water Quality

Project Activities Likely to Create an Impact:

None

Description of Baseline Environmental Conditions:

WIT is an existing facility that has been in operation at this location since 1981, reclaiming precious metals from scrap PC boards, scrap electronic chips, scrap metals and spent cyanide plating solution from offsite generators. The project Facility is located in an area zoned by the City of San Jose for heavy manufacturing (M-4). On the Flood Insurance Rate Map, it is in Floodplain Zone D, which is not a Special Flood Zone Hazard Area above the 500-year flood plain. The area is characterized by paved roadways, office buildings, warehouses and other industrial features. Storm water during rainy season is discharged to the nearest storm drain system located in front of the building. Storm water flows to the City of San Jose Storm Drain System under Permit # WID 243112622 from the Regional Water Quality Control Board. There are no wells near the facility. The nearest body of water is the Coyote Creek which is approximately one half mile from the Facility. The use of water at WIT is at minimum; the water used in the treatment processes at WIT is recycled and reused. There is no discharge of wastewater to the Publicly Owned Treatment Works (POTW) as the result of project activities at WIT facility. Because no water is discharged to a POTW, and no POTW permit is required to operate the Facility, there is no impact on water quality from the Facility operations. In addition, no construction is included under the project to renew the WIT permit that would affect drainage; consequently, no impacts to water quality, water consumption or availability, or drainage are anticipated. There are no structures that will be built or exist within a 100-year flood plain. The WIT Facility is not expected to impact or induce flood events, such as tsunamis or seiche. No further analysis is required.

Analysis as to whether or not project activities would:

- a. Violate any water quality standards or waste discharge requirements.

Impact Analysis:

Conclusion:

- Potentially Significant Impact
 Potentially Significant Unless Mitigated
 Less Than Significant Impact
 No Impact

- b. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficient in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted).

Impact Analysis:

Conclusion:

- Potentially Significant Impact
 Potentially Significant Unless Mitigated
 Less Than Significant Impact
 No Impact

- c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on or off-site.

Impact Analysis:

Conclusion:

- Potentially Significant Impact
 Potentially Significant Unless Mitigated
 Less Than Significant Impact
 No Impact

- d. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or off-site.

Impact Analysis:

Conclusion:

- Potentially Significant Impact
 Potentially Significant Unless Mitigated
 Less Than Significant Impact
 No Impact

- e. Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff.

Impact Analysis:

Conclusion:

- Potentially Significant Impact
 Potentially Significant Unless Mitigated
 Less Than Significant Impact
 No Impact

- f. Otherwise substantially degrade water quality.

Impact Analysis:

Conclusion:

- Potentially Significant Impact
 Potentially Significant Unless Mitigated
 Less Than Significant Impact
 No Impact

- g. Place within a 100-flood hazard area structures which would impede or redirect flood flows.

Impact Analysis:

Conclusion:

- Potentially Significant Impact
 Potentially Significant Unless Mitigated
 Less Than Significant Impact
 No Impact

- h. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam.

Impact Analysis:

Conclusion:

- Potentially Significant Impact
 Potentially Significant Unless Mitigated
 Less Than Significant Impact
 No Impact

- i. Inundation by sieche, tsunami or mudflow.

Impact Analysis:

Conclusion:

- Potentially Significant Impact
 Potentially Significant Unless Mitigated
 Less Than Significant Impact
 No Impact

References Used:

1. Standardized Permit Application, WIT Sales and Refining, 538 Phelan Avenue, San Jose, California 95112-20506, May 17, 2010.

10. Land Use and Planning

Project Activities Likely to Create an Impact:

None

Description of Baseline Environmental Conditions:

WIT Sales and Refining is situated in an area zoned by the City of Sana Jose for heavy manufacturing (M-4). It is an existing facility that has been in operation at this location since 1981. DTSC issued a Standardized Permit to WIT with an effective date of September 12, 1997 and expiration date of September 12, 2007. The facility occupies a 7,200 square foot building with one outside storage area (see Figures 2 and 3). Approximately 75% of the building is used for hazardous waste management activities. The remainder of the building is used as an office area. Project activities are conducted indoors inside an existing building. The facility has a conditional use permit from the City of San Jose, Department of City Planning and operates weekdays from 8:00 AM to 5:00 PM.

Neighboring business or buildings include the Aparicio Cement Contractors, City of San Jose Corporation Log which occupies the entire block of Phelan Avenue from Senter Road to East 10th Street. The buildings to the west and north of WIT are vacant. A database searched on DTSC's intranet did not yield any site that has deed restrictions. No impact is indicated when all these businesses are considered in conjunction with the issuance of a standardized permit to WIT.

The current zoning restricts surrounding land use to combined industrial/commercial uses, industrial park, and light and heavy industrial uses. The project activities will be conducted within the existing Facility. No new property will be acquired nor converted to a new use. There are no sensitive land uses adjacent or near the facility. The whole Facility and its surrounding areas are paved with concrete. The project involves no excavation or construction at the Facility.

The project activities would not conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect. The project will not result in any alteration of present or planned land use, which can be described as mixture of heavy and light industrial and commercial businesses. The project activities would not conflict with any applicable habitat conservation or natural community conservation plan. The permitting of the facility does not require rezoning or a land use amendment. The City of San Jose has issued a 1991 conditional use permit for resource recovery operations at the Facility.

The nearest school is San Jose State University which is within one mile radius of the facility. The nearest hospital is Kaiser Permanente Hospital which is 5.5 miles from WIT facility. The nearest area zoned for residential use is ½ miles north of the facility. The nearest historical landmark/archeological site is located in Kelly Park ¼ miles north east of the facility. For these reasons, DTSC finds that the proposed project will not result in impacts upon this resource category, and thus no additional analysis is required. See also comments under Agricultural Resources and Hazards and Hazardous Materials.

Analysis as to whether or not project activities would:

- a. Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect.

Impact Analysis:

Conclusion:

- Potentially Significant Impact
 Potentially Significant Unless Mitigated
 Less Than Significant Impact
 No Impact

- b. Conflict with any applicable habitat conservation plan or natural community conservation plan.

Impact Analysis:

Conclusion:

- Potentially Significant Impact
 Potentially Significant Unless Mitigated
 Less Than Significant Impact
 No Impact

References Used:

- Standardized Permit Application, WIT Sales and Refining, 538 Phelan Avenue, San Jose, California 95112-20506, May 17, 2010.
- City of San Jose, Department of City Planning. www.sanjose.gov/planning/zoning/zoning_code_rev071610

11. Mineral Resources

Project Activities Likely to Create an Impact:

None

Description of Baseline Environmental Conditions:

The project is located in an urbanized portion of the San Francisco Bay Area. San Jose is located in the County of Santa Clara. Rocks in Santa Clara Valley are known for its abundance in chrysotile, the most common form of naturally occurring asbestos. Chrysotile forms in serpentine, a rock that is abundant throughout California. In Santa Clara County, the greenish stone wells up in miles of thick lumpy deposits along Highway 101 and dots across south of San Jose. The area is the base of kidney shaped mound known as Communications Hill. At the present time, the bulk of Communications Hill has AT&T's microwave tower on the Knoll/s western edge.

During the California Gold Rush period, the New Almaden Mines just south of the City of San Jose were the largest mercury mines in North America (mercury was used to separate gold from ore; mercury fulminate is also used as blasting caps and detonators for the U.S. military from 1870 to 1945). The importance of the mercury industry at that time explains why the local newspaper was named the Mercury News.

The project activities do not involved mining or excavation at the Facility. Hence, it would not result in the loss of availability of a locally important mineral resource that would be of value to the region and the residents of the state or result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan,

specific plan or other land use plan. Renewal of the permit or the continued operation of the Facility will not deplete, or hinder the extraction of natural resources of value to the region. The project will not use a significant amount of energy and will not result in the long-term use of natural resources. Hence no additional impact on this category is needed.

Analysis as to whether or not project activities would:

- a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state.

Impact Analysis:

Conclusion:

- Potentially Significant Impact
 Potentially Significant Unless Mitigated
 Less Than Significant Impact
 No Impact

- b. Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan.

Impact Analysis:

Conclusion:

- Potentially Significant Impact
 Potentially Significant Unless Mitigated
 Less Than Significant Impact
 No Impact

References Used:

1. Standardized Permit Application. WIT Sales and Refining, 538 Phelan Avenue, San Jose, California 95112-2506, May 2010
2. San Jose, California. www.absoluteastronomy.com/encyclopedia/S/Sa/San_Jose_California.htm
3. City of San Jose. www.sanjoseca.gov

12. Noise

Project Activities Likely to Create an Impact:

None

Description of Baseline Environmental Conditions:

WIT has been in operation at its current location since 1981. It is located in an area zoned for heavy manufacturing (M-4). The Facility operates from 8 AM to 5 PM Monday through Friday. Project activities do not generate noise. The only equipment that generates noise at the Facility is the large fan at the rear of the building which vents the air from the treatment process and air scrubber. The sound level inside the building registered at 45 decibels which is compatible with the City of San Jose's standard for interior noise level for residences.

Noise created by the traffic travelling along Phelan Avenue north of the project is a source of constant background noise. The City of San Jose's acceptable noise level objective for an exterior noise exposure for office buildings, business commercial and professional offices is 70 decibels. For residential, hotels and motels, hospitals and residential care facilities, schools, churches, libraries and museums, the exterior noise exposure level should not exceed 60 decibels; the City's standard for interior noise levels for the same facilities is 45 decibels.

Renewal of the WIT permit to continue the operation of the precious metal recovery, storage and treatment Facility will not have any impact on the existing noise level. DTSC determined that the project will have no impact on this resource category, and thus, no additional analysis is required.

Analysis as to whether or not project activities would result in:

- a. Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.

Impact Analysis:

Conclusion:

- Potentially Significant Impact
 Potentially Significant Unless Mitigated
 Less Than Significant Impact
 No Impact

- b. Exposure of persons to or generation of excessive groundbourne vibration or groundbourne noise levels.

Impact Analysis:

Conclusion:

- Potentially Significant Impact
 Potentially Significant Unless Mitigated
 Less Than Significant Impact
 No Impact

- c. A substantial permanent increase in ambient noise levels in the vicinity above levels existing without the project.

Impact Analysis:

Conclusion:

- Potentially Significant Impact
 Potentially Significant Unless Mitigated
 Less Than Significant Impact
 No Impact

- d. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project.

Impact Analysis:

Conclusion:

- Potentially Significant Impact
 Potentially Significant Unless Mitigated
 Less Than Significant Impact
 No Impact

References Used:

1. Standardized Permit Application. WIT Sales and Refining, 538 Phelan Avenue, San Jose, California 95112-2506, May 2010
2. City of San Jose, Department of City Planning. www.sanjose.gov/planning/zoning/zoning_code_rev071610
3. City of San Jose. www.sanjoseca.gov

13. Population and Housing

Project Activities Likely to Create an Impact:

None

Description of Baseline Environmental Conditions:

The City of San Jose is the largest city in the Bay Area, with a population of 1,023,083 (January 2010 Census) within the surrounding 177.7-square mile area. It is the third largest city in California, following Los Angeles and San Diego. The project Facility is located in a highly urbanized area with a substantial population base. The activities being considered at the proposed project Facility allow for continued operation of the precious metal recovery, storage and treatment facility. Project activities do not involve excavation or construction or additional buildings. The Facility consists of a one-man operation with an administrative hired help. The project will not induce population growth in the area, either directly or indirectly. It will not displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere. It will not displace a substantial number of people, necessitating the construction of replacement housing elsewhere. DTSC determined that the project will have no impact on this resource category, and thus, no additional analysis is required.

Analysis as to whether or not project activities would:

- a. Induce substantial population growth in area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure).

Impact Analysis:

Conclusion:

- Potentially Significant Impact
 Potentially Significant Unless Mitigated
 Less Than Significant Impact
 No Impact

- b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere.

Impact Analysis:

Conclusion:

- Potentially Significant Impact
 Potentially Significant Unless Mitigated
 Less Than Significant Impact
 No Impact

- c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere.

Impact Analysis:

Conclusion:

- Potentially Significant Impact
 Potentially Significant Unless Mitigated
 Less Than Significant Impact
 No Impact

References Used:

- Standardized Permit Application. WIT Sales and Refining, 538 Phelan Avenue, San Jose, California 95112-2506, May 2010
- City of San Jose. www.sanjoseca.gov

14. Public Services

Project Activities Likely to Create an Impact:

None

Description of Baseline Environmental Conditions:

The proposed project is located within an existing facility in an industrial area of the City of San Jose. It is located in a highly urbanized area with a substantial population base of 1,023,083 people (January 2010 Census). The public service infrastructure, including fire, police emergency services, and utilities, are in place for use as necessary within the project area. The nearest hospital is Kaiser Permanente Hospital which is 5.5 miles from the project Facility. The San Jose Fire Department provides paramedic-level emergency medical dispatch, fire prevention and suppression, rescue and emergency medical dispatch for the City of San Jose. The closest fire station to WIT Sales and Refining is Fire Station # 3 (1.8 miles), located at 98 Martha Street. Fire Station # 5 is approximately 6.6 miles from WIT. The proposed project will be operating a Hazardous Materials Storage Permit from the City of San Jose Fire Department for compliance to the requirements of California Fire Code. The Facility is also subject to annual inspection by the Fire Department. Additionally, the project Facility is fenced, lighted and has gated and locked entrances.

The project would allow for continued operation of the WIT precious metal recovery, storage and treatment facility. The project does not require any increase in existing public services provided by the City of San Jose. No additional staff is needed to manage the project. Hence, the project will not contribute to increase in demand for public services. Therefore, the project will not impact public services in the area, and thus, no additional analysis is required.

Analysis as to whether or not project activities would:

- a. Result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the following public services:

- ❖ Fire protection
- ❖ Police protection
- ❖ Schools
- ❖ Parks
- ❖ Other public facilities

Impact Analysis:

Conclusion:

- Potentially Significant Impact
 Potentially Significant Unless Mitigated
 Less Than Significant Impact
 No Impact

References Used:

1. Standardized Permit Application. WIT Sales and Refining, 538 Phelan Avenue, San Jose, California 95112-2506, May 2010
2. City of San Jose. www.sanjoseca.gov

15. Recreation

Project Activities Likely to Create an Impact:

None

Description of Baseline Environmental Conditions:

The City of San Jose has an abundance of recreational facilities. Some local recreational facilities include Almaden Lake Park, Alum Rock Park, San Jose Family Camp, zoo like the Happy Hollow Park and Zoo, the Japanese Friendship Garden, to name a few. The city also offers Youth and Neighborhood Services programs, community sports, and other recreational activities.

The project allows for continued operation of the WIT precious metal recovery, storage and treatment facility. No additional staff is needed to manage the project. Hence, the project will not contribute to an increase in population in the area which could increase the use of existing neighborhood parks or other recreational facilities or require construction or expansion of recreational facilities. Therefore, the project will not impact recreational resources, and thus, no additional analysis is required.

Analysis as to whether or not project activities would:

- a. Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated.

Impact Analysis:

Conclusion:

- Potentially Significant Impact
 Potentially Significant Unless Mitigated
 Less Than Significant Impact
 No Impact

- b. Include recreational facilities or require construction or expansion of recreational facilities which might have an adverse physical effect on the environment.

Impact Analysis:

Conclusion:

- Potentially Significant Impact
 Potentially Significant Unless Mitigated
 Less Than Significant Impact
 No Impact

References Used:

- Standardized Permit Application. WIT Sales and Refining, 538 Phelan Avenue, San Jose, California 95112-2506, May 2010
- City of San Jose. www.sanjoseca.gov

16. Transportation and Traffic

Project Activities Likely to Create an Impact:

None

Description of Baseline Environmental Conditions:

Interstate highway I-880 is the principal highway which connects WIT to US-101 north-south traffic circulation on the east shore of the San Francisco Bay. Regional access to the Facility is provided by US-101 to Story Road (west), to Senter

(south) and Phelan Avenue (west) or by I-280 to 10th (south) and to Phelan Avenue (east). US-101 at I-280 interchange (section closer to the facility) has an average 24-hour traffic volume of 161,000 vehicles. The section of Story Road closest to the facility has an average 24-hour traffic volume of 32,000 vehicles. (Reference: Annual Transportation Report, Traffic Flow Map, City of San Jose, 2005).

WIT, a registered hazardous waste transporter, collects from off-site generators spent cyanide solution, spent gold iodine etch solution, spent platinum solution, spent palladium solution and solid wastes (filters, wipes and metal sweeps) with trace amount of gold cyanide, scrap PC boards, scrap electronic chips and scrap metals, and transports them to the Facility in San Jose. The WIT transporter uses a truck with an enclosed truck bed. The spent cyanide, spent gold iodine etch solutions, spent platinum solution, spent palladium solution and solid wastes (filters, wipes and metal sweeps) with trace amount of gold cyanide, which are hazardous wastes, are transported in Department of Transportation (DOT) – complaint containers with manifests. The PC boards, electronic chips and scrap metals, which are non-hazardous wastes are transported in bins or cardboard boxes and are identified on the bills of lading. The containerized spent gold iodine etch and spent cyanide waste solutions are unloaded and stored in Storage Area 1 (see Figure 2).

Vehicular traffic associated with the operations at the WIT facility includes the intermittent arrival and departure of WIT's truck (approximately 16 trips per month), delivering spent cyanide and gold iodine etch solutions containing precious metals, scrap PC boards, scrap electronic chips and scrap metals from off-site generators. Currently, there are only two employees (the owner included) at WIT who park in front of the building at the side street during work hours; hence, the project will not result in inadequate parking capacity. There are also parking spaces at the side and back of the building. Project activities at WIT would not cause a substantial increase in traffic in relation to the existing traffic load and capacity of the street system. There are plenty of spaces at the Facility which can be used for emergency access. Project activities are compatible with the land use zoning at the area and do not involve building roads. The Facility is not located on dangerous intersection or sharp curves; hence it will not contribute to hazards due to design feature. The project will not conflict with adopted policies, plans, or programs supporting alternative transportation. Therefore, the project will not impact transportation and traffic, and thus, no additional analysis is required.

Analysis as to whether or not project activities would:

- a. Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections).

Impact Analysis:

Conclusion:

- Potentially Significant Impact
 Potentially Significant Unless Mitigated
 Less Than Significant Impact
 No Impact

- a. Exceed, either individually or cumulatively, a level of service standard established by the country congestion management agency for designated roads or highway.

Impact Analysis:

Conclusion:

- Potentially Significant Impact
 Potentially Significant Unless Mitigated
 Less Than Significant Impact
 No Impact

- b. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).

Impact Analysis:

Conclusion:

- Potentially Significant Impact
 Potentially Significant Unless Mitigated
 Less Than Significant Impact
 No Impact

- c. Result in inadequate emergency access.

Impact Analysis:

Conclusion:

- Potentially Significant Impact
 Potentially Significant Unless Mitigated
 Less Than Significant Impact
 No Impact

- d. Result in inadequate parking capacity.

Impact Analysis:

Conclusion:

- Potentially Significant Impact
 Potentially Significant Unless Mitigated
 Less Than Significant Impact
 No Impact

- e. Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks).

Impact Analysis:

Conclusion:

- Potentially Significant Impact
 Potentially Significant Unless Mitigated
 Less Than Significant Impact
 No Impact

References Used:

1. Standardized Permit Application. WIT Sales and Refining, 538 Phelan Avenue, San Jose, California 95112-2506, May 2010
2. City of San Jose. www.sanjoseca.gov
3. Annual Transportation Report, Traffic Flow Map, City of San Jose, California 2005

17. Utilities and Service Systems

Project Activities Likely to Create an Impact:

None

Description of Baseline Environmental Conditions:

The project is located in an urbanized area of the San Francisco Bay Area. Public utilities are available throughout the region. Pacific Gas and Electric Company (PG&E) provides electricity and gas for the WIT facility. The San Jose Municipal Water System provides water for fire protection and water for the general population and businesses in the City

of San Jose. It is owned by the City of San Jose and has a maximum daily production of 33.3 million gallons and an annual water production of 6,958 million gallons.

The City of San Jose operates two separate sewer systems for the city: the sanitary sewer and the storm sewer. The sanitary sewer carries wastewater from homes and businesses to the City's sewage treatment plant, San Jose/Santa Clara Water Pollution Control Plant, at the south end of the San Francisco Bay. The City's sewage treatment plant treats wastewater from San Jose, Santa Clara, Milpitas, Campbell, Cupertino, Los Gatos, Monte Sereno and Saratoga. It has a design capacity of 167 million gallons per day.

There is no discharge of waste water from project activities at WIT facility. The water used in the treatment process is recycled back and reused, thus, the use of water is at minimum. The quantity of water used at the facility is about 2,000 gallons per month, which is equivalent to the amount of water used by a small residential household. Storm water during the rainy season is discharged to the storm drain system under Permit # WID 243112622 from the Regional Water Quality Control Board. The proposed project will not result in the construction of new storm water drainage facilities. Electricity usage for hazardous waste management activities at the facility is approximately 2,530 KWH/month. The natural gas usage is approximately 116.5 therms/month. For the renewal of the permit, no development of a new source of energy is required because the project will only use a small amount of energy for lighting the premises and providing air conditioner/heating in the small office area. Outdoor lighting at the Facility is minimal.

WIT complies with the regulations related to solid waste. Solid wastes such as filters, absorbents, shop debris are accumulated in a 55-gallon drum located in the Acid Room prior to shipment to a permitted disposal facility. The amount of solid waste generated by WIT's operations is minimal. About 3 to 4 55-gallon drums of solid waste per year are generated by the facility.

Based on these considerations, the project will have no impact to the existing utility and service systems, and thus no additional analysis is required.

Analysis as to whether or not project activities would:

- a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board.

Impact Analysis:

Conclusion:

- Potentially Significant Impact
 Potentially Significant Unless Mitigated
 Less Than Significant Impact
 No Impact

- b. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.

Impact Analysis:

Conclusion:

- Potentially Significant Impact
 Potentially Significant Unless Mitigated
 Less Than Significant Impact
 No Impact

- c. Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.

Impact Analysis:

Conclusion:

- Potentially Significant Impact
 Potentially Significant Unless Mitigated
 Less Than Significant Impact
 No Impact

- d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed.

Impact Analysis:

Conclusion:

- Potentially Significant Impact
 Potentially Significant Unless Mitigated
 Less Than Significant Impact
 No Impact

- e. Result in determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the projects projected demand in addition to the providers existing commitments.

Impact Analysis:

Conclusion:

- Potentially Significant Impact
 Potentially Significant Unless Mitigated
 Less Than Significant Impact
 No Impact

- f. Be served by a landfill with sufficient permitted capacity to accommodate the projects solid waste disposal needs.

Impact Analysis:

Conclusion:

- Potentially Significant Impact
 Potentially Significant Unless Mitigated
 Less Than Significant Impact
 No Impact

- g. Comply with federal, state, and local statutes and regulations related to solid waste.

Impact Analysis:

Conclusion:

- Potentially Significant Impact
 Potentially Significant Unless Mitigated
 Less Than Significant Impact
 No Impact

References Used:

- Standardized Permit Application. WIT Sales and Refining, 538 Phelan Avenue, San Jose, California 95112-2506, May 2010
- 2004 Water Quality Report. www.sjuniwater.com
- San Jose Municipal Water System Service Area, www.sjuniwater.com/servicemap.htm

4. San Jose/Santa Clara Water Pollution Control Plant. www.sanjoseca.gov/esd/wpcp.htm
5. City of San Jose. www.sanjoseca.gov

Mandatory Findings of Significance

Based on evidence provided in this Initial Study, DTSC makes the following findings:

- a. The project has does not have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory.
- b. The project has does not have impacts that are individually limited but cumulatively considerable. "Cumulatively considerable" means that the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.
- c. The project has does not have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly.

Determination of Appropriate Environmental Document:

Based on evidence provided in this Initial Study, DTSC makes the following determination:

The proposed project COULD NOT HAVE a significant effect on the environment. A **Negative Declaration** will be prepared.

The proposed project COULD HAVE a significant effect on the environment. However, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A **Mitigated Negative Declaration** will be prepared.

The proposed project MAY HAVE a significant effect on the environment. An **Environmental Impact Report** is required.

The proposed project MAY HAVE a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An **Environmental Impact Report** is required, but it must analyze only the effects that remain to be addressed.

The proposed project COULD HAVE a significant effect on the environment. However, all potentially significant effects (a) have been analyzed adequately in an earlier Environmental Impact Report or Negative Declaration pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier Environmental Impact Report or Negative Declaration, including revisions or mitigation measures that are imposed upon the proposed project. Therefore, nothing further is required.

Certification:

I hereby certify that the statements furnished above and in the attached exhibits, present the data and information required for this initial study evaluation to the best of my ability and that the facts, statements and information presented are true and correct to the best of my knowledge and belief.

Preparer's Signature		Date
Cherry Padilla	Hazardous Substance Scientist	(510) 540-3967
Preparer's Name	Preparer's Title	Phone #

Team Leader Signature		Date
Alfred Wong, P.E.	Senior Hazardous Substances Engineer	(510) 540-3946
Team Leader Name	Team Leader Title	Phone #

ATTACHMENT A

REFERENCES

1. Standardized Permit Application. WIT Sales and Refining, 538 Phelan Avenue, San Jose, California 95112-2506, May 2010
2. 2004 Water Quality Report. www.sjuniwater.com
3. San Jose Municipal Water System Service Area, www.sjuniwater.com/servicearea.htm
4. San Jose/Santa Clara Water Pollution Control Plant. www.sanjoseca.gov/esd/wpcp.htm
5. City of San Jose. www.sanjoseca.gov
6. Annual Transportation Report, Traffic Flow Map, City of San Jose, California 2005
7. City of San Jose, Department of City Planning. www.sanjose.gov/planning/zoning/zoning_code_rev071610
8. Monthly Climate Summary for San Jose, California, Western Regional Climate Center, Desert Research Institute. wrc@dri.edu. July 2010.
9. Annual Bay Area Air Quality Summaries. <http://www.baaqmd.gov/pio/aqsummaries>
10. Bay Area Quality Management District Permit Application.
11. Officially Designated State Scenic Highways. www.dot.ca.gov/hq/LandArch/scenic_highways/index.htm August 2010.
12. RareFind Report, San Jose East and West Quad Information Dated June 2, 2010. California Department of Fish and Game, Natural Diversity Data Base.
13. California Department of Conservation, Division of Mines and Geology Data Map #2.
14. Greenhouse Gas Emissions. www.wpa.gov/climatechange/emissions/index.html
15. California Environmental Protection Agency (Cal EPA) Cortese list: <http://www.calepa.ca.gov/SiteCleanup/CorteseList/CurrentList.pdf>

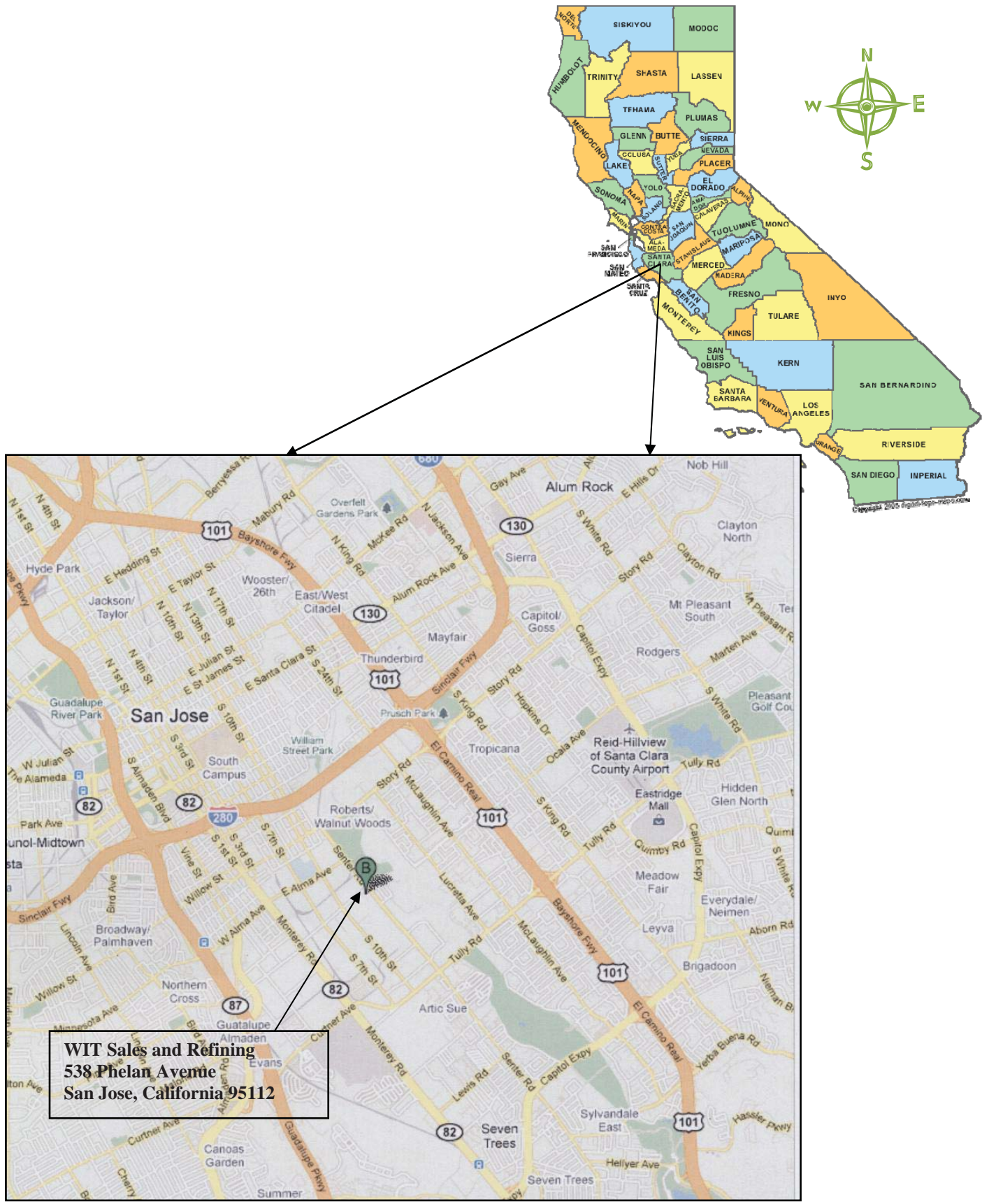


Figure 1. Location Map - WIT Sales and Refining, San Jose, California

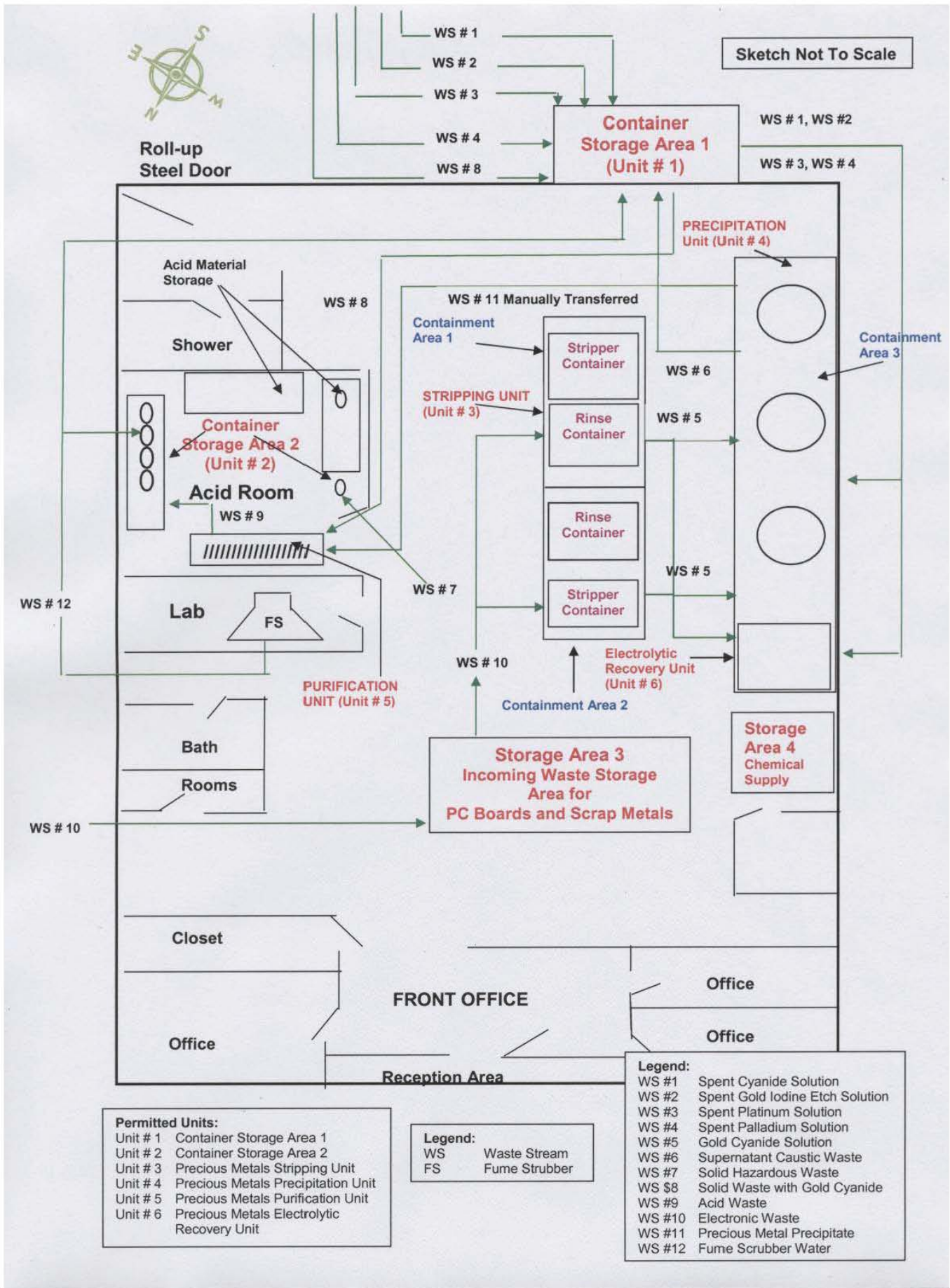


Figure 2. Location of Permitted Units at WIT Sales and Refining